

**Lanesboro Planning & Zoning Agenda**  
**Wednesday, March 27, 2024**  
**6:00 pm**  
**Lanesboro Community Center Meeting Room and Zoom**

\*Zoom is provided as a way to offer more accessibility to council and committee meetings.

However, due to potential technical issues, full functionality is not guaranteed\*

Join Zoom Meeting

<https://us02web.zoom.us/j/82633150353?pwd=L2dOT3BqeE9MSHFGRSFP5b0ZpL0JHdz09>

Meeting ID: 826 3315 0353 Passcode: 400815 Dial by your location • +1 312 626 6799 US (Chicago)

**Call the Planning & Zoning Meeting to Order:**

- A. Public Comments
- B. Agenda Approval
- C. Consent Agenda
  - a. [Minutes of the Regular Meeting February 21, 2024](#)
  - b. [Gage - 2024 Chicken Permit Application](#)
  - c. [Commonweal Theatre Company - Annual Sidewalk Permit Application](#)
- D. Continued Business:
  - a. [Ordinance 130.02 Review - Discharging Firearms](#)
  - b. [Development Planning Checklists](#)
  - c. Zach Lind Business Proposal
- E. New Business
  - a. [Downtown Commercial District Land Use](#)

**Next Meeting: Wednesday, April 17, 2024 at 6:00 p.m.**

**Adjourn Regular Meeting**

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Commissioners: Jason Resseman, Michael Seiler, Jeff Lepper, Randy Rakosnik, and Tom Schramm

**Lanesboro Planning and Zoning Commission  
Regular Meeting  
Wednesday, February 21, 2024 – 6:00 p.m.  
Lanesboro Community Center Meeting Room and Zoom**

**Present Members:**

  X   Jason Resseman                        X   Michael Seiler                        X   Jeff Lepper  
  X   Randy Rakosnik                        X   Tom Schramm

**Staff:**

  X   Mitchell Walbridge                             Darla Taylor

**Guests:** Rick Lamon, Zach Lind, Jon Pieper, Bonita Underbakke, Jason Harvey, Tamara DeGarmo, Cheryl Lamon, Liz Bucheit, Karen Heimdahl

**Regular Meeting**

Member Resseman called the Regular Meeting to order at 6:00 p.m.

**A. Public Comments:**

- a. City Administrator Walbridge read comments submitted by Bridget Harvey regarding the concern of the potential food stand to be placed at 105-3/4 Parkway Avenue N.

**B. Agenda:** Member Rakosnik entered a motion to approve the agenda as presented; Member Lepper seconded the motion. Motion carried with all in favor.

**C. Consent Agenda:**

- a. Minutes of the Regular Meeting, January 17, 2024
- b. 5<sup>th</sup> Sun Gardens, LLC – 2024 Annual Sidewalk Permit Application

Member Seiler entered a motion to approve the Consent Agenda; Member Schramm seconded the motion. Motion carried with all in favor.

**D. Continued Business:**

- a. **Zach Lind Business Proposal:** Member Lepper entered a motion to have discussion on the plan submitted by Zach Lind/Driftless Trading Post; Member Seiler seconded the motion. Motion carried with all in favor.

Members discussed the plan including utilities for the food stand and the type of state permit that Lind would be operating under. Members also discussed whether the food stand that would be placed on the lot falls under the city ordinance's definition of mobile food unit. Lind addressed the concern that the wastewater from the unit would be removed using an IBC tote and electric pump.

Member Resseman stated concern over how the plan would affect the downtown aesthetics of the historic district. To move forward, members expressed they would like additional information regarding the permitting process in Minnesota for permanent food stands. Member Resseman entered a motion to table the Driftless Trading Post plan until the March 2024 meeting and refer concerns discussed to the Heritage Preservation Commission; Member Seiler seconded the motion. Motion carried with all in favor.

**E. New Business:**

- a. **Rick Lamon – Building Permit Application (Parcel ID 190398100):** Administrator Walbridge presented the building permit application and an overview of the memo from Brian Malm from Bolton & Menk's engineering review of the application. Members discussed the extension of the proposed 8-inch sanitary sewer as only a 4-inch sewer is required for a single home. Rick Lamon stated that putting the 8-inch sewer line in would be proactive in the event the area is developed in the future. The extension of 12-inch storm sewer, and the grading plan for the drainage flowing across adjacent properties to the south of the building site. Members asked if the grading plan

would allow for adequate drainage into the proposed storm sewer. Rick Lamon stated his engineer likely would have figured that into the plan.

Administrator Walbridge also stated that an easement is recommended for the water main that extends across Mr. Lamon's property as well. Lamon stated he was amenable to having the city attorney draft an easement agreement.

Member Resseman entered a motion to approve the building permit upon watershed calculations being adequate for the 12-inch storm sewer to drain the runoff; Member Seiler seconded the motion. Motion carried with all in favor. Administrator Walbridge will work with Lamon and his engineer to obtain the calculations if they are not on file with a previous application in the city office.

- b. Development Planning Checklists:** Based on a referral from the Lanesboro Economic Development Authority, Administrator Walbridge asked if the commission would like to develop a set of housing development checklists to standardize the development process in the city. Member Resseman entered a motion to table the checklists discussion to the next meeting; Member Rakosnik seconded the motion. Motion carried all in favor. Administrator Walbridge will research information from other communities and provide it to the commission members for future discussion.
- c. Discharge of Firearms & Hunting within City Limits:** The city council referred review of ordinance 130.02 Discharging Firearms to the Planning and Zoning Commission. Jon Pieper was present and shared that he has knowledge of high-powered rifles and firearms being used within city limits. Pieper requested the language of the ordinance be reviewed, and modified, if necessary, to address the definition of firearms and whether discharge of firearms is permitted within city limits. Member Resseman mentioned that there is possibility the ordinance be modified to allow firearm usage for hunting in the rural taxing district areas versus dense residential areas in city limits. Member Lepper entered a motion to table any action and begin drafting new language for the ordinance; Member Resseman seconded the motion. Motion carried with all in favor.

#### **F. Miscellaneous:**

- a. March Meeting Date:** Several members stated they would not be available for the meeting scheduled for March 20, 2024. Member Resseman asked Administrator Walbridge to reach out to members via email to find a date for the meeting to be rescheduled.

Member Resseman adjourned the meeting at 6:49 p.m.

Respectfully submitted,

Mitchell Walbridge  
City Administrator/Clerk

# City of Lanesboro

## Permit For Chickens

Applicant Name: AARON GAGE  
Address: 302 Ashburn ST E  
Phone: 612-290-3277  
Email: thebag68@yahoo.com

### Application Requirements:

✓ Diagram indicating the location of chicken coop and/or chicken run, the size and distance from adjoining structures and property lines  
– NOT REQUIRED FOR PERMIT RENEWAL

5 Number of hens

✓ \$20.00 permit fee (expiring December 31, 24)

I will at all times keep the chickens in accordance with City of Lanesboro Ordinance Chapter X, Section 1005.20. I understand failure to obey such conditions will constitute a violation of the provisions of this section and grounds for cancellation of the permit. If I will no longer be keeping chickens on my premises, any chicken coops or runs constructed or maintained shall be immediately removed from said premises after the expiration of the permit or shall be removed within 30 days upon ceasing to use the chicken coop and/or chicken run for the keeping of chickens. If my premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens, any permit issued to me for the keeping of chickens will be void.

This permit may be revoked or suspended for violation of Ordinance Chapter X, Section 1005.20 following written notice.

Signature of Applicant Aaron Gage

Date 3/12/24

### FOR OFFICIAL USE ONLY

PERMITTED:

\_\_\_\_\_  
City Agent

Date \_\_\_\_\_

RIVER

GARAGE

302 ASHBURN ST E

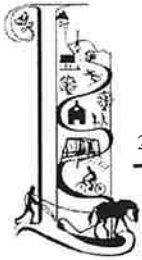
10 FT

COOP

4 FT

PROPERTY LINE

HOUSE



# CITY OF LANESBORO

202 Parkway Ave. S • P.O. Box 333 • Lanesboro, MN 55949 • (507) 467-3722 Fax (507) 467-2557 • lanesboro@acegroup.cc

www.lanesboro-mn.gov

3-18-24  
pd \$25.00  
ck #15821

## Annual Sidewalk Permit Request

The applicant is hereby advised that no obstruction of city sidewalks is permitted until the time and date the permit application is signed by the City Administrator with approval from Planning & Zoning. The applicant is further advised that review of the permit application is made according to the terms of the Lanesboro City Ordinance, a copy of which is available and may be reviewed at the Office of the City Clerk. Permits are not transferable and may be revoked by the City, at its sole discretion, at any time.

Name of Applicant and Business: COMMONWEAL THEATRE CO.

Address of Property: 208 PARKWAY AVE N.

Proposed Obstructions and Dimensions: (Please attach a sketch of the proposed placement)

Sandwich board on sidewalk in front of our front doors - same location as last year

Insurance Company: Westfield - (Essig Agency Agent)

Amount of Liability Insurance: \$1 million Date Insurance Policy ends: 1/1/2025

Signature of Applicant: Steve Boudt Date: 3-14-24

To be completed by Administration:

Sidewalk Obstruction Permit is: ☐ Denied ☐ Approved ☐ Approved with Conditions:

Date

City Administrator Signature

Fee Amount: \_\_\_\_\_

Date Paid: \_\_\_\_\_



# CITY OF LANESBORO

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Name of Applicant and Business: Kara Maloney, Lanesboro Arts

Address of Property: 103 Parkway Ave N. Lanesboro, MN

Proposed Obstructions and Dimensions: (Please attach a sketch of the proposed placement)

Sandwich Board 24" by 36"  
→ The sign goes in front of the building when it is open. It also has the current exhibit info on it.

Insurance Company: Krage Agency Inc : Auto Owners Insurance

Amount of Liability Insurance: \$ 2,000,000.00 Date Insurance Policy ends: 3/17/2025

Signature of Applicant: Kara Maloney Date: 3/21/2024

To be completed by Administration:

Sidewalk Obstruction Permit is: ☐ Denied ☐ Approved ☐ Approved with Conditions:

Date

City Administrator Signature

Fee Amount: \_\_\_\_\_

Date Paid: \_\_\_\_\_





  
LANESBORO  
ARTS

LANESBORO ARTS  
GALLERIES  
  
**OPEN**

CROWN TROUT  
Jewelers  
• Goldsmiths  
• Jewelry Designers

HIGH COURT PUB  
• Drafts  
• Cocktails  
• Food



City of Preston

**§ 130.04 FIRECRACKERS AND FIREARMS.**

The shooting of any firearm, rocket or other projectile within the corporate limits of the city is prohibited.

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City of Byron

**§ 130.01 DISCHARGING FIREARM, AIR GUN OR BOW AND ARROW WITHIN CITY PROHIBITED.**

It is a misdemeanor for any person to discharge any firearm, air gun or bow and arrow within the city or to cause a projectile therefrom to enter into the city unless:

- (A) By a police officer in the course of law enforcement;
  - (B) By a person protecting life of a person; or
  - (C) By a special permit of the City Council.
- 

City of Albertville

**6-3-1: HUNTING:**

No person shall hunt, take, capture, shoot or trap any animals within the corporate limits of the city, unless excepted in section [6-3-3](#) of this chapter. (Ord. 2002-5, 4-1-2002; amd. 2005 Code)

**6-3-2: DISCHARGE, CARRYING FIREARMS:**

No person, except a police officer in the performance of duty, shall, within the city, discharge any gun, pistol, or firearm of any description or carry any such weapon, unless it is dismantled or broken apart, or carried in a case in such manner that it cannot be discharged. This section does not prevent the carrying of a hand gun within the city under a permit subject to the restrictions imposed by law. (Ord. 2002-5, 4-1-2002)

**6-3-3: DESTRUCTION OF DISEASED, INJURED, DANGEROUS ANIMALS AUTHORIZED:**

The city council or the chief security officer of the city may specifically authorize any person or persons to destroy diseased, injured or dangerous animals. (Ord. 2002-5, 4-1-2002; amd. 2005 Code)

**6-3-4: MISDEMEANOR VIOLATION:**

Violation of this chapter shall be punishable as a misdemeanor. (Ord. 2002-5, 4-1-2002)

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City of Kasson

**§ 130.03 FIREARMS; DISCHARGE.**

(A) It shall be unlawful for any person to aim any gun, pistol, revolver or any other firearm, or any air gun, BB gun or pellet gun, whether it is loaded or not, at or towards any human being, or to willfully discharge any firearm, air gun, BB gun, pellet gun or other weapon or throw any deadly weapon in any public place, even though no injury results.

(B) It shall be unlawful for any person to discharge any firearm, air gun, BB gun, pellet gun, air rifle or bow and arrow upon, over or across any public road or while within the limits of the right-of-way of any public road or railroad right-of-way.

(C) It shall be unlawful to discharge any firearm, air gun, BB gun or pellet gun within 1,000 feet of any platted land in the city; except that, the Chief of Police of the city may issue special permits for specified times to residents of platted areas to use firearms, air guns, BB guns or pellet guns to control animal pests when no better means is available.

(D) Nothing in this section shall be construed to prevent the firing of any gun, pistol or other firearm, air gun, BB gun or pellet gun, when done in the lawful defense of person, family or property or in necessary enforcement of law.

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City of Saint Charles

**§ 130.30 PROHIBITION OF FIREARM USE WITHIN CITY LIMITS.**

(A) *Prohibition of firearm use.*

(1) *Prohibited acts.*

(a) *Generally.* No person shall discharge a firearm, air rifle, air gun, BB gun, slingshot, or other similar device capable of self-propelled discharge within City of St. Charles City limits, except as provided in this section. Any person in violation of this section shall be guilty of a misdemeanor.

(b) **Definition.** For purposes of this section, a **FIREARM** has the meaning contained in M.S. § 97A.015, subdivision 19, as may be amended from time to time.

(2) **Exceptions.**

(a) **Lawful defense, law enforcement.** Nothing in this section shall be construed to prohibit the firing of a gun, pistol, revolver or other kind of firearm when done in the lawful defense of person or family or in the necessary enforcement of the laws by a law enforcement officer.

(b) **Wildlife conservation.** Wildlife conservation or animal control officers or other authorized representatives of the city, county, state or federal government, acting in an official capacity, may use a firearm or weapon to restrain the free movement of any animal, wildlife or birds as is permitted by law.

(c) **Veterans organizations.** Members of authorized veterans and law enforcement Honor Guards discharging a rifle volley with blanks as an honorary salute.

(d) **Firearm ranges.**

1. The discharge of firearms shall also be permitted at any trap, skeet or firing range in zoning districts allowing such a property use. This exception applies only upon such days and at such times as the range is open for shooting and when the manager of the range or his or her lawful agent is present and supervising the shooting of firearms. All trap, skeet and firing ranges shall have signs conspicuously placed on the premises stating the substance of this division.

2. No person shall possess or consume nonintoxicating malt liquor or intoxicating liquor at any trap, skeet or firing range located in the city.

(e) **Permit.** Nothing in this section shall be construed to prohibit the firing of a gun, pistol, revolver or other kind of firearm in situations authorized by the City Code, and when permission therefor has first been given by the Chief of Police, which permission shall designate the place where and the time when such firearms may be used. Any resident of the city may obtain a permit from the Chief of Police for shooting an air rifle, air gun, BB gun, or other similar device for the shooting of vermin inside a dwelling, building or structure on property within city limits.

(3) **Authority.** This division is enacted pursuant to M.S. § 412.221, subdivision 32, § 410.33, and § 340A.509.

**(B) *Prohibition of bow and arrow use.***

**(1) *Prohibited acts.***

**(a) *Definitions.*** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this division, unless the context clearly indicates a different meaning.

***ARROW.*** Any shaft, rod or bolt constructed out of any substance.

***BOW.*** Any device designed as or commonly known as a bow, long-bow, compound-bow, or cross-bow and fashioned to propel, thrust or project an arrow, shaft, bolt, or rod beyond 1 foot of the device itself.

**(b) *Shooting of bows and arrows prohibited.*** It is unlawful to shoot, discharge or otherwise propel an arrow from a bow in the city except under the conditions listed under division (B)(2) of this section.

**(2) *Exemptions.*** Use of bows and arrows in the following circumstances shall be exempted from the general prohibition thereof contained in division (B)(1) of this section:

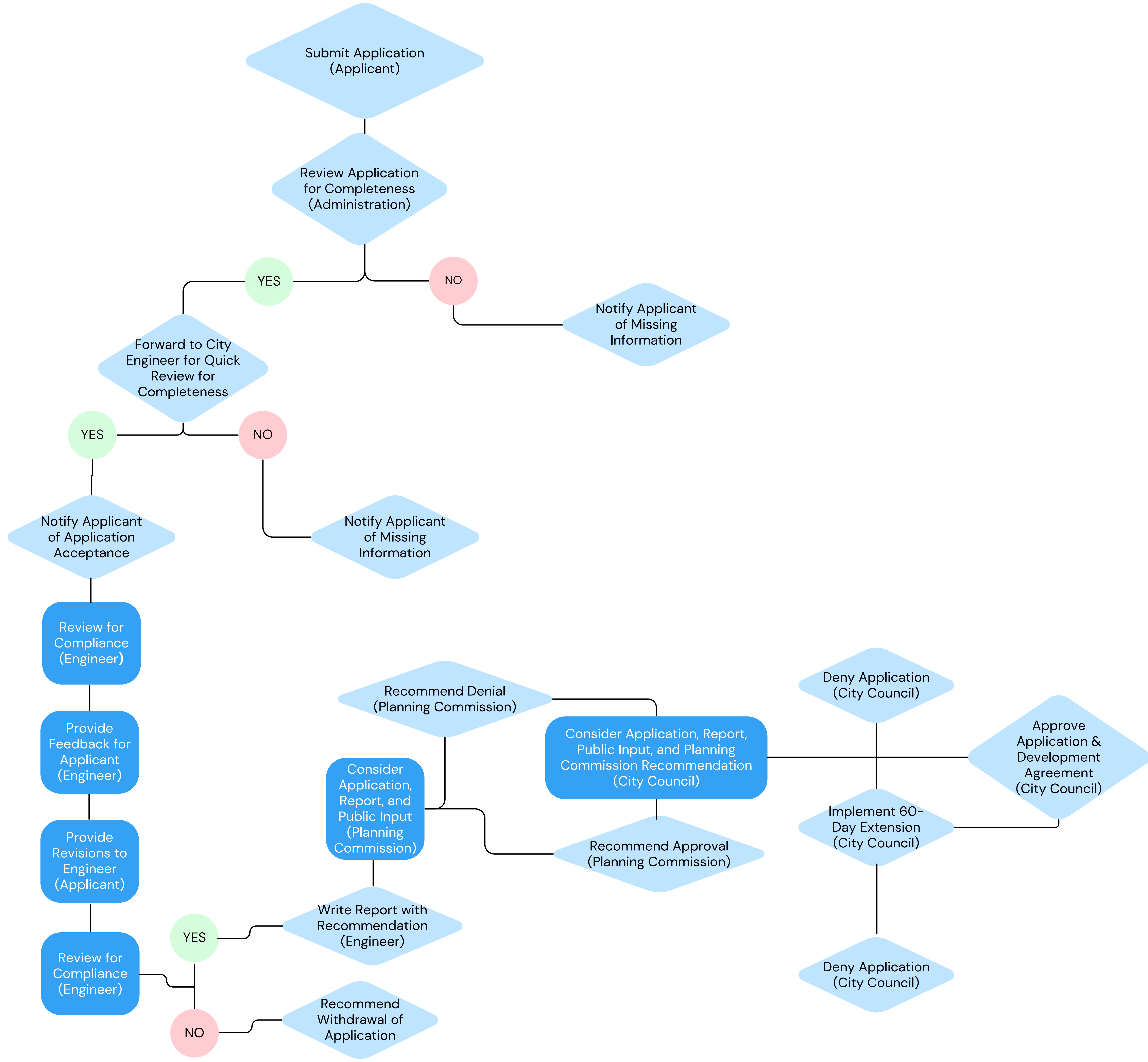
**(a)** Bows and arrows may be used as authorized in a physical education program in a school when supervised by a member of its faculty;

**(b)** Bows and arrows may be used in a community-wide supervised class or event as specifically authorized in advance by the Chief of Police; or

**(c)** Bows and arrows may be used in any bow and arrow range specifically established and so designated by the City Council.

**(3) *Authority.*** This division is enacted pursuant to M.S. § 412.221, subdivision 32 and § 410.33.

**(Ord. 620, passed 4-14-2020)**





## Typical Subdivision Development Guide and Timeline

(Please see Chapter 620 Zoning and Land Management, Procedures for Submission of Plats)

### 1. **Pre-application Meeting (Chapter {Ch}. 620.1)** —Optional

Subdividers or owners are recommended to meet with the Development Services Coordinator, Engineer, and other appropriate officials to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. The subdivider may submit a **general sketch plan** of the proposed subdivision and preliminary proposals for provision of water supply and wastewater and stormwater conveyance and treatment.

The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the natural resources and topography of the site. At the meeting, a copy of the City's developer agreement template, expected timeline and fees, and other pertinent information will be shared with the subdivider or owner. These meetings are offered as a tool to exchange preliminary project information. It is important to recognize that this meeting is preliminary and the feedback you receive is only as accurate as the information you provide. Future feedback may also change as information about the project becomes more thorough while moving through the development process.

### 2. **General Development Plan**—Days 1-40

- **General Development Plan Submittal (Ch. 620.5):** The applicant shall engage a **registered land surveyor** to prepare a general development plan (GDP) and submit copies to the City Clerk. All applications shall be filed at least **30 days prior** to the public hearing of the Planning Commission. The City Clerk will send copies of the general development plan to each of the entities listed in Ch. 620.5 for their comments or recommendations. City staff will assemble responses received from the entities and prepare a staff recommendation report.
- **Planning and Zoning Commission (Ch. 620.6 and 7):** A public hearing will be held as part of the Planning Commission meeting (Ch. 620.6). The Planning Commission will review the GDP, consider public comments, consult City staff, and make a recommendation to the City Council. (Ch. 620.7).
- **City Council (Ch. 620.8 and 9):** The GDP will be addressed at the next City Council meeting. The City Council will consider any public comment, review the GDP, staff recommendation, and the Planning Commission's findings and recommendation to approve or deny the GDP. The City Council has 60 days from the date of a complete submittal to approve or deny the GDP unless an extension is invoked (Ch. 620.3).

### 3. **Preliminary Plat**—Days 41-75

- **Preliminary Plat Submittal (Ch. 620.11):** Upon approval of the general development plan, the subdivider may apply for approval of a preliminary plat. An application shall be filed at least **20 days prior** to the meeting of the Planning Commission at which time action is desired. The preliminary plat should conform to the requirements of City ordinance and the approved general development plan. The City Clerk will send copies of the preliminary plat to each of the respective agencies identified in Chapter 620.5 for their comments or recommendations. City staff will assemble responses received from the entities and prepare a staff recommendation report.



- **Planning Commission (Ch. 620.12):** A public hearing will be held as part of the Planning Commission meeting. The Planning Commission will review the preliminary plat, consider public comments, consult City staff, and make a recommendation to the City Council.
- **City Council (Ch. 620.13):** The preliminary plat will be addressed at the next City Council meeting. The City Council will consider any public comment, review the preliminary plat, staff recommendation, and the Planning Commission's findings and recommendation to approve, approve with conditions, or deny the preliminary plat. The City Council has 60 days from the date of a complete submittal to approve or deny the preliminary plat unless an extension is invoked. **Note:** The Preliminary Plat may move forward consecutively with the general development plan however the developer takes the risk of needing to amend one or both depending on the outcome of the Planning Commission and Council decision.

#### **4. Final Plat—Days 76-120**

- **Final Plat Submittal (Ch. 620.15):** Following approval of a preliminary plat, the applicant may apply for final plat approval. The application shall be filed at least **15 days prior** to the meeting of the Planning Commission at which time action is desired. The City Clerk will send copies of the application and final plat to each of the agencies listed in Ch. 620.5. A final plat shall conform to the requirements of conditions set forth in the approval of the preliminary plat.
- **Planning and Zoning Commission (Ch. 620.16):** The Planning Commission will review the final plat and the comments and recommendations of the other agencies. It will submit its findings and recommendations to the City Council and the applicant.
- **City Council (Ch. 620.17, 18 and 19):** The final plat will be addressed at the next City Council meeting. The City Council will consider any public comment, review the final plat, staff recommendation, and the Planning Commission's findings and recommendation to approve, approve with conditions, or deny the final plat. The City Council has 60 days from the date of a complete submittal to approve or deny the final plat unless an extension is invoked. A final plat will not be approved unless all past taxes have been paid in full, that the final plat is in a form acceptable for recording in the Office of the Register of Deeds or Registrar of Titles, and a payment has been made to the City to cover the recording filing fees.

#### **5. Developers Agreement —Days 76-120**

A development agreement is a legally binding contractual agreement between the City and the person who owns or controls the property being developed. The agreement details the obligations of both parties and specifies the standards and conditions that will govern development of the property. A development agreement provides assurances to the developer that the development regulations that apply to the project will not change during the term of the agreement and assurances to the City that the development will be completed as agreed upon. The City uses a standardized development agreement that allows for modification to address development specific requirements while also establishing consistency across developments. The details of the development agreement will be completed through discussions with the developer and City planning team and presented to City Council for approval. Ideally the **Development Agreement would be presented during the same meeting as the final plat** however it can be completed after final plat approval. **No construction may begin until the development agreement has been approved and signed by both parties.**

- The total review period for the typical subdivision procedure will not exceed **120 days**. In rare circumstances a 60-day extension may be requested if more time is needed.



## Typical Subdivision Development Application Checklist

(Please see Chapter 621 Zoning and Land Management for full application guidelines)

### 1. **Pre-application Meeting—\$0**

- ☐ General sketch of plan
- ☐ Preliminary proposal for the provision of water supply and wastewater and stormwater conveyance and treatment
- ☐ Consideration to existing surrounding area has been given

### 2. **General Development Plan (Ch. 621.1)** \*\* Fifteen copies of the plan with the following information:

- ☐ Scale and north point
- ☐ General street design
- ☐ Complete application
- ☐ General lot layout
- ☐ Key map including area within one mile radius of plat
- ☐ Zoning, classification of proposal and adjacent lands
- ☐ Date of preparation
- ☐ Names of existing streets
- ☐ Elevation and drainage
- ☐ Pay application fee - \$200 plus \$10 per lot

### 3. **Preliminary Plat (Ch. 621.2)**

- ☐ Completed preliminary plat application form
- ☐ Fifteen copies of the preliminary street profile map on with outside dimensions of 22 inches wide and 34 inches long, drawn to a horizontal scale of one-inch equals 100 feet or less and a vertical scale of one inch equals 10 feet or less, showing the location of existing and proposed street, utility easements, depth to rock and ground water along the streets, and typical street cross sections.
- ☐ Fifteen copies of a vicinity map drawn either on each preliminary plat or on a separate sheet, with a scale of one-inch equals 400 feet or more but not to exceed 1,000 feet, showing existing subdivisions, streets and tracts of land adjoining the subdivision.
- ☐ Two copies of existing or proposed private deed restrictions, if any.
- ☐ Pay application fee - \$350 plus \$10 per lot

### 4. **Final Plat (Ch. 621.3)**

- ☐ Two copies of the completed final plat application form.
- ☐ A copy of the draft development agreement.
- ☐ Fifteen copies of the final plat on black or blue line prints.
- ☐ Two muslin backed originals and two reproducible mylars of the final plat with necessary signatures.
- ☐ Two copies of a title opinion prepared by an attorney and approved by the municipal attorney, identifying the owners and persons of record having an interest in the property being subdivided.
- ☐ A copy of boundary closure calculations.
- ☐ Two copies of existing or proposed private deed restrictions, if any.

- ☐ Except for the signature of the City Clerk, the final plat shall be in recordable form and shall include the fee to be charged for filing and recording of the plat in the Office of the Register of Deeds, indicating the amount of such fee.
- ☐ When the preliminary plat is waived and the applicant is permitted to proceed directly to a final plat, a cash filing fee shall be submitted with the application for final plat approval.
- ☐ Pay application fee- \$600 plus \$15 per lot

**○ Total cost starting at \$1150**

\*Applicant must also pay the cost of public hearing notices, all other miscellaneous administrative fees and other government requirements such as environmental assessments or stormwater evaluations. \*\*Applicant to reimburse city for engineering incurred for plan review.



## Subdivision Design Standards

(Please see Chapter 622 Zoning and Land Management for full design requirements)

**Street Design (Ch. 622.2):** The street system shall be designed to **facilitate adequate traffic circulation** within the subdivision and from the subdivision to adjacent areas. Streets shall be related to existing or planned streets, topography, convenience, and safety and their intended ultimate function.

**Intersections (Ch. 622.3):** All streets shall intersect at **right angles** or as close as possible. Adequate land for future intersection and interchange construction needs shall be dedicated to the city.

**Cul-de-sacs (Ch. 622.4):** Cul-de-sacs are to be **discouraged in subdivisions**. However, when necessary due to topographical constraints, the **maximum length** of a street terminating in a cul-de-sac shall be **500 feet**. Lots on cul-de-sacs in R-1 and R-2 zoning districts shall have a minimum lot width of **50 feet** at the property line and **60 feet** at the front setback.

**Blocks (Ch. 622.5)** Block lengths shall **not exceed 1,200 feet**; and if possible, shall **not be less than 300 feet**. Block widths shall be sufficient to provide two tiers of lots of appropriate depth.

**Lots (Ch. 622.6):** The size, shape, and orientation of lots shall be **appropriate for the location** of the proposed subdivision and the type of use contemplated. All lots shall comply with the **minimum lot frontage** and **area requirements** specified in the Zoning Ordinance.

**Utility Easements (Ch. 622.7):** Easements for public utilities shall be provided and **centered** along the **front** and if required by the City Council, the **rear and side lot lines** where deemed appropriate. The easements shall be **10 feet** in width or greater and shall be aligned from block to block. They shall have continuity of alignment from block to block. Utility easements shall be kept **free of any interference** of free movement of utility service vehicles.

**Parks (Ch. 622.9):** In areas zoned **R-1**, **5%** of the total land area, and in areas zoned **R-2**, **8%** of the total land area shall be dedicated to parks. Council may require, in **lieu of land dedication**, a payment to the municipality of a sum equal to the percentage listed above of the undeveloped value of the land to be subdivided.

**Other Requirements:** Please refer to **Chapter 622 Zoning and Land Management, Subdivision Design Standards** for full design requirements.

**Zoning and Overlays:** New development shall meet all requirements of the **underlying zoning district** and requirements of zoning overlay districts. Please see Chapter 611 - Chapter 618 of Zoning and Land Management. Please see Chapter 619 for requirements in the DWM Drinking Water Management Overlay District.

**Stormwater Management:** Every applicant for subdivision approval must submit a **storm water pollution control plan** to the City Clerk. No subdivision approval shall be issued until approval of the storm water pollution control plan or a waiver and/or exemption of the approval requirement has been obtained.

**Public Notification:** Public hearings shall be held before any comprehensive plan amendments, zoning ordinance amendment, conditional use permit, interim use permit, variance, or proposal for a subdivision is approved or denied. A **notice** of the time, place, and purpose of the hearing shall be published in the official newspaper of Plainview at least **ten days prior** to the day of the hearing. Meetings shall occur at a regularly scheduled meeting. **Landowners within 350 feet of the affected property** shall be notified of the public hearing.

**60 Day Rule:** The application must be approved or disapproved by the City Council **within 60 days** following the delivery of an application completed in compliance with these regulations by the applicant, **unless an extension** in accordance with Minnesota Law (MS 15.99) has been invoked by the city; in which case Council action must be accomplished within 120 days, unless an extension of the review period has been agreed to by the applicant.

### **Public Notification Guidelines**

(Please see Chapter 608.1, 608.2, and 609.14 of Plainview's Code for full public notification details)

No change or amendment to the City Code shall be adopted until a public hearing has been held by the Planning Commission or the City Council.

A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of Plainview at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates.

For the purpose of giving mailed notice, the City Clerk may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the City Clerk and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with these procedures has been made.

All applicants shall provide the list of the owners and addresses to which the notice is to be sent.

When a public meeting is required, the meeting shall occur at a regularly scheduled meeting or at a special meeting only after public notification of the meeting was posted in the Plainview News prior to the meeting date.

Whenever the Land Management Ordinance requires a public hearing and requires notice given to owners of affected property and property situated wholly or partly within 350 feet of the property to which an ordinance amendment, subdivision plat, quick plat, or zoning district change relates, the party requesting the subdivision, quick plat, zoning change, or zoning amendment shall bear the cost of setting up the public hearing therefore. Costs may include, but not be limited to, all costs of research to determine who are the owners of affected property, costs of mailing notice, and costs of posting notice.



## CITY OF PLAINVIEW

### APPLICATION FOR REVIEW

DATE: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

REQUEST REVIEW (please check):

- \_\_\_\_\_ Plat, General Development Plan (\$200.00 filing fee):
- \_\_\_\_\_ Plat, Preliminary Subdivision Plat (\$350.00 filing fee plus \$10 per lot):
- \_\_\_\_\_ Plat, Final Subdivision Plat (\$600 filing fee plus \$10 per lot):
- \_\_\_\_\_ Rezoning (\$200 filing fee):
- \_\_\_\_\_ Annexation Petition Filing (\$100 filing fee)
- \_\_\_\_\_ Condition Use Permit (\$200)
- \_\_\_\_\_ Quick Plat Subdivision Plan (\$200 filing fee plus \$10 per lot)
- \_\_\_\_\_ Resubdivision (\$100 filing fee)
- \_\_\_\_\_ Special District Permit (\$200)

PROJECT LOCATION & LEGAL DESCRIPTION:

EXISTING USE(S) OF PROPERTY:

PROJECT TYPE/INTENDED USE OF PROPERTY (residential, commercial, industrial, etc.):

PROJECT DESCRIPTION:

*City of Plainview  
241 West Broadway  
Plainview, MN 55964*





CITY OF PLAINVIEW  
APPLICATION FOR REVIEW  
PAGE TWO

PROPERTY OWNER (name, address, and phone number):

APPLICANT (contact person, business name, address and phone number):

PROPERTY OWNER'S SIGNATURE:

\_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_ DATE: \_\_\_\_\_

APPLICANT'S SIGNATURE (if different than property owner):

\_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_ DATE: \_\_\_\_\_

**This application shall be submitted with all required supporting documentation.**

*City of Plainview  
241 West Broadway  
Plainview, MN 55964*



Real People. Real Solutions.

Municipality: PLAINVIEW, MN  
Application Type: SITE PLAN REVIEW  
Project Name:  
Date Submitted:  
Review Due Date:  
Date Completed:  
Reviewer(s) Initials:

## APPLICATION COMPLETENESS REVIEW

The following items shall accompany a complete application

OK	See Notes	N/A	Item No.	Description	Notes
			APP- 1	Application Form signed by owner	
			APP- 2	Site Development Plan Checklist	
			APP- 3	Application Fee	
			APP- 4	Site Plan	
			APP- 5	Utility Plan (existing and proposed improvements)	
			APP- 6	Landscape Plan	
			APP- 7	Photometric Plan	
			APP- 8	Elevation Plans	
			APP- 9	Certificate of Survey	
			APP- 10	Traffic Impact Study/Waiver (including City Engineer's signature)	
			APP- 11	Cross access easements or agreements	

## Certificate of Survey

Site boundaries, buildings, structures and other improvements shall be identified on site with a current certificate of survey, prepared and signed by a Minnesota licensed land surveyor, depicting the following:

OK	See Notes	N/A	Item No.	Description	Notes
			COS- 1	Scale of plan (engineering scale only, at one (1) inch equals fifty (50) feet or less.	
			COS- 2	North arrow.	
			COS- 3	Existing boundaries with lot dimension and area.	
			COS- 4	Existing site improvements.	
			COS- 5	All encroachments.	
			COS- 6	Easements of record.	
			COS- 7	Legal description of the property.	
			COS- 8	Ponds lakes, springs, rivers or other waterways bordering on or running through the subject property.	
			COS- 9	Current title commitment of the property/properties.	

## Site Plan

A site plan utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:

OK	See Notes	N/A	Item No.	Description	Notes
			SP- 1	Name and address of developer/owner.	
			SP- 2	Name and address of architect/designer.	
			SP- 3	Date of plan preparation.	
			SP- 4	Dates and description of all revisions.	
			SP- 5	Name of project or development.	
			SP- 6	Required and proposed setbacks.	
			SP- 7	Location, setback and dimensions of all proposed buildings and structures.	
			SP- 8	Location of all adjacent buildings located within one hundred (100) feet of the exterior boundaries of the property in question.	
			SP- 9	Location, number dimensions, and setbacks of proposed parking spaces and drive aisles.	

			SP- 10	Location, number, and dimensions of proposed loading spaces.	
			SP- 11	Location, width, and setbacks of all curb cuts and driveways.	
			SP- 12	Vehicular circulation.	
			SP- 13	Sidewalks, walkways, trails.	
			SP- 14	Location and type of all proposed lighting, including details of all proposed fixtures.	
			SP- 15	Location of recreation and service areas.	
			SP- 16	Location of rooftop equipment and proposed screening.	
			SP- 17	Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.	
			SP- 18	Location, sizing, and type of water and sewer system mains and proposed service connections.	

## Grading Plan

Grading/storm water drainage plan, utilizing a copy of the current certificate of survey as a base for the site in question, prepared and signed by a Minnesota licensed engineer, depicting the following:

OK	See Notes	N/A	Item No.	Description	Notes
			GP- 1	Existing contours at one (1) foot intervals	
			GP- 2	Proposed grade elevations of one (1) foot intervals.	
			GP- 3	Drainage or Surface Water Management Plan, including the configuration of drainage areas, calculations and a narrative to describe how surface water will meet the requirements.	
			GP- 4	Storm sewer, catch basins, invert elevations, type of castings, and type of materials.	
			GP- 5	Spot elevations	
			GP- 6	Proposed driveway grades.	
			GP- 7	Surface water ponding and treatment areas.	
			GP- 8	Erosion control measures.	
			GP- 9	Stormwater easement sketch and legal description, where applicable.	

## Landscape Plan

Landscape plan, utilizing a copy of the current certificate of survey as a base for the site in question, depicting the following:

OK	See Notes	N/A	Item No.	Description	Notes
			LP- 1	Planting Schedule containing symbols, quantities, common names, botanical names, sizes of plant material root specification (bare root, potted, etc.), special planting instructions	
			LP- 2	Location, type and size of all existing significant trees to be removed or preserved.	
			LP- 3	Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).	
			LP- 4	Typical sections with details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.	
			LP- 5	Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials used.	
			LP- 6	Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.	
			LP- 7	Delineation of both sodded and seeded areas with respective areas in square feet.	
			LP- 8	Coverage plan for underground irrigation system, if any.	
			LP- 9	Where landscape or man-made materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevations.	
			LP- 10	Other existing or proposed conditions which could be expected to affect landscaping.	

## Other Plans

Other plans and information as required by the Zoning Administrator including, but not limited to:

OK	See Notes	N/A	Item No.	Description	Notes
			OP- 1	Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).	
			OP- 2	"Typical" floor plan and "typical" room plan drawn to scale with a summary of square footage for each use or activity.	
			OP- 3	Fire protection plan.	
			OP- 4	Extent of and any proposed modifications to land within overlay districts as established by the Zoning Ordinance.	
			OP- 5	Type, location and size (area and height) of all signs to be erected upon the property in question.	
			OP- 6	Vicinity map showing the subject property in reference to nearby highways or major street intersections.	
			OP- 7	Sound source control plan.	
			OP- 8	Lighting plan.	

The Zoning Administrator shall have the authority to refer a sketch plan or site plan to the Planning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the Zoning Administrator, Planning Commission, and/or City Council shall be considered advisory only and shall not constitute a binding decision on the request.

## **620 ZONING AND LAND MANAGEMENT, PROCEDURES FOR SUBMISSION OF PLATS**

**620.1 Pre-Application Meeting.** Prior to the preparation of a General Development Plan or Preliminary Plat, the subdividers or owners shall be allowed to meet with the Zoning Administrator, Engineer, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the natural resources and topography of the site. The subdivider is urged to avail himself of the advice and assistance of the local planning staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.

**620.2 Overall Development Guidelines.** The City Council may require qualified technical and staff services such as economic and legal to review the General Development Plan, the Preliminary Plat, and the Final Plat and advise on its suitability regarding general planning; conformity with plans of other private and public organizations and agencies; adequacy of proposed water supply, sewage disposal, drainage and flood control, special assessment procedures and other features. The subdivider shall also be required to pay the cost of such services.

**620.3 Sixty Day Rule.** The preliminary application must be approved or disapproved by the City Council within 60 days following the delivery of an application completed in compliance with these regulations by the applicant, unless an extension in accordance with Minnesota Law (MS 15.99) has been invoked by the city; in which case Council action must be accomplished within 120 days unless an extension of the review period has been agreed to by the applicant. If the city fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed approved, and upon demand the city shall execute a certificate to that effect. If the City Council disapproves, the grounds for any such disapproval shall be set forth in the minutes of the City Council meeting.

**620.4 Denial Of Plan And/Or Plat.** In the case of all subdivisions, the Planning Commission shall recommend denial of, and the City Council may deny, approval of a general development plan, preliminary or final plat if it makes any of the following findings:

- (a) That the proposed subdivision, including the design, is in conflict with any adopted component of the Plainview Comprehensive Plan, Land Management Ordinance, Storm Water Pollution Control Ordinance, or any other provision of the City Code;
- (b) That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;
- (c) That the site is not physically suitable for the proposed density of development;
- (d) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage;
- (e) That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
- (f) That the design of the subdivision or the type of improvements will conflict with easements of record;

- (g) That the design will create a significantly higher density than the surrounding areas;
- (h) That the design will create an undue burden on the City's traffic system or water/wastewater infrastructure.

**620.5 General Development Plan.** Prior to the filing of any formal plats, the applicant shall engage a registered land surveyor to prepare a general development plan and submit copies to the City Clerk. The City Clerk shall send copies of the general development plan to each of the following agencies for their comments or recommendations. All applications shall be filed at least 30 days prior to the public hearing of the Planning and Zoning Commission.

- |                                      |                                |
|--------------------------------------|--------------------------------|
| a. County Engineer                   | j. Cable Company               |
| b. County Assessor                   | k. Plainview-Elgin             |
| c. County Surveyor                   | Sanitary Sewer District        |
| d. County Zoning Administrator       | l. U.S. Post Office            |
| e. City Engineer                     | m. City Clerk                  |
| f. Power Company                     | n. Public Works Director       |
| g. Telephone Company                 | o. Plainview Fire Department   |
| h. Minnesota Dept. of Transportation | p. Plainview Ambulance Service |
| i. Natural Gas Company               | q. Plainview School District   |

**620.6 Public Hearing On General Development Plan.** The Planning and Zoning Commission shall hold a public hearing on the general development plan. Notice of the public hearing shall be given in the same manner as required by 608.1, Public Hearings.

**620.7 Planning Commission Action -- General Development Plan.** After considering the comments and suggestions received at the public hearing, the Planning and Zoning Commission shall, by motion, submit its findings to the City Council that the plan, as submitted or as modified, does or does not meet the objectives of this ordinance and is recommended as approved or not approved on those grounds.

**620.8 Public Meeting On General Development Plan.** The City Council shall hold a public meeting on the general development plan. Notice of the public meeting shall be given in the same manner as required by 608.2, Public Meetings.

**620.9 City Council Action -- General Development Plan.** The City Council shall, by resolution adopted within 60 days after the public meeting, approve or disapprove the general development plan. The reasons for disapproval shall be recorded in the minutes of the City Council and reported to the applicant and Planning and Zoning Commission by the Clerk.

**620.10 Changes And/Or Alterations To An Approved General Development Plan.** If, in the opinion of the applicant or the City, there have been changes and/or alterations sufficient to warrant review of an approved general development plan, the above procedures shall be required. Such changes and/or alterations may include, but not be limited to, different street design, a change in the number of lots (especially to a greater number), and any substantial change to the overall theme or character of the plan that would have an adverse impact on adjacent property and require a public hearing.

**620.11 Preliminary Plat.** Upon approval of the general development plan, the subdivider may prepare a preliminary plat, which shall conform to the requirements of this ordinance and the approved general development plan, together with improvement plans and other supplemental material as may be specified by the Planning and Zoning Commission and its



reviewing agencies. An application shall be filed at least 20 days prior to the meeting of the Planning and Zoning Commission at which time action is desired. The City Clerk shall send copies of the preliminary plat to each of the above agencies for their comments or recommendations.

**620.12 Planning And Zoning Commission Action-Preliminary Plat.** The Planning and Zoning Commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be given in the same manner as required by 608.1, Public Hearings. After considering the comments and suggestions received at the public meeting, the Planning and Zoning Commission shall either recommend approval of the preliminary plat subject to certain conditions, if any, or disapprove the plat.

**620.13 City Council Action-Preliminary Plat.** The City Council shall review the preliminary plat after receiving the Planning and Zoning Commission's recommendation. The City Council shall approve or disapprove the preliminary plat by resolution adopted within 60 days after submission of the plat to the City for consideration, unless the City notifies the applicant in writing that it needs additional time to consider the plat and sets forth the reasons why an extension is needed. The City Clerk shall notify the applicant of the City Council's action and shall endorse the date of the approval or disapproval on the preliminary plat. If approval is given, the City Clerk shall send the applicant one copy of the preliminary plat marked with any required revisions. If approval is not given, the reasons shall be recorded in the minutes of the City Council and reported to the applicant and Planning and Zoning Commission by the City Clerk.

**620.14 Approval Of Preliminary Plat.** Approval of a preliminary plat shall not constitute approval of the final plat. Unless earlier rescinded by the City Council, approval of a preliminary plat is limited to a period of one year, after which time the applicant is required to resubmit a preliminary plat. Upon application filed with the City Clerk, the City Council may continue the approval for an additional period of time. The application shall be filed at least 20 days prior to expiration of the approval of the preliminary plat.

**620.15 Final Plat.** Following approval of a preliminary plat, the applicant may prepare a final plat and shall file with the City Clerk an application for approval of the final plat. The application shall be filed at least 15 days prior to the meeting of the Planning and Zoning Commission at which time action is desired. The City Clerk shall send copies of the application and final plat to each of the agencies which received a preliminary plat for their comments, and recommendations. A final plat shall conform to the requirements of this ordinance and all conditions set forth in the approval of the preliminary plat.

**620.16 Review Of Final Plat.** The Planning and Zoning Commission shall review the final plat and the comments and recommendations of the other agencies and shall submit its findings and recommendations to the City Council and the applicant.

**620.17 Public Meeting Final Plat.** The City Council shall hold a public meeting on the final plat after receiving the Planning and Zoning Commission's recommendation. Notice of the public meeting shall be given in the same manner as required by 608.2, Public Meetings.

**620.18 City Council Action -- Final Plat.** The City Council shall, by resolution adopted within 60 days after the public meeting, approve or disapprove the final plat. The reasons for disapproval shall be recorded in the minutes of the City Council and reported to the applicant and Planning and Zoning Commission by the City Clerk. No final plat shall be approved by the City

Council unless satisfactory evidence is filed with the City that all past taxes have been paid in full, that the final plat is in a form acceptable for recording in the Office of the Register of Deeds or Registrar of Titles, and until there is deposited with the City the amount of the filing fee to be charged for such recording.

**620.19 Recording Final Plat.** Upon approval by the City Council, the City Clerk shall record the final plat in the Office of the County Recorder, as provided by law.

**620.20 Quick Plat.** An individual may prepare a quick plat which shall conform to all specifications for quick plats of this ordinance. An application shall be filed at least 30 days prior to the meeting of the Planning and Zoning Commission or City Council. The City Clerk shall send copies of the quick plat to the same agencies as receive a conventional plat.

**620.21 Public Meeting On Quick Plat.** The Planning and Zoning Commission or City Council shall hold a public meeting on the quick plat after receiving the comments and suggestions of the reviewing agencies. Notice of public meeting shall be given in the same manner as required in 608.2, Public Meetings.

**620.22 City Planning Commission Action -- Quick Plats.** Same as Section 620.12, Planning And Zoning Commission Action-Preliminary Plat.

**620.23 City Council Action – Quick Plat.** Same as Section 620.18 City Council Action -- Final Plat

## **621 ZONING AND LAND MANAGEMENT APPLICATION GUIDELINES**

### **621.1 Application For General Development Plan**

- 1) A copy of the application on a form approved by the City Council
- 2) Fifteen copies of the plan, which should include the following information:
  - a. scale and north point,
  - b. name and address of property owner,
  - c. name and address of subdivider,
  - d. zoning, classification of proposal and adjacent lands,
  - e. names of existing streets,
  - f. general street design,
  - g. general lot layout,
  - h. key map including area within one mile radius of plat,
  - i. date of preparation,
  - j. elevation and drainage.

**621.2 Application For Preliminary Plat.** An application for approval of a preliminary plat shall include the following:

- 1) A copy of the application on a form approved by the Planning and Zoning Commission.
- 2) Fifteen copies of the preliminary street profile map on with outside dimensions of 22 inches wide and 34 inches long, drawn to a horizontal scale of one inch equals 100 feet or less and a vertical scale of one inch equals 10 feet or less, showing the location of existing and proposed street, utility easements, depth to rock and ground water along the streets, and typical street cross sections.
- 3) Fifteen copies of a vicinity map drawn either on each preliminary plat or on a separate sheet, with a scale of one inch equals 400 feet or more but not to exceed 1,000

feet, showing existing subdivisions, streets and tracts of land adjoining the subdivision.

- 4) Two copies of existing or proposed private deed restrictions, if any.

**621.3 Application For A Final Plat.** An application for approval of a final plat shall include the following:

- 1) Two copies of the application on a form approved by the Planning and Zoning Commission.
- 2) Fifteen copies of the final plat on black or blue line prints.
- 3) Two muslin backed originals and two reproducible mylars of the final plat, each of which shall contain all of the certifications, signatures (except that of the City Clerk and Register of Deeds), and acknowledgment required to file and record the same in the Office of the Register of Deeds.
- 4) Two copies of a title opinion prepared by an attorney and approved by the municipal attorney, identifying the owners and persons of record having an interest in the property being subdivided.
- 5) A copy of boundary closure calculations.
- 6) Two copies of existing or proposed private deed restrictions, if any.
- 7) Except for the signature of the City Clerk, the final plat shall be in recordable form and shall include the fee to be charged for filing and recording of the plat in the Office of the Register of Deeds, indicating the amount of such fee.
- 8) When the preliminary plat is waived and the applicant is permitted to proceed directly to a final plat, a cash filing fee shall be submitted with the application for final plat approval.

**621.4 Application For Quick Plat.** Same as Application for Final Plat, except for subsections 3 and 8.

**621.5 Format.** Each preliminary plat shall be prepared by a Minnesota Registered Engineer or a Minnesota Registered Land Surveyor, and each final and quick plat shall be prepared and signed by a Minnesota Registered Land Surveyor. The outside dimensions shall be 20 inches wide and 30 inches long. A border line shall be placed two inches inside the outer edge on the left side of the 30-inch length and one-half inch inside the outer edge of the other three sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets; i.e. 2 of 3. Each plat shall be drawn to scale of one inch equals 100 feet or less.

**621.6 Form Of Plats.** Preliminary plats, final plats, and quick plats shall be prepared in accordance with the provisions of this ordinance and the laws of the State of Minnesota and shall contain the following information:

Preliminary Plat	Final Plat (All measurements and information accurate)	Quick Plat
1. Identification. Date, Scale, north Point and proposed name of subdivision. The name shall not duplicate or closely approximate the name of any other subdivision in the country.	1. Identification. Same	1. Identification. Same.

2. Legal description. Legal description of the land to be subdivided.	2. Legal description. Same.	2. Legal description. Same.
3. Principals. Name of the owners of record and registered land surveyor.	3. Principals. Same.	3. Principals. Same.
4. Boundaries. Length and bearings of the exterior boundaries of the land being subdivided.	4. Boundaries. Same.	4. Boundaries. Same.
5. Radii and tangents. Approximately radii of all curves and lengths of all tangents.	5. Radii and tangents. Same.	5. Radii and tangents. Same.
6. Lots and Block. Layout and approximate dimensions of lots and blocks. Lots shall be numbered progressively through each block, and blocks shall be numbered progressively through each plat.	6. Lots and Block. Same.	6. Lots and Block. Same.
7. Monuments and lot corners. The approx. location of all permanent monuments and lot corners.	7. Monuments and lot corners. The exact location and material of all permanent lot corners and monuments.	7. Monuments and lots. Same.
8. Existing streets and public uses. Layout, width, and identification of existing public streets, easements, drainage ditches, parks, and other public property proposed for subdivision.	8. Existing streets and public uses. Same.	8. Existing streets and public uses. Same
9. Existing Utilities. Location of existing sanitary and storm sewer lines, water mains, and culverts within and adjacent to the proposed subdivision, with pipe sizes, cross-sectional areas, grades and capacities indicated.	9. Omit	9. Omit
10. Other existing feature. Location of existing buildings and structures, Railroad right-of- way, municipal lines, township lines, and lakes, rivers, and streams and their known high and low water elevations. Water elevation references shall be the United States Geological Survey Datum. Flood hazard areas shall be clearly labeled.	10. Other existing feature. Same except buildings and structures shall be	10. Omit

11. Proposed features. Layout, width, and identification of proposed streets, easements, drainage ditches, parks, and other property to be dedicated to the public or reserved by covenants for the common use of property owners within the subdivision. Location of proposed sewer lines, water mains, culverts, and drainage facilities.	11. Proposed features. Layout, width, and identification of proposed street right-of-ways, easements, drainage ditches, parks, and other property to be dedicated to the public or reserved by covenants for the common use of property owners within the subdivision.	11. Omit
12. Topographic map of the area showing the contours as follows: Two (2) foot intervals where slope is seven (7) percent or less; five (5) foot intervals where slope is from seven (7) to fifteen (15) percent; twenty (20) foot intervals where slope is greater than fifteen (15) percent. All areas of the subdivision to be platted with a slope greater than twenty five (25) must be clearly indicated.	12. Omit.	12. Omit.
13. Percolation test results results, minimum of two (2) per lot, together with soil borings, every acre to indicate depth to water table and rock formulation. Omit if municipal sanitary Sewer is available.	13. Omit.	13. Omit
14. Zoning. Identification of zoning Classification.	14. Omit.	14. Zoning. Same as Preliminary Plat.
15. Restrictive deed covenants. Within identified flood plain areas, restrictive deed covenants requiring the flood plain areas to be left essentially in the state shown on the plat, establishing finished elevations of buildings, structures, and private streets and roads, and requiring that additions or modifications to the facilities shall comply with applicable ordinances and regulations governing such food plain areas.	15. Restrictive deed covenants. Same.	15. Omit.

16. Dedication. Omit.

16. Dedication. A statement of dedication signed, acknowledged and witnessed as required by law for recording conveyances. The dedication shall read substantially as follows: "We, the undersigned, certify that that we are the sole interested parties in the tract of land described in the foregoing Surveyor's Certificate, which is written on the plat on which this instrument is written, that we have caused the same to be surveyed and platted as . . . Subdivision as shown on said plat, and that we do hereby grant and dedicate to the public use forever the streets, alleys, avenues, park sites, walks, easements, and limited accesses as shown thereon."

16. Dedication. A statement of dedication signed, acknowledged, and witnessed as required by law for recording conveyances. The dedication shall read as follows: "We, the undersigned, certify that we are the sole interested parties in the tract of land witnessed as required described in the foregoing Surveyor's Certificate, which is written on the plat on which this instrument is written, that we have caused the same to be surveyed and platted as . . . Subdivision, as shown on said plat."

17. Certificates. Omit.

17. Certificates. i) Surveyor. A certificate of the surveyor that the plat was made in accordance with This chapter and the laws of Minnesota, that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all distances are correctly shown on the plat, that all monuments have been correctly placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat. ii) Owner. A certificate of the owners in substantially the form as follows: "As owners, we hereby certify that we caused the land described on this plat to be surveyed, divided mapped, dedicated as represented on the plat." This certificate shall be signed, acknowledged and witness as required by law for recording conveyances. iii) Taxes. A certificate by the County Auditor that all prior taxes have been paid. iv) City Clerk. A certificate by the City Clerk that the Plat has been approved by the City Council. V) County Surveyor. A Certificate that the plat has been checked for surveying accuracy and compliance with applicable state platting laws.

17. Certificates. Same.



## 622 ZONING AND LAND MANAGEMENT, SUBDIVISION DESIGN STANDARDS

**622.1 General.** The design of each subdivision and resubdivision shall conform to the design standards contained in this ordinance.

**622.2 Street Design.** The street system of a proposed subdivision shall be designed to facilitate adequate traffic circulation within the subdivision and from the subdivision to adjacent areas. Street arrangement, character, width, grade, location, sight distance, and surface material shall be related to existing or planned streets, topography, convenience, and safety and their intended ultimate function.

- 1 The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas or conform to a plan approved by the Planning and Zoning Commission where topographic or other conditions make continuance or conformation to existing streets impracticable.
- 2 Collector streets shall be properly related to major streets and designed in a manner so as to supplement the major street system but not to serve in lieu thereof.
- 3 Local streets shall be designed to benefit the topography, to discourage through traffic, and to provide the minimum amount of streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear and cul-de-sac streets is allowed, where necessary.
- 4 When a subdivision abuts upon or contains an existing or proposed highway, major thoroughfare, or railroad right-of-way, the City Council may require reverse frontage lots with appropriate screen plantings in the non-access reservation strip, or the provision of suitable access roads parallel to and on either side of said highway, major thoroughfare, or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.
- 5 Streets designed and laid out so as to have one end permanently closed shall not exceed five hundred (500) feet in length, except where the Planning and Zoning Commission has approved additional length due to property limitations or large lot size.
- 6 Turnarounds shall be provided at the permanently closed end of all streets and shall have a minimum turnaround radius of sixty (60) feet. The City Council may approve a "T" or "Y" type turnaround in lieu of the circular turnaround.
- 7 All subdivisions abutting a public lake, river, or stream shall provide public access at least eighty (80) feet wide to the low water elevation so that there will be public access at not more than one quarter (1/4) mile interval as measured along the lake, river, or stream shoreline.
- 8 Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets so that parcels will not be land-locked. When a new subdivision adjoins developable land, then the new streets shall be carried to the boundaries of such unsubdivided land.
- 9 Where new streets extend to existing adjoining streets, their projection shall be at the same or greater width, but in no case less than the minimum required width.

- 10 The City Council shall issue street names; names shall not duplicate the names of other streets. All street names shall be in conformance with the current system of assigning numerical names, i.e. 7<sup>th</sup> Street NE.
- 11 A tangent of at least 150 feet shall be introduced between reverse curves on collector streets and 100 feet on lesser streets.
- 12 When connecting street lines deflect from each other at one point by more than 10 degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of no less than 500 feet for arterials, 300 feet for collectors, 100 feet for all other streets.
- 13 Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted.
- 14 Private streets shall be prohibited.
- 15 Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.
- 16 Each subdivision shall have at least two public accesses available to every lot.
- 17 Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided.
- 18 The Planning Commission and/or City Council may require the provision of pedestrian ways in proximity to public service areas such as parks, schools, shopping facilities or in other appropriate locations of a similar nature. The design of the pedestrian walkways shall be considered in their relation to existing and planned pedestrian walkways, to reasonable circulation of traffic, to topographic conditions, to run-off of storm water and to the proposed uses of the area to be served. Pedestrian right-of-ways shall be at least 10 feet wide.
- 19 All subdivision street stubs (and underlying infrastructure) designed in a final plat shall be constructed at the same time as the other streets in the final plat.

**622.3 Intersections.** All streets shall intersect at right angles or as close thereto as possible. No street shall intersect another at an angle of less than 70 degrees. More than two streets intersecting at the same location shall be prohibited. Street jogs with centerline offsets of less than 150 feet shall be avoided. Intersections having more than four corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated to the city.

**622.4 Cul-De-Sacs.** Cul-de-sacs are to be discouraged in subdivisions because of their effect of reducing the efficiency of traffic flow and circulation. However, when necessary due to topographical constraints, the maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way. Lots on cul-de-sacs in R-1 and R-2 zoning districts shall have a minimum lot width of 50 feet at the property line and 60 feet at the front setback.

**622.5 Blocks.** Block lengths shall not exceed 1,200 feet; and if possible, shall not be less than 300 feet. In blocks longer than 800 feet, a pedestrian crossway with the minimum right-of-way of 10 feet may be required near the center of the block. The use of additional accessways to schools, parks and other destinations may be required also. Block widths shall be sufficient to provide two tiers of lots of appropriate depth.

TABLE #1: MINIMUM STREET DESIGN STANDARDS

	<b>Arterial</b>	<b>Collector Street</b>	<b>Local Street</b>	<b>Frontage Road or Service Access Street</b>	<b>Alley</b>
<b>Rights-of-Way</b>	as specified by city engineer	66'	60'	40'	20'
<b>Surface Width</b>	"	as specified by city engineer (Min. 44 feet)	as specified by city engineer (Min. 36 feet)	as specified by city engineer (Min. 26 feet)	as specified by city engineer (Min. 20 feet)
<b>Case Specification</b>	"	"	"	"	"
<b>Minimum Horizontal Curve Radii*</b>	400'	300'	300'	100'	100'
<b>Minimum Tangent Between Curves</b>	200'	200'	50'	50'	50'
<b>Minimum Grade</b>	0.4%	0.4%	0.4%	0.4%	0.4%
<b>Maximum Grade</b>	6%	8%	10%	10%	10%
<b>Pavement Specifications</b>	as specified by city engineer	as specified by city engineer	as specified by city engineer	as specified by city engineer	as specified by city engineer

\*As measured from the centerline of the street.

#### **622.6 Lots.**

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and the type of use contemplated. All lots shall comply with the minimum lot frontage and area requirements specified in the Zoning Ordinance.

Every lot shall abut on a public street to assure access for fire protection, utilities, and other services.

Lot remnants which are less than the minimum lot size shall be added to adjacent lots.

Side lot lines shall be as near to right angles with streets having straight lines or radial to adjacent streets having curved lines as possible.

Residential lots fronting freeways, expressways, and major streets, where deemed appropriate by the City Council, shall be separated there from by the use of frontage roads, parallel streets, service drives, or alleys in order to eliminate direct access to the major street.

In the subdividing of any land, due regard, as determined by the City Council, shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.

Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not

be permitted except where lots back on, or are adjacent to, an arterial or collector street.

**622.7 Utility Easements.** Easements for telephone service, electricity, gas lines, and other public utilities shall be provided and centered along the front and if required by the City Council, the rear and side lot lines where deemed appropriate. The easements shall be 10 feet in width or greater as recommended by the City Engineer and shall be aligned from block to block. Easements for storm or sanitary sewers shall be at least 10 feet wide. They shall have continuity of alignment from block to block. Temporary construction easements may be required where installation depths are greater than 10 feet. Utility easements shall be kept free of any vegetation or structures that would interfere with the free movement of utility service vehicles.

**622.8 Water Courses.** When a subdivision is traversed by a water course, drainageway, channel or streets, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses, and with such further width or construction as may be determined to be necessary by the City Engineer.

**622.9 Parks, Open Space, And Public Use.** It is declared general policy that in all new subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds, or other public use. Such percentage shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways. The following schedule shall be applicable to all subdivisions. This schedule is based upon density of the development allowed in each district and is intended to equalize the amount and value of land dedicated for parks per dwelling unit in the various districts.

In areas zoned:

R-1	5% of the total land area	R-2	8% of the total land area
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No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved for the purpose to which they are to be dedicated. The parkland shall be graded to the contours set forth in the preliminary plat. The developer shall provide a minimum of three inches of black dirt over the entire park area and the area shall be seeded with a type of seed approved by the city. The financial guarantees by the developer to the city shall be in effect at least until such time that the parkland is graded and seeded.

The land dedicated for parks, open space or public use shall be suitable for active recreation use. Active recreation meaning organized playground activities such as softball, football, etc. These areas to be used for organized playground activities shall have a slope of less than 2% grade and be largely clear of forest vegetation. Some of the areas to be dedicated may be forested and may have steeper slopes, if allowed by the City Council.

When the subdivision is small or does not include a park or public area shown on the comprehensive plan, or if in the judgment of the Council the area proposed to be dedicated is not suitable or desirable for park/playground purposes because of location, size or other reason, the Council may require, in lieu of land dedication, a payment to the municipality of a sum equal to the percentage listed above of the undeveloped value of the land to be subdivided. The undeveloped land value shall be the value of the land when ready to be platted but not including utility costs; the estimated cost of grading and seeding the land shall be included in the land value. The City Council and/or its agents shall have the authority to make the final determination of the value of the land for purposes of park dedication. If requested, the City Council shall provide the developer or landowner with the methodology used to calculate the value of the land.

Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the City by deed or by plat. Money given to the City in lieu of land shall be used by the City only for acquiring or developing public parkland.

All parkland dedicated to the City shall be clearly marked and signed as a public park. The City shall not accept or maintain a park or parkland if its a private park in character or for use by only the surrounding and/or adjacent residents of the parkland. Public parks shall have adequate parking available for public occupancy when using the park.

**622.10 Hardship To Adjoining Properties.** The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

**622.11 Public Subsidies.** If the subdivider receives Tax Increment Financing, Tax Abatement, or any other form of local government aid or public subsidy, the City Council may require additional performance standards.

**622.12 Environmental Awareness Worksheet Or Environmental Impact Statement.** If a proposed development is of sufficient size to trigger a mandatory EAW or EIS, the required reports must be prepared before the City Council can approve or deny the proposed development. The EAW/EIS must be made available at least 10 days before the scheduled public hearings in order to be available for citizen review.

**622.13 Previous Work Or Commitments.** No subdivider shall be permitted to start work on any other subdivision without special approval of the City Council if he has previously defaulted on work or commitments, as determined by the City Council, on a previous subdivision or development in the City of Plainview.

**622.14 Variances.** If the applicant can not meet the requirements of this ordinance because of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship, the applicant may apply for a variance as stipulated in these regulations. The variance must be applied for, and granted, before or at the same time that the GDP, preliminary plat, or final plat is approved by the City Council.

**622.15 Zero Lot Line Development.** A two family dwelling may be split from one lot into two along the party wall to allow for individual ownership of each unit. The newly created lots shall each be in compliance with the lot requirements of the Land Management Ordinance, with the exception of lot width as addressed in section 15.5 below. The following conditions must be met before a zero-lot line development may be approved:

The property and structure must be able to be easily split into two (2) substantially equal portions.

The structure must meet current building code standards for fire wall separation. This shall also apply to existing structures.

Deed restrictions shall be recorded with the property requirements that the structure shall have a uniform exterior appearance in terms of color, design, and maintenance. In addition, if one unit is burned or destroyed, than the development shall be reconstructed in a uniform appearance.

Separate utility services must be provided (see also Article III §§21). If the property is already provided with a single one inch or larger water service, this water service shall be separated at the property line by installing a wye and two additional curb stops and boxes on the home side of the exiting curb stop and box. If, however, in the opinion of the City, it is feasible to make a second water service connection to the existing main, the existing water service shall not be split at the property line. If the existing water service is smaller than one inch diameter, a separate service connection shall be made to the City watermain. If a lot is intended to be used for a two-family dwelling unit under separate ownership and the public water system is under construction, reconstruction, or if the street is under reconstruction making access to the water system feasibility, separate services shall be extended to the lot at that time. Separate sanitary sewer service shall be provided by splitting an existing sanitary sewer service at the property line with a wye and two clean-outs. However, if conditions exist as stated above for water services making extension of separate services from the City sewer system feasible, such extension shall be made.

Zero lot line development are permitted in R1 and R2 zoning districts. However, they shall also be allowed in Transition Districts if the Transition District abuts either an R1 or R2, as provided for in Article X, Section 3. The lot width for each of the new parcels of the zero lot line development in an R1 shall be a minimum of at least 50 feet, as opposed to the 60 feet normally required. There shall be no minimum lot width for zero lot lines in an R2 zoning district. The newly created lots shall each be in compliance with the setback requirements of the Land Management Ordinance, with the exception of the side setback along the common party wall.

Townhouses and condominiums may reduce side yard setback to zero on common walls. The applicant shall record a covenant and deed restriction on all property which will abut the common lot line. Said covenant and deed restriction shall contain the following conditions:

Provide access to the abutting property for the adjacent property owner and/or his agent, employee or representative for the purpose of construction, reconstruction, repair, and maintenance of either side of the total property;

Provide easements for necessary encroachments for footings, eaves, and provide for mutual perpetual easements in the event of encroachment by the party wall;

Provide for restrictions to limit changes of color, construction material, and design of the dwelling as to compatible with the attached unit;

Provide for furnishing separate services to each dwelling unit for sanitary sewer and water.

**622.16 Cluster Development.** As an alternative to conventional zoning and development approaches, cluster development regulations may be used to encourage innovation in residential development and to encourage better utilization of land and creation of open space. In a cluster development, dwelling units are grouped on certain portions of a site, and other areas in common or single ownership remain open and free from development.

The intent of the cluster development is to centralize structures in one portion of a tract of land while leaving a significant portion (25-50%) of the property undeveloped, thus

creating meaningful open space. If a proposed development has structures spread throughout the tract of land, it will not create meaningful open space and thus shall not qualify as a bona fide cluster development.

The tract shall be a development of land under unified control at the time of application is to be planned and scheduled to be developed as a whole. No authorization or permits shall be granted for such development unless the applicant has acquired actual ownership of or executed a binding sales contract for all of the property comprising such tract.

The minimum total lot area of the development shall be no less than five acres. The total lot area requirement can include street and park land that will be dedicated to the public.

The total number of dwelling units allowed in a development shall be determined by the area standards of the zoning district in which the proposed development is to be located. For example, if 30 single family homes are planned for cluster development in an R-1, the total area must be at least 225,000 square feet (7,500 square feet times 30). As is stated in section 16.3 above, the minimum total area for development must be at least 5 acres in size. There is no minimum lot width for individual lots within a cluster development, so long as all other conditions set forth in this ordinance are met.

All structures must conform to setback regulations from property lines.

No building permits shall be granted for any building or structure which does not conform to the approved final plan or final plat.

Proposed dwelling units for a cluster development must conform to permitted or conditional uses (if approved) in its zoning district.

Common area in a cluster development must be maintained by either a landlord or a landowners or homeowners association. If a landowners/homeowners association is established, the following conditions must apply:

1. Membership must be mandatory for each owner and any successive buyer,
2. The Association must be responsible for liability insurance for common areas and for the reasonable maintenance of exterior, residential, and other facilities,
3. Any restrictions on open space must be permanent, not for a given period of time.

**622.17 Non Residential Subdivisions.** Non residential subdivisions shall be subject to all the requirements of the Land Management Ordinance, as well as such additional standards required by the Planning Commission and City Council. The subdivider shall demonstrate to the satisfaction of the City Council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. Every effort shall be made to protect adjacent residential areas from potential nuisances from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

**622.18 Building Permits For Lots In New Developments.** No building permit shall be issued for any development (other than necessary infrastructure improvements) until the first lift of the road surface has been laid.

## **623 ZONING AND LAND MANAGEMENT, REQUIRED IMPROVEMENTS AND PAYMENT**

**623.1 Overall Specifications.** Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the City Council. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the City.

**623.2 Monuments.** Durable iron monuments or steel monuments shall be placed within 6 inches of final elevation at all lot corners, block corners, angle points, points of curves in streets and at intermediate points as shown on the Final Plat. Such installation shall be the subdivider's expense and responsibility. All U.S., State, County or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position. All monuments shall be a minimum of 1/2 inch in diameter and 15 inches in length.

**623.3 Street Grading.** Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the City. All street grading and gravel base construction shall be in accordance with the City's specifications. Grading shall be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.

**623.4 Street Surfacing.** Following the City's approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the City, and approved by the City Council.

**623.5 Driveways.** In cases where driveways are constructed after curbing and sidewalk are in place, the sidewalk shall be reconstructed in accordance with driveway specifications to the width of the driveway.

**623.6 Sidewalks.** Rough grading for sidewalks shall be provided. Sidewalks shall be required in all new subdivisions.

**623.7 Utility Installation.** All utilities, whether private or public, shall be installed underground so as to enhance the visual appearance of the area, unless special permission is granted by the Council for other installations. Where utilities are to be installed in street or alley rights-of-way, such installations shall take place prior to street surfacing. Water and sewer services shall be laid to the property line.

**623.8 Sanitary Sewer Utilities.** Sanitary sewer facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the City and shall meet the requirements of the master plan for sanitary sewer extensions of the city. All new construction shall be connected to the municipal sanitary sewer system. All new construction shall be connected to this municipal waste water system and pay a sewer access fee, as determined by the City Council. The developer is responsible for sanitary sewer mains and laterals to the lot line.

**623.9 Water Supply.** Water distribution facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the Engineer and shall



meet the requirements of the master plan for water main extensions of this municipality. All new construction shall be connected to this municipal water system and pay a water access fee, as determined by the City Council. The developer is responsible for water mains and laterals to the lot line, water hydrants, and water main shutoffs.

**623.10 Storm Sewer.** Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City for the proper drainage of surface waters. All subdivisions and developments shall conform to the City's Storm Water Pollution Control Ordinance.

**623.11 Other Utilities.** The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.

**623.12 Utility Poles.** Any developer of a new subdivision in the City of Plainview shall pay the cost of placement and erection of utility poles used for the transmission of electrical energy to streetlights within the subdivision. All such poles shall be of a material, size, and weight, and shall be erected so as to meet or exceed all specifications promulgated by both the city's public works director and the city's electrical franchisee. Said utility poles shall be paid for and erected within 90 days of the issuance of the first building permit by the city council for the new subdivision. If all utility poles are not erected by that time, no further building permits shall be issued until all the poles have been erected.

**623.13 Public Acceptance Of Improvements.** Improvements within a subdivision which have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the engineer shall certify that he is satisfied that the existing improvements conform to applicable standards and are in a state of good repair.

**623.14 Installation Of Required Improvements.** Prior to the installation of any required improvements and prior to approval of the plat, the subdivider shall enter into a contract in writing with the city requiring the subdivider to furnish and construct said improvements in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the engineer and shall grant to the engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder with any other work being done or contracted by the city in the vicinity. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the governing body upon recommendation of the engineer after consultation with the subdivider. What is a reasonable time shall depend upon the work to be done, the seasons of the year, and proper correlation with construction activities in the plat and subdivision.

**623.15 Public Improvements.** Final plans for required public improvements shall be prepared in accordance with the City's Public Improvement Policy. All costs of required improvements shall be allocated as outlined in the City's Public Improvement Policy.

**623.16 Public Finance Of Improvements.** In the event that the City shall publicly finance and administer subdivision improvements, the developer shall not be required to post a payment and performance bond.

**623.17 Private Finance Of Improvements.** In the event the developer elects to privately finance and administer improvements, the developer must comply with the following provisions:

623.17.1 Completion of Improvements. Before the plat is signed, all applicants shall be required to complete, in accordance with the City Council's decision and the satisfaction of the municipal engineer, all the street, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the City Council, and to dedicate same to the local government free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

623.17.2 Payment and Performance Bond.

1. The City Council, in its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat and that, as an alternative, the applicant post a bond at the time of application for final subdivision approval in an amount estimated by the municipal engineer and the City Council as sufficient to secure to the local government the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The payment and performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.
2. Such payment and performance bond shall comply with all statutory requirements and shall be satisfactory to the municipal attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Council in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not, in any event, exceed two (2) years from date of final approval.
3. Such bond shall be approved by the governing body as to amount and surety and conditions satisfactory to the governing body. The City Council may, upon proof of difficulty, recommend to the governing body extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The governing body may, at any time during the period of such bond, accept a substitution of principal of sureties on the bond upon recommendation of the City Council.
4. In the event the subdivider defaults in the terms or conditions of the contract with the city for such improvements, the city may complete the project referred to in the contract and assess all costs of the completion incurred by the city against the real property being subdivided, a special assessment and collect it the same as if it were any other special assessment levied by the city against real property. All assessments shall be pursuant to Chapter 429 of Minnesota State Statutes.

**623.18 Warranty.** Unless specifically waived by the City Council, the Developer shall be required to give a two (2) year warranty for improvements (sewer, water, street, curb, gutter, etc.) from the date the City accepts the improvements. Any defect or repair necessary of said improvements shall be the responsibility of the Developer. If there is a necessary repair that needs immediate attention due to the risk of the public's health or safety, the City shall be allowed to address the issue and bill the developer for the manpower and materials cost.

**623.19 General Benefit To The Community.** The required improvements as listed in this ordinance are to be furnished and installed at the sole expense of the subdivider. However, by the judgment of the City Council, if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same. In such a situation, the City Council may require that the subdivider be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision. For benefiting properties beyond subdivisions, a deferred assessment or hook-up charge can be enacted by ordinance, collectible upon development of the property.

**623.20 City Acceptance Of Private Infrastructure.** The City shall not accept the improvements until the City Engineer or the Public Works Director have determined that the improvements to the subdivision are substantially and satisfactorily complete. Before the City may accept any sewer or water lines, the developer must televise the infrastructure. This is to ensure that the lines are of sufficient integrity and quality so as to not require unnecessary public maintenance or repair after the warranty period expires.

## **624 VARIANCES; PLANNING COMMISSION; APPROVAL BY CITY COUNCIL**

**624.1 Variances, Conditions Governing Applications, Procedures.** Pursuant to Minnesota Statute 462.357, subd. 6, as may be amended from time to time, the Planning Commission as hereinafter provided, shall have the power to hear requests for variances from the requirements of a zoning ordinance based upon practical difficulties, including restrictions placed on nonconformities. The Planning Commission shall hold a public hearing as is provided in this section and shall, by majority vote of the Commission, make a written recommendation to the City Council that includes factual findings on the practical difficulties standard contained in Minnesota Statute 462.357. The City Council shall have the authority to review the Planning Commission's recommendation and shall vote to either accept or reject the Commission's recommendation, and shall include in such decision written findings as is required by Minn. Stat. 462.357.

**624.1.2. Application and Public Hearing.** Application for a variance from a requirement of a zoning ordinance shall be made to the City Clerk in the form of a written application for a permit to use the property or premises as set forth in the application. An application for a variance shall be accompanied by payment of a fee in such amount as may be set by the Council from time to time in addition to the regular building fee, if any. The amount shall be specified in the fee schedule adopted by the City, as amended from time to time. Upon receipt of any application the City Clerk shall set a time and place for a public hearing before the Planning Commission on such application. Applications under this section must be submitted at least fourteen (14) days prior to the public hearing on the application. The Planning Commission or City Clerk shall give notice of the time and place of the public hearing - notice shall be given not more than thirty (30) days nor less than ten (10) days in advance of the hearing, by publishing a notice thereof at least once in the official newspaper, by notifying the owner or owners of the property under consideration, and by notifying by mail at least ten (10) days prior to the meeting the property owners within three hundred and fifty (350) feet of the subject property. The current City Assessor's tax records shall be deemed sufficient for the location of said properties.

**624.1.3. Review and Recommendations.** The Planning Commission shall, after a public hearing required by Section 624.1.2, make its decision upon the application and report its

## **' 151.04 DEFINITION OF TERMS.**

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

***ACCESSORY STRUCTURE OR FACILITY.*** Any building or improvement located on the same lot as the principal use subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

***ACCESSORY USE.*** A use on the same lot with and incidental and subordinate to the principal use or structure or facility.

***BUILDING.*** Any structure having a roof supported by columns, walls or other means of support for the shelter or enclosure of persons or property.

***BUILDING LINE.*** A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

***COMMERCIAL USE.*** The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services and other activities carried out for financial gain.

***CONDITIONAL USE.*** A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. The city may impose additional conditions in specific instances to protect the health, safety and welfare.

***DECK.*** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to principal use or site and at any point extending more than three feet above ground level.

***DWELLING, DUPLEX, TRIPLEX and QUAD.*** A dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping cooking, eating, living and sanitation facilities.

***DWELLING, MULTIPLE.*** A building or portion thereof used for occupancy by three or more families living independently of each other.

***DWELLING, ONE-FAMILY.*** A building used exclusively for occupancy by one family.

***DWELLING, TWO-FAMILY.*** A building used exclusively for occupancy by two families living independently of each other.

***DWELLING SITE.*** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

**DWELLING UNIT.** Any structure or portion of a structure or other shelter designed as short or long-term living quarters for one or more persons, including rental or time-share accommodations, such as motel, hotel and resort rooms and cabins.

**HOME OCCUPATION.** A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same building. Such occupation must be clearly secondary to the principal use and not change the nature of the principal use.

**INDUSTRIAL USE.** The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

**JUNK YARD.** Land and structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

**LIGHT INDUSTRIAL.** The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside the building or lot where the assembly, fabrication or processing takes place, where the processes are housed entirely within a building, or where the outdoor storage of goods and materials used does not exceed 25% of the floor area of all buildings on the lot.

**LOT.** A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by that description for the purpose of sale, lease or separation. A lot must be situated and have its principal frontage on a public street.

**LOT, CORNER.** A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

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

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

**LOT LINE, FRONT.** A lot line abutting a dedicated public right-of-way.

**LOT LINE, REAR.** The lot line opposite and most distant from the front lot line. In the case of corner lots, the rear lot line shall be determined by the zoning administrator based upon characteristics of the surrounding neighborhood.

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

**LOT WIDTH.** The shortest distance between lot lines measured at the midpoint of the building line.

**MANUFACTURED HOME.** A structure, transportable in one or more sections which in the traveling mode is eight feet or more in width or 40 body feet or more in length, or when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, and includes the plumbing, heating and air conditioning and electrical systems contained therein, and which meets all the requirements established under M.S. ' 327.31, as it may be amended from time to time, the Manufactured Home Building Code.

**NONCONFORMING STRUCTURE OR USE.** A structure or use lawfully in existence on the effective date of this chapter or any amendment thereto, and not conforming to the regulations for the district in which it is situated.

**NONCONFORMITY.** Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

**PLANNED UNIT DEVELOPMENT, COMMERCIAL.** Typically include uses that provide transient, short-term lodging spaces, rooms or parcels, and their operations are essentially service-oriented. For example: hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are Commercial Planned Unit Developments.

**PLANNED UNIT DEVELOPMENT, RESIDENTIAL.** A use where the nature of residency is non-transient, and major or primary focus is not service-oriented. For example: residential apartments, manufactured home parks, townhouses and full-fee ownership residences would be considered as Residential Planned Unit Developments. To qualify as a Residential Planned Unit Development, a development must contain at least five dwelling units or sites.

**RECREATIONAL VEHICLE.** A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towed by a light duty truck and is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**RESTAURANT.** An establishment in which food and/or drink is offered or prepared and served for public consumption and is served to customers at tables by employees. Restaurants may include incidental take-out service.

**SETBACK.** The minimum distance from any lot line that an improvement may be placed, measured perpendicularly from the lot line to the closest point of the improvement.

**SETBACK LINE.** The line which is the specified setback -distance from and parallel to any lot line, or other specified line, such as the ordinary high water level, edge of wetland, floodplain, or top of bluff.

**STORAGE.** Goods, materials or equipment placed or left in a location on a premises.

**STRUCTURE.** Anything constructed, placed or erected on or attached to, in some manner, the ground.

**STRUCTURE, PRINCIPAL.** The building in which is conducted the primary use of the lot on which the building is located.

**USE.** The purpose or activity for which a premises is designed, arranged or intended or for which it is or may be occupied or maintained.

**WIND ENERGY CONVERSION SYSTEM OR WINDMILL.** An apparatus capable of converting wind energy into electricity.

**YARD.** An open space unobstructed from the ground upward with the exception of landscape materials and minor fixtures of a non-structural nature commonly found in a yard.

**YARD, FRONT.** The area between the front lot line and the front setback line.

**YARD, REAR.** The area between the rear lot line and the rear setback line.

**YARD, SIDE.** A space extending from the front yard to the rear yard along a side lot line measured perpendicularly from the side lot line to the closest point of a structure.

**ZONING ADMINISTRATOR.** The City Administrator/Clerk or other person designated by the City Council to administer and enforce the provisions of this chapter.

**' 151.26 C-1 DOWNTOWN COMMERCIAL DISTRICT.**

(A) *Purpose.* The purpose of the C-1 Central Business District is in recognition of the existing downtown business and commercial development and the need for its future expansion, rehabilitation and redevelopment.

(B) *Permitted uses and structures.*

(1) Business and commercial establishments including:

(a) Retail establishments, including grocery, hardware, drug, clothing, variety and furniture stores; eating and drinking places, auto dealers, automobile service stations, farm implement dealerships, farm supply stores, seasonal evergreen sales and meat locker shops.

(b) Personal services, including laundries, beauty shops, barber shops, funeral homes, shoe repair shops, printing and publishing shops and photographic studios.

(c) Professional services, including medical and dental clinics and attorney's offices.

(d) Repair services, including automobile, jewelry, radio and television repair shops, appliance repair shops, farm and implement repair shops, plumbing contractor's shop and electrical contractor's shop.

(e) Entertainment and amusement services, including motion picture theatres, recreation halls and bowling alleys.

(f) Lodging services, including hotels and motels.

(g) Finance, insurance, real estate and tax services.

(2) Public and semi-public buildings, including post office, fire hall and city hall.

(3) Private clubs.

(4) Apartments, provided they are located above the first floor level.

(5) Automobile parking lots.

(6) Essential services, such as sewer, water, telephone and electric utility facilities.

(7) Churches and places of religious assembly.

(C) *Accessory uses.* Uses incidental to the foregoing principal uses, such as off-street parking and loading and unloading areas, signs, indoor storage of merchandise and wholesaling and manufacturing, when incidental to a permitted use, solar panels, satellite dishes and antennas.

(D) *Conditional uses.* Within the C-1 District no structure or land shall be used for the following



except by conditional use permit and in conformance with the standards specified in division (I) of this section.

(1) One and two-family dwellings and multiple-family dwellings, including manufactured homes meeting the standards as set forth in ' 151.24, and manufactured home parks licensed by the state.

(2) Nonresidential licensed day care facilities.

(3) Outdoor storage incidental to a principal use.

(4) Drive-thru or drive-up window accessory to a principal use.

(5) Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in C-1 Districts, subject to additional requirements, exceptions and modifications set forth in this chapter:

(1) *Lot area.* None.

(2) *Lot width.* None.

(3) *Setbacks.*

(a) *Front yards.* No infill development shall be closer to the front lot line than adjacent commercial uses.

(b) *Side yards.* None.

(c) *Rear yards.* 10 feet.

(4) All lots shall front on and have ingress and egress by means of a public right-of-way.

(F) *Building requirements; height.* No structure shall exceed 3 stories or 45 feet, whichever is less.

(G) *Parking.* Refer to" 151.35 through 151.39.

(H) *Height limitations.* Height limitations shall not apply to water towers, chimneys, flag poles, antennae, wind energy conversion systems, church spires, church belfries or church domes not containing habitable space and support towers permitted by ' 150.04.

(I) *Conditional use permit standards for the C-1 Central Business District.*

(1) Purpose. It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this chapter and the comprehensive plan, if one exists. The Planning Commission, if one exists, may recommend and the City Council

may impose conditions on such uses in order to effect the purpose of this chapter.

(2) *General standards.* No conditional use permit shall be granted unless the City Council determines that all of the following standards will be met:

- (a) The use is consistent with the intent of this chapter;
- (b) The use is consistent with the goals, policies and objectives of the comprehensive plan, if one exists;
- (c) The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- (d) The use does not have an undue adverse impact on the public health, safety or welfare.
- (e) The use meets meet the performance standards of 151.31.

(3) *Specific standards.* In addition to the standards specified in division (2) above, no conditional use permit shall be granted unless the City Council determines that all of the specific standards contained in this division (I) will be met.

(a) One and two family dwellings and multiple-family dwellings, including manufactured homes meeting the standards set forth in ' 151.24 and manufactured home parks licensed by the state.

- 1. Building and site design shall provide a quality residential environment which is compatible with the permitted use;
- 2. At least two off-street parking spaces must be provided for the each residential unit, with such parking to be in a garage, carport or on a paved area specifically intended for that purpose;
- 3. The dwelling unit must be in compliance with all applicable building, housing, electrical, plumbing, heating and related city codes;
- 4. The use will be permitted only where the dwelling unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the neighborhood character;
- 5. The city may require buffering or screening if needed.

(b) Nonresidential licensed daycare facilities.

- 1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements and designed to promote the safety of children entering the center;
- 2. Outdoor play areas shall be fenced and located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas (if any);
- 3. One parking space for each six attendees based on the licensed capacity of the center shall be

provided; and

4. Shall obtain all applicable state, county and city licenses.

(c) Outdoor storage incidental to a principal use.

1. Outdoor storage shall not be located within 100 feet of any residential parcel;

2. Outdoor storage shall be screened by suitable materials, such as a fencings or natural landscaping features (trees, shrubbery, berms), as determined by Council. The screen must be, at minimum, equal to the height of the tallest item stored on the site;

3. Outdoor storage must be located in a rear or side yard;

4. Shall be kept in a neat and orderly fashion;

5. Shall not contain any unlicensed or inoperable motor vehicles; and

6. Shall not be operated in a manner as to constitute a nuisance or harborage of rodents or other wild animals.

(d) Drive-thru or drive-up windows accessory to a principal use.

1. Drive-up windows and stacking areas shall not be located adjacent to any residential parcel;

2. Stacking areas shall provide for a minimum of six cars per aisle;

3. Public address system shall not be audible from any residential parcel;

4. Drive-up windows and stacking areas shall be screened with suitable materials from adjacent parcels; and

5. Drive-up windows shall be designed to avoid interfering with traffic and pedestrian movements.

(e) Sidewalk cafes and outdoor eating or dining areas accessory to a principal use.

1. Shall be located in a controlled or cordoned-area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;

4. Shall not be located to obstruct parking spaces;
  5. Shall be located adjacent to an entrance to the principal use;
  6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up; and
  7. Shall not have speakers or audio equipment which is audible from adjacent parcels.
- Penalty, see' 151.99