

CHAPTER 16

PLANNING AND LAND USE CONTROL

PLANNING AND ZONING COMMISSION

16.101. Planning and Zoning Commission Composition. There shall be a city planning and zoning commission consisting of seven members appointed by the council. No more than one voting member may be an officer or employee of the city.

16.102. Members of The Planning and Zoning Commission. All members of the planning and zoning commission shall be appointed for a term of three years, provided that each member shall serve until a successor is appointed.

- (1) Members of the commission shall receive such compensation as the council may fix and shall serve at the pleasure of the council.
- (2) Members may be paid necessary expenses in attending meetings of the commission and in the conduct of the business of the commission.

16.103. Officers Of The Planning And Zoning Commission. A chairperson, vice-chairperson, and secretary shall be elected from among the members of the commission. In the event that the chairperson, vice chairperson and/or secretary are not present at a meeting a consensus of the members present will appoint an acting chair and/or secretary for the meeting.

16.104. Powers Of The Planning And Zoning Commission. The planning commission shall have and exercise the following powers:

- (1) To adopt rules of procedure governing the transaction of its business.
- (2) To cooperate with the planning chairperson and other employees of the city in preparing and recommending to the council for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures and amendments thereto.
- (3) To conduct such hearings as may be required by law and by the provisions of this code and, in connection therewith, to make findings and conclusions which shall be transmitted to the planning agency, which shall forthwith transmit same to the council with such comments and recommendations as it deems necessary.
- (4) All other powers granted to it by law and by the provisions of this code.

16.105. Removal Of Commission Members. Members of the planning and zoning

commission shall be removable for a cause by majority vote of the council upon the filing of written charges with the council. No member shall be removed prior to a public hearing, which shall be held within 30 days of the date of filing of the written charges.

16.106. Vacancies In Commission Membership. Vacancies occurring on the planning and zoning commission shall be promptly filled by the council, and any member so appointed shall serve the balance of the preceding member's term and shall thereafter be subject to appointment in the manner set forth above.

16.107. Duties Of The Planning And Zoning Commission. The planning and zoning commission shall:

- (1) Protect the public health, safety, and general welfare.
- (2) Promote orderly development of the residential, commercial, industrial, recreational, agricultural, and public area.
- (3) Provide for adequate light, air, and convenience of access to property by regulating the use of land and buildings, and the bulk of buildings, in relation to surrounding properties.
- (4) Provide for the compatibility of different land use and the most appropriate uses of land throughout the city.
- (5) Provide for the administration of the zoning article of the Long Prairie City Code of 1976.

ZONING

GENERAL PROVISIONS

CITATION AND PURPOSE

16.201. Title and Citation. The provisions of sections 16.201 to 16.999 shall be known as the "Zoning Article of the Long Prairie City Code of 1976" and may be referred to by the name in all proceedings and actions. The "Zoning Articles of the Long Prairie City Code of 1976" shall be known, cited, and referred to herein as "This Article".

16.202. Purpose. It is the intention of the council that this article shall serve the following purposes:

- (1) To promote the general public health, safety, morals, comfort, and general welfare to the inhabitants of the City of Long Prairie, Minnesota;

- (2) To provide adequate light, air, privacy, and safety of transportation, and access to property;
- (3) To prevent the overcrowding of land and undue concentration of population;
- (4) To promote the proper use of land and structures and to determine the proper spacing of buildings;
- (5) To divide the City into zones or districts as to the use, location, construction, reconstruction, alteration, and use of land and structures for residence, business, and industrial purposes;
- (6) To promote the character and preserve and enhance the stability of properties within the city;
- (7) To fix reasonable standards to which building, structures, and land shall conform for the benefit of all;
- (8) To prohibit the use of buildings, structures, and land that are incompatible with the intended use of development of lands within the specified zones;
- (9) To limit congestion in the public streets and protect the public health and welfare by providing for the off-street parking of vehicles and vehicles loading zones;
- (10) To protect against fire, explosion, noxious fumes, pollution of the environment, and other hazards in the interest of the public, comfort, and general welfare;
- (11) And to define and limit the powers and duties of the administration officers and bodies provided for herein.

LEGAL AUTHORITY

16.210. Legal Authority. This article is enacted pursuant to the Municipal Planning Act. M.S. 462.351 et. seq. ml, Minnesota Regulation NR82 through Minnesota Regulation NR93.

COMPLIANCE

16.220. Compliance. From and after January 1, 1977, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, relocated, and every use within a building or use accessory thereto in the city shall be in conformity with the provisions of this article. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as

non-conforming property or uses.

INTERPRETATION

16.230. Interpretation Of Provisions. In interpretation and application of the provisions of this article, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, and general welfare. Where the provisions of this article impose greater restrictions than those, of any statute, other ordinance, or regulation, the provisions of this article shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this article, the provisions of the statute, ordinance, or regulation shall be controlling.

PRIVATE AGREEMENTS

16.240. PRIVATE AGREEMENTS. This article is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this article are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this article shall govern.

DEFINITIONS

16.250. Definition Of Words And Phrases. For the purposes of Section 16.201 to 16.599, the following terms shall have the meanings given to them:

- (1) Automobile Camp/RV Camp-Land and premises used or intended for occupancy by campers traveling by automobile or otherwise or for occupancy by trailers or moveable dwellings.
- (2) Automobile Service Station-A place where gasoline or any other automobile engine fuel (stored in underground tanks), kerosene or motor oil, and lubricants or grease are retailed directly to the public on the premises, including the sale of minor accessories and the servicing and minor repair of automobiles, not including the storage of unlicensed vehicles, and not including body, frame or fender straightening and repair
- (3) Automobile Wrecking - The dismantling or wrecking of used motor vehicles or trailers or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts, see Junk Yard.
- (4) Bed and Breakfast – A single family dwelling in which the host or hostess reside, located in a legally zoned area that meets fire, building and health requirements for the size and use of the property. The establishment advertises publicly and legally posts a sign. Reservations are made directly with the host/hostess. Sleeping rooms will not contain cooking

facilities.

- (5) Boarding House - An establishment with lodging for four or more persons, where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering individual portions from a menu. In addition, single family dwellings in which sleeping accommodations are offered to four or more unrelated persons for rentals of one week or more, and occupancy is generally by residents rather than transients, shall be considered a boarding house.
- (6) Building, Accessory - A subordinate building, the use of which is incidental to that of a main building on the same lot.
- (7) Building, Main - A building in which is conducted the principal use of the lot upon which it is situated.
- (8) Comprehensive Plan – A plan adopted by the City and consisting of a compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social and economic development, both public and private, of the City and its environs. Said plan includes any unit or part of such plan separately adopted and any amendment to such plans or parts thereof.
- (9) Conditional Use - A conditional use is a permitted, but not outright permitted use for which a review is necessary to determine what, if any, condition should be imposed. A conditional use is an activity, which is basically similar to other uses permitted in the district, but because of the manner in which land and buildings might be developed to accommodate such use, public hearing and review of the specific proposed use and imposition of certain conditions, if necessary, will adapt the use to its location and neighborhood. Approval of a conditional use is not a variance, waiver, or relaxation of any of the provisions of this ordinance.
- (9a) Condominium - shall mean the legal arrangement in which single residential units are individually owned but in which common areas are owner, controlled and maintained through an organization consisting of all the individual owners. Condominium ownership provides design flexibility and the sharing of responsibility through the use of common open spaces that are in addition to private open spaces.
- (10) Convenience Store-A retail business with primary emphasis on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominantly food and gasoline) and services. While such operating features are not a required

condition of membership. Convenience stores have the following characteristics:

- a. While building size may vary significantly, typically the size will be less than 5,000 sq. ft.;
 - b. Off-street parking and/or convenient pedestrian access;
 - c. Extended hours of operation, with many open 24 hours, seven days a week; and
 - d. Product mix includes grocery type items, and also includes items from the following groups: beverages, snacks (including confectionary and tobacco).
- (11) Dwelling - A building or portion thereof used exclusively for residential occupancy, including single-family, two-family, and multiple dwellings, but not including hotels, or lodging, or boarding houses. When a private garage is structurally attached to a dwelling it shall be considered as part of the building in which the dwelling is located.
- (12) Dwelling, Multiple - A building or portion thereof used for occupancy by three or more families living independently of each other.
- (13) Dwelling, Single-Family - A building used exclusively for occupancy by one family.
- (14) Dwelling, Two-Family - A building used exclusively for occupancy by two families living independently of each other.
- (15) Family –
- a. An individual, or group of persons related by blood, marriage, or adoption, including foster children, living together as a single family housekeeping unit.
 - b. Residents of a State licensed community facility as defined and authorized by State law.
 - c. A group of not more than 6 persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.
- (16) Garage, Private - An enclosed or covered space for the storage of one or more motor vehicles-provided that no business, occupation, or service is

conducted for profit therein, nor space therein for more than one (1) vehicle which is leased to a nonmember of the premises. All setbacks must be maintained-no variances will be granted-and no more than forty (40) per cent of the lot area can be covered (includes all structures). The size limitations for detached garages are as follows: A lot of 10,000 sq. ft or less will be allowed a detached private garage of 1,000 sq. ft. or less. A lot from 10,001-12,500 sq. ft. will be allowed a detached private garage of 1,150 sq. ft. or less. A lot from 12,501-15,000 sq. ft. will be allowed a detached private garage of 1,300 sq. ft. or less. Lots over 15,000 sq. ft will be allowed a detached private garage of not over 1,500 sq. ft.

- (17) Garage, Public Any premises, except those herein defined as a private or storage garage, used for the storage or care of motor driven vehicles or where any such vehicles are equipped for operation or repair, or kept for operation or repair or kept for remuneration, hire, or sale.
- (18) Group Home- A state licensed facility which provides care on a 24 hour a day residential basis for not more than 10 residents.
- (19) Hardship - A restriction on property so unreasonable that it results in an arbitrary and capricious interference with property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.
- (20) Home Occupation - Any occupation or profession carried on by a member of the family, residing on the premises, conducted entirely within the dwelling unit. No other persons other than members of the family residing on the premises shall be employed. Sales shall not include over the counter, retail sales of merchandise produced off the property unless the sale is conducted entirely by mail or electronically and does not involve the sale, shipment or delivery of merchandise on the premises; The sale of products incidental to the delivery of a service is allowed (such as the sale of computer discs by a computer software consultant), and;
 - a) no articles for sale shall be displayed so as to be visible from any street, and;
 - b) the home occupation may not be conducted in accessory buildings or in attached or detached garages, exterior storage is also prohibited, and;
 - c) not over twenty-five (25) per cent of the gross floor area of any one story is used for the home occupation or

professional purposes, and;

- d) the occupation shall not be objectionable to adjacent residents due to the noise, hours of operation, traffic, electric interference, etc, and;
 - e) deliveries to the residence may not be made by semi-trailer truck, and;
 - f) the required off-street parking for the residential use shall not be reduced or made unusable by the home occupation.
 - g) signage shall be limited to one non-illuminated name plate, which is not more than four (4) square feet in area, attached to the building entrance.
- (21) Hotel - Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in an individual room or apartment.
- (22) Interim Use-A use, which because of certain characteristics, cannot be properly classified as a permitted use in the zoning district within which it is proposed. Interim Use Permits are designed to meet the problem that arises where certain uses, although generally compatible with the basic use classification of a particular zone, should not be permitted to locate as a matter of right in every area included within the zone because of hazards inherent in the use itself or special problems which its proposed location may represent.
- (23) Junk Yard - Land or buildings where waste, discarded, or salvaged materials are bought, sold, stored, exchanged, cleaned, packed, disassembled, or handled including, but not limited to, scrap metal, rubber products, glass products, and products resulting from the wrecking of automobiles or other vehicles.
- (24) Lot - Land occupied or to be occupied by a building and its accessory building or by a dwelling group and its accessory buildings together with such open spaces as are required under the provisions of this article, having not less than the minimum area required by this article for a building site in the district in which such lot is situated, and having its principal frontage on a public street.
- (25) Lot Coverage-The total allowable amount of lot area, expressed as a percentage, which may be covered by a principal use and its accessory

structures.

- (26) Lot, Corner - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- (27) Lot, Interior - A lot other than a corner lot.
- (28) Mobile Home - Any portable structure designed to be used, or capable of being used, as a detached family residence which is intended to be occupied as living quarters and contains sleeping accommodations, a flush toilet, tub or shower, kitchen facilities, and plumbing and electrical connections for attachment to outside systems; which is capable of being transported after fabrication on streets and highways, arriving at the site ready for occupancy except for minor and incidental unpacking and assembly operations; and not requiring a permanent foundation.
- (29) Modular Home - A prefabricated single family dwelling structure in one or more parts, which is transported to a lot and placed on a permanent foundation. Upon placement on the lot, the structure shall be considered a permanent, conventional dwelling unit. A mobile home in any form, shall not be considered to be a modular home, even if placed on a permanent foundation. Modular homes shall comply with the Minnesota State building Code
- (30) Motel - A combination or group of two (2) or more detached or semi-detached or connected permanent dwellings or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.
- (31) Non-Conforming Structure or Use - Any structure or use which on the effective date of this ordinance does not, even though lawfully established, conform to the applicable conditions if the structure of use was to be erected under the guidance of this ordinance.
- (32) Official Control – Official Control means legislatively defined and enacted policies, standards, precise maps, and other criteria, all of which control the physical development of a municipality or any part thereof or any detail thereof, and are the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include but are not limited to ordinances establishing zoning, subdivision controls, site plan rules, sanitary codes, building codes, housing codes, and official maps.

- (33) Parking Space - A land area of not less than one hundred eighty (180) square feet, exclusive of driveways and aisles of such shape and dimensions and so prepared as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.
- (34) Planned Development or Planned Unit Development - A type of development characterized by unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure type and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
- (35) Principal Structure - A structure that contains a principal use as contrasted to an accessory or incidental use of the property.
- (36) Principal Use - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
- (37) Public Open Space - Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, school sites and streets.
- (38) Retail Store-Operates from a fixed point of sale location. In general, retail stores have extensive displays of retail (not wholesale) merchandise for sale to the public.
- (39) RV/Recreational Vehicle-A vehicular-type portable unit without a permanent foundation which can be towed, hauled, or driven and is designed primarily for temporary living accommodations for recreational, camping, and travel use, but not limited to travel trailers, truck campers, camping trailers, and motor homes.
- (40) Right-of-Way Line-Measured from the centerline of an existing road or street to the far edge (property line) of the boulevard.
- (41) Setback - The horizontal distance between the front street right-of-way-line and the front line of the building or the allowable building line as defined by the front yard regulations of this article.

- (42) Sign - A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (43) Sign, Advertising - A sign which directs attention to a business, commodity, service, activity, or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.
- (44) Sign, Business - A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where such a sign is located.
- (45) Street - A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the city as a public street.
- (46) Structural Alterations - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
- (47) Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- (48) Structure, Accessory- A structure, other than a private garage, that is subordinate to the main or principal building on the same lot which is not used, nor authorized to be used, for living or sleeping quarters of human occupants. Accessory structures must not be located within utility or drainage easements, shall not exceed the height of the principal structure, and may not be located in front of the principal building. Two story accessory structures are not permitted. A total of one (1) accessory structure will be allowed on a lot, provided that the percentage of lot coverage does not exceed the forty (40) per cent allowed in a residential zone. A lot of 10,000 sq. ft. or less, will be allowed an accessory structure of 500 sq. ft. or less. A lot of 10,001-12,500 sq. ft., will be allowed an accessory structure of 575 sq. ft. or less. A lot of 12,501-15,000 sq. ft., will be allowed an accessory structure of 650 sq. ft. or less. Lots over 15,000 sq. ft. will be allowed an accessory structure of 750 sq. ft. or less. (Swimming pools and gazebos are not considered in these figures.) The accessory structure must be five (5) feet from any other structure and must be within the setbacks, with no exceptions.
- (49) Subdivision-The division or redivision of a lot, tract, or parcel of land, regardless of how it is to be used, into two or more lots either by plat or

by metes and bounds description; or the division or redivision of land involving dedication of a new park, playground, street, or other public right-of-way facility; or the vacation, realignment or any other change in existing streets, alleys, easement, recreation areas, water, or other public improvements or facilities, provided, however, the following classes shall be exempt:

- a.) The division of land for agricultural purposes into lots, tracts, or parcels greater than five acres where no new streets, roads, or other right-of-ways are involved.
 - b.) The division of a lot of record for the purpose of attachment to contiguous lots provided no residual plot is left.
 - c.) A simple lot split pursuant to Article 16.791 through 16.794 of this article.
- (50) Swimming Pool-Any structure that contains water over twenty-four (24) inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational bathing and which is available only to family and guests of the householder.
- (51) Use, Accessory - A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use.
- (52) Variance - Any modification of official controls, where it is determined that by reason of exceptional circumstances (circumstances unique to the individual property under consideration) the strict enforcement of the official controls would cause unnecessary hardship.
- (53) Yard - An open space other than a court on the same lot with a building which open space is unoccupied and unobstructed from the ground upward.
- (54) Yard, Front - A yard extending across the front of the lot between the inner side yard lines and lying between the front lot line of the lot and the nearest line of the building.
- (55) Yard, Rear - A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
- (56) Yard, Side - A yard between the sideline of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard provided that there shall be two (2) side yards, one (1) on each side of the building.

- (57) Zoning Map, Official - The map or maps incorporated into this code as a part hereof designating the use districts.

ZONING USE DISTRICTS

GENERALLY

16.301. Future Annexations. Areas hereafter annexed to the City of Long Prairie shall be considered to be in the A-O, agricultural district, until placed wholly or partly in another district by amendment of this article as provided for herein.

16.302. Unzoned Areas. Areas not included in any district shall be considered reserved for public use and purposes to the extent necessary.

16.303. District Boundaries. Whenever any uncertainty exists as to the boundary of any use district as shown on the zoning map incorporated herein, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroad lines shall be considered to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.
- (4) Boundaries indicated as approximately following sections, half sections, quarter sections, sixteenth sections, and government lots shall be construed to follow such lines.
- (5) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in event of changes in shore line shall be construed as varying with the actual shore line: boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or bodies of water shall be construed to follow such center lines.
- (6) Boundaries indicated as approximately following the city limits.
- (7) Where a district boundary line divides a lot which was in single ownership at the time of passage of this article, the extension of the regulations for

either portion of the lot beyond the district line into the remaining portion of the lot may be interpreted by the planning commission upon request of the owner.

- (8) Boundaries of the Flood Plain-Shoreland district shall be determined by scaling distances on the Flood Insurance Study maps. Where interpretation is needed as to the exact location of the boundaries of a district, the Planning and Zoning Commission shall make the necessary interpretation based on elevations on the regional (100-year) flood profile and other available technical data.

16.304. District Regulations. The regulations of this article within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land and particularly except as hereinafter provided:

- (1) No structure which has been destroyed by any means to an extent of more than 50% of its assessed value at the time of construction shall be reconstructed except as in conformity with the regulations of the district within which it is located.
- (2) No part of a yard, or other open space, or off street parking required about or in connection with any building for the purpose of complying with this article shall be included as part of a yard, open space, or off-street parking, or landing space similarly required for any other building.
- (3) No yard or lot existing at the time of passage of this article shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this article shall meet at least the minimum requirement established by this article.

16.305. Establishment Of District and District Map. The following enumerated districts are hereby created which shall be shown upon the zoning district map which is incorporated herein and made a part hereof. Said map and all notations, references, and other information shown thereon shall be as much a part of this article as if the matters and information set forth on the map were all duly described herein.

- (1) A-O Agricultural District
- (2) R-1 General Residential District
- (3) R-2 Multi Dwelling District
- (4) MH Mobile Home Residential District

- (5) C-1 General Commercial District
- (6) C-2 Highway Commercial District
- (7) I-1 Light Industrial District
- (8) I-2 General Industrial District
- (9) I-3 Heavy Industrial District
- (10) FP-SD - Flood Plain - Shoreland District

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AGRICULTURAL DISTRICT (A-O)

16.310. Purpose. The Agricultural District (A-O) is intended to provide a general agricultural district of low density that shall act as a transition between kinds and intensity of residential and non-residential use as well as to provide a district wherein land may be preserved as agricultural in lieu of the installation of community facilities.

16.311. Permitted Uses.

- (1) All uses commonly classed as agricultural with no restrictions as to operation of such vehicles or machinery as are incidental to such uses.
- (2) Greenhouses.
- (3) Public and private parks.
- (4) Agricultural Fair.

16.312. Conditional use/interim uses (Require A Conditional use/interim use Permit).

- (1) One-family detached dwellings which are nonagricultural in nature or purpose.
- (2) Hospitals.
- (3) Schools.
- (4) Home occupation.

16.313. Accessory Uses.

- (1) Minimum Requirements:
 - a. Lot size 2 ½ Acres
 - b. Lot Width 150 feet
 - c. Lot Depth 150 feet
 - d. Front yard 50 feet from public right-of-way
 - e. Side yard 25 feet
 - f. Rear yard 50 feet
- (2) There shall be no lot size, lot width, rear yard, or side yard requirements for agricultural buildings.

- (3) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each lot. No accessory buildings shall project beyond the front yard line of each road.
- (4) Height Requirements:
 - a. Two and one-half (2 ½) stories or thirty-five (35) feet.
 - b. There shall be no height requirements for agricultural buildings.

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RESIDENTIAL DISTRICT (R-1)

16.320. Purpose. The Residential District (R-1) is intended to provide a general residential district of low to average density, wherein single and two-family dwellings will predominate.

16.321. Permitted Uses.

- (1) Single-family detached dwellings
- (2) Home Occupation
- (3) Licensed child care facilities, licensed foster care facilities and licensed adult foster care facilities as specified by state statute.
- (4) Public parks and playgrounds

16.322. Conditional use/interim uses (Require A Conditional use/interim use Permit).

- (1) Hospitals.
- (2) Philanthropic and charitable institutions.
- (3) Motels.
- (4) Clubs, lodges, and fraternal organizations.
- (5) Rest homes and boarding houses with two or more boarders.
- (6) Veterinary hospitals and clinics.
- (7) Mortuaries.
- (8) Public and semi-private buildings.
- (9) Churches.
- (10) Private parks and playgrounds; golf courses.
- (11) Cemeteries.
- (12) Multiple dwellings.

- (13) Commercial retail, and service facilities of an auxiliary nature, designed to serve the occupants of the residential district.
- (14) Bed and breakfast facilities.
- (15) Storage facilities

16.323. Accessory Uses/Structures.

- (1) Uses incidental to the principal uses are allowed.
- (2) No accessory building shall exceed 15 feet or the height of the principal structure.
- (3) A lot of 10,000 sq. ft. or less will be allowed an accessory structure of 500 sq. ft. or less. A lot of 10,001-12,500 sq. ft. will be allowed an accessory structure of 575 sq. ft. or less. A lot of 12,501 – 15,000 sq. ft. will be allowed an accessory structure of 650 sq. ft. or less. Lots over 15,000 sq. ft. will be allowed an accessory structure of 750 sq. ft. or less. (The accessory structure must be five (5) feet from any other structure and must meet the setback requirement, with no exceptions).
- (4) Accessory structures must not be located within utility or drainage easements, shall not exceed the height of the principal structure, and may not be located in front of the principal building. Two-story accessory structures are not permitted. A total of one (1) accessory structure will be allowed on a lot, provided the lot coverage does not exceed the 40% allowed in a residential zone.
- (5) Approved colored corrugated steel may be used on the roof of any accessory structure but may not be used on the sidewalls of any structure whose floor space is greater than 120 sq. ft. In instances where colored steel is used on the roof it must be uniform in color from the manufacturer. Cloth, canvas, plastic sheets, tarps and similar materials are not allowed as primary materials on accessory structures.
- (6) No tent, camper, motor home or accessory building shall at any time be used as a dwelling unit.
- (7) All swimming pools will require a building permit and must be fenced with a lockable entrance.

16.324 Lot Area, Lot Width, And Yard Requirements.

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|-----|-----------------------|----------------|----------------|
| (1) | Minimum Requirements: | Single-Family | Two-Family |
| | a. Lot Size | 12,000 sq. ft. | 15,000 sq. ft. |
| | b. Lot Width | 80 ft | 100 ft. |
| | c. Lot Depth | 150 ft. | 150 ft. |
| | d. Front Yard | 25 ft. | 25 ft. |
| | e. Side Yard | 10 ft. | 10 ft. |
| | f. Rear Yard | 10 ft. | 10 ft. |
- (2) Multiple dwellings shall be located on a site having an area of 15,000 square feet, plus 2,000 square feet for each dwelling unit over two units with a rear lot width of 120 feet.
- (3) Multiple family dwelling lots, the maximum lot coverage shall not exceed forty (40) per cent of the gross area of the site.
- (4) Wherever a lot abuts a street or road such lot shall have a front yard setback on each road or highway side of such lot. No accessory buildings shall project beyond the front line of either road. Lots platted and annexed prior to January 1, 1977 shall have an area of not less than 6,000 sq. ft. nor a lot width of less than 66 ft. and a side yard setback requirement of five (5) feet. Wherever the side yard requirement is five (5) feet, the rear yard requirement shall also be five (5) feet, except where a garage will be built off an alley, in which case ten (10) foot setbacks will be required.
- (5) Maximum Lot Coverage. Not more than 40% of an R-1 lot shall be covered by the principle use building and all accessory use buildings.
- (6) No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. Primary structures constructed on lots smaller than specified in 16.327(1) and 16.327(4) will require a variance.

16.325 Housing Construction Standards.

- (1) All new dwellings shall have a minimum building width of at least twenty-four (24) feet.
- (2) All new dwellings and additions shall have permanent and continuous

building footings and foundations which must comply with the Minnesota State Building Code.

- (3) Any metal siding shall have horizontal edges and overlap in sections no wider than 12 inches. Sheet metal siding is not permitted.
- (4) All new dwellings shall have a pitched roof covered with shingles, tile or an approved colored steel roofing material and have eaves of not less than 1 foot.
- (5) Height Restrictions:
 - a. No building may be more than two and one-half (2 ½) stories or thirty-five (35) feet in height.
- (6) All construction projects requiring a permit must be completed within 1 year from the issuance date of the permit. Projects not completed within the 1 year period may be subject to a fine and will be required to obtain an additional building permit.

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MULTIPLE DWELLING DISTRICT (R-2)

16.326 Purpose. This district is intended to establish an area of medium to high density residential uses.

16.327A. Permitted Uses.

- (1) Two family dwellings.
- (2) Multiple family dwellings (8 units or less).

16.327B. Conditional use/interim uses.

- (1) Multiple family dwellings (9 units or more) and dwelling groups.
- (2) Planned Development.
- (3) Public buildings and public uses.
- (4) Single-family detached dwelling

Conditional use/interim use requirements

- a. No conditional use/interim use permit shall be granted in an R-2 District, unless the Planning Commission, in addition to finding compliance by the developer with the requirements set forth in Section 16.630 (4), also finds that the following requirements have been met.
 1. The proposed use will not create an excessive burden on streets and other public facilities and utilities which serve or are proposed to serve the area.
 2. The proposed use will be sufficiently separated, by distance or screening, from adjacent residentially zoned or used property.
 3. That the structure and site of the proposed use shall have a facade appearance which will not adversely affect the values or appearance of adjacent residential homes or property.
 4. That no business or advertising signs with reference to the

proposed use shall be visible to adjacent residential dwellings.

5. That the proposed use is not conflicting with the development plan of the City.
6. That the proposed use will be designed in such a manner as not to create an unreasonable safety hazard for vehicular traffic or for pedestrians.
7. That the proposed use will include adequate open space and adequate facilities for the recreational needs of the proposed tenants or residents.
8. That the proposed use be, in the opinion of a majority of the members of the Planning Commission, reasonably related to the overall needs of the community and to the existing uses to which land is being put in the surrounding area.

16.328 Accessory Uses/Structures.

- (1) Accessory uses incidental to the principle use are allowed.
- (2) No accessory structure shall be permitted unless it occurs on the same lot as the principle use to which it is an accessory.
- (3) No accessory structure shall be located upon or permitted in any side yard required herein.

16.329 Minimum Lot Sizes. Lot area and yard requirements:

(1)	Minimum Requirements	Units	Additional Units (Over 2 units)
a.	Lot size	15,000 sq. ft.	2,000 sq. ft./unit
b.	Side Yard, each side	15 ft.	15 ft.
c.	Front Yard	25 ft.	25 ft.
d.	Rear Yard	25 ft.	25 ft.

- (2) Corner Lot. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each lot. No accessory buildings shall project beyond the front yard line of either road.

- (3) Maximum Ground Coverage.
 - a. Not more than 50% of an R-2 lot shall be covered by the principle use building and all accessory use buildings.

- (4) Maximum Building Height.
 - a. 45 feet.

- (5) General Requirements.
 - a. Applicants for building permits, conditional use/interim use permits, or variances in the R-2 district shall submit such documentation, proof, or other evidence of compliance with the reasonable requests of the zoning administrator and Planning Commission as are necessary to assure compliance by the developer with the provisions of all applicable sections of Chapter 16 of the Long Prairie City Code.

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MOBILE HOME RESIDENTIAL DISTRICT (MH)

16.330. Purpose. The Mobile Home Residential District (MH) is intended to provide for the planned development and use of mobile homes.

16.331. Permitted Uses.

- (1) Mobile Home Park development.

16.332. Conditional use/interim uses(Require a Conditional use/interim use Permit).

- (1) Mobile Home sales.
- (2) Retail and service outlets to serve the occupants of the permitted uses.

16.333. Accessory Uses.

- (1) Administrative office, recreation buildings and utilities, laundry and other uses of a supporting nature to the mobile home.
- (2) On a mobile home space, the following uses accessory to the mobile home shall be permitted:
 - a. Sheds or storage-type facility not exceeding 150 square feet in area.
 - b. Steps, utility enclosures, awnings, patio covers car cabanas, screened porches and expandable rooms.
 - c. Garages.

In no event shall there be more than one shed, storage-type facility or utility enclosure on the space. In no event shall there be more than one patio cover, cabana, screened porch or expandable room on the space. In no event shall there be more than one garage or car port on the space.

16.334. Design Requirements.

- (1) The Mobile Home Park shall have a minimum area requirement of ten (10) acres with a minimum width of three hundred (300) feet.
- (2) There shall be a maximum of six (6) mobile homes per gross acre of land within the park.

- (3) Minimum space size and setback requirements for spaces within the park:
 - a. Mobile Home Space Depth 100 feet
 - b. Mobile Home Space Width 45 feet
 - corner space (60) feet wide
 - c. Front Yard Setback 25 feet
 - d. Side yard setback for Mobile Home 10 feet
 - e. Side yard setback for accessory use 2 ½ feet
 - f. Rear yard setback for Mobile Home 10 feet
 - g. Rear yard setback for accessory use 2 ½ feet

- (4) All streets and roadways and parking areas located within the Mobile Home Park shall have hard surfaced concrete or blacktop. All streets and roadways and parking areas located within the Mobile Home Park shall have concrete curb and gutters. The minimum width for any street or roadway is 24 feet. Street grades shall be the same as those in Section 16.379 of the City Code. Off-street parking shall be provided on the formula of at least two (2) off-street parking spaces for each mobile home space. Additional off-street parking shall be provided within the park based on the formula of one (1) off-street parking space per every (4) mobile home spaces. On-street parking shall be prohibited. A maximum of ten (10) miles/hour speed limit shall be set on all streets and roadways within the Mobile Home Park.

- (5) The Mobile Home Park and each lot within the park shall be serviced by the municipal sanitary sewer system and municipal water system.

- (6) Each mobile home space shall be graded so as to prevent accumulation of storm or other waters.

- (7) Such utilities as electricity, natural gas, oil, telephone and cable TV shall be installed underground.

- (8) A twenty (20) foot buffer zone shall be provided in the Mobile Home Park in those locations where the Mobile Home Park is adjacent to residential areas and abutting a public street. Such buffer zone shall be planted with a dense combination of trees, shrubs and bushes so as to form a screen from adjacent properties. In addition to the buffer zone, there shall be planted or otherwise located, one shade tree near each mobile home space. All shade trees shall have a minimum diameter of 1 ½ inches.

- (9) All mobile home parks shall have a suitable recreation area: said recreational area shall not be less than 8% of the gross area within the Mobile Home Park.
- (10) Refuse and garbage collection shall be made at least once each week.
- (11) Each mobile home space shall be sodded in all areas not actually used for the mobile home or for patios, storage, parking or gardening. Each space shall have a bituminous or cement sidewalk from the front door to the street or off-street parking area.
- (12) Each Mobile Home Park shall have a lighting system that will adequately illuminate the streets, roadways, storage areas and separate off-street parking within the Mobile Home Park.
- (13) Advertising of the Mobile Home Park shall be limited to one sign not to exceed 32 square feet, within lighting height and location as approved by the city. A map of the Mobile Home Park shall be displayed near each entrance to the court and be illuminated during all hours of darkness.
- (14) Each Mobile Home Park shall have an office which is distinctly marked. Provisions shall be made for an adult caretaker to be on duty at the park at all times. The caretaker or operator of the Mobile Home Park shall maintain a registry of the Mobile Home Park showing:
 - a. Name and address of each resident mobile home owner and/or renter.
 - b. The make, type and license number of each mobile home and automobile.
 - c. Forwarding address of all mobile units leaving park.
 - d. Date of arrival and departure of each mobile home.
 - e. The type of accessory building located on each mobile home space and who owns it.
- (15) Each Mobile Home Park shall provide a storm shelter building capable of accommodating all the inhabitants of the Mobile Home Park.

16.335. General Provisions.

- (1) All mobile homes within the Mobile Home Park shall be provided tiedown spots which shall be utilized by each mobile home.
- (2) All structures listed as conditional use/interim uses (16.332) and accessory uses (16.333) shall require a temporary structure permit from the Planning and Zoning Commission. The temporary structure permit will use the same fee schedule as 15.105 of the City Code.
- (3) Skirting around the bottom of the mobile home are required. The construction, design and decor shall be compatible with that of the mobile home and constructed to allow access under the mobile home.
- (4) Each mobile home space shall be identified by number with digits at least three (3) inches in height which will not rust, tarnish or change color and shall be conspicuously posted.
- (5) The corners of each mobile home space shall be marked on a permanent basis with metal corner markers encased in cement.
- (6) No mobile home or accessory structure located on a mobile home space shall exceed sixteen (16) feet in height.

16.336. Application For Mobile Home Development.

- (1) The property owner shall apply to the City Administrator/Clerk on a form and such application shall include the development plan and plat plan showing the following:
 - a. Location and legal description of the park.
 - b. All streets, lights, driveways, parking areas and side-walks.
 - c. A drawing of the proposed foundation, supposed system and tie downs for individual mobile homes.
 - d. The size and arrangement of mobile home spaces and the location of all accessory buildings.
 - e. The topography by two (2) foot contour intervals and a grading plan.
 - f. Open space areas.
 - g. All gas, sewer, water, telephone and electric lines.
 - h. A typical Mobile Home space plan.
- (2) The application is subject to approval by the Planning and Zoning Commission, which may require changes in the design requirements, general provisions and/or the application standards for Mobile Home

Parks as specified in this Ordinance.

16.337. Construction.

- (1) No construction of a Mobile Home Park shall begin until the land has been rezoned to Mobile Home Park District and until the Planning and Zoning Commission approved the design drawings for the Mobile Home Park.
- (2) Prior to construction of a Mobile Home Park, the owner shall file with the City Engineer, for his approval, a detailed set of plans and specifications concerning those design features set forth in Section 16.336. The detailed construction plans and specifications shall be in accordance with the design drawings as approved by the Planning and Zoning Commission and in accordance with the design requirements of Section 16.336.
- (3) Bond. Prior to actual construction of a Mobile Home Park the owner shall file with the City, a bond or cash deposit of 100% of the cost of the improvements for landscaping, streets, street lighting, recreational areas, sewer and water for the total park development or any section thereof that is planned to be developed under the rezoning application, and as determined and set by the City Engineer for the purpose of insuring compliance by the applicant with the design drawings as approved by the Planning and Zoning Commission.
- (4) No mobile home(s) shall be located on any mobile home space within the Mobile Home Park until construction of all the mobile home spaces, parking areas, streets and roadways, landscaping and utilities have been completed and approved by the City Engineer.

16.338. Mobile Home Prior To Ordinance.

- (1) All mobile home parks established prior to the effective date of this Ordinance shall be exempt from the provisions of this Ordinance until such time as a physical change, such as reorganization, remodeling, expansion or upgrading is planned, at which time the provisions of the Ordinance shall apply to those mobile home spaces where a physical change is planned.

16.339. Payment Of Improvements.

- (1) The required improvements and costs associated with the Mobile Home Park development which are approved in This Article are to be furnished and installed at the sole expense of the developer and at no expense to the

City of Long Prairie.

- (2) All costs and expenses (legal fees, engineering fees, notices, etc.) incurred by the City shall be reimbursed by the developer regardless of final approval of the proposed Mobile Home Park development.

16.339 (2) Access To Park.

- (1) The owner of the Mobile Home District shall permit access to any and all premises and buildings in the Mobile Home Park by administrative officers and enforcement officials at any time in performance of their duties.

16.339 (3) Violations.

- (1) Violations of This Article shall be a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$500.00 and/or imprisonment for a period not to exceed ninety days for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

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COMMERCIAL DISTRICT (C-1)

16.340. Purpose. The Commercial District (C-1) is intended to provide a high density shopping, business and service environment for the citizens of Long Prairie.

16.341. Permitted Uses.

- (1) Automobile accessory stores.
- (2) Bakery goods sales and baking of goods for retail sale on premises.
- (3) Banks and savings and loan associations.
- (4) Barber shops and beauty shops.
- (5) Office supply store.
- (6) Business and professional offices.
- (7) Restaurants and cafes.
- (8) Drug stores.
- (9) Dry cleaning and laundry and Laundromats.
- (10) Electrical and household appliance stores.
- (11) Shoe repair shops.
- (12) Department stores.
- (13) Grocery stores.
- (14) Hardware stores and plumbing sales stores.
- (15) Post office.
- (16) Municipal buildings where the use conducted is office oriented.
- (17) Radio studios.
- (18) Historical buildings and museums.

- (19) Library.
- (20) Liquor stores and taverns.
- (21) Hotels.
- (22) Interior decorating and paint stores.
- (23) Jewelry sales and repair stores.
- (24) Theaters.
- (25) Clothing stores and fabric shops.
- (26) Catalog stores and variety stores.
- (27) Art galleries and studios
- (28) Residential units of two or less provided the units do not change the original use of the property/building.
- (29) Computer sales and computer related product stores
- (30) Other businesses of a similar nature and use.

16.342. Conditional use/interim uses (Require A Conditional use/interim use Permit).

- (1) Armories and convention halls.
- (2) Night clubs.
- (3) Radio towers.
- (4) Nursing homes, rest homes, retirement homes.
- (5) Indoor recreation facilities (non-profit).
- (6) Churches.
- (7) Meat locker shops.
- (8) Veterinary clinic

- (9) Open sales, storage lots or storage facilities.
- (10) Lumber yards.
- (11) Multiple dwellings of three or more units.
- (12) Private clubs or lodges.
- (13) Mortuary.
- (14) Printing shops
- (15) Light industrial permitted uses (see Light Industrial District) may be allowed providing they are compatible to the surrounding area and do not cause problems with vehicle traffic, noise, material storage or odors.

16.343. Accessory Uses.

- (1) Incidental to the principal use.

16.344. Lot Area, Width, Height, And Yard Requirement.

- (1) Minimum Requirements:
 - a. Lot Area 10,000 sq. ft.
 - b. Lot Width 75 ft.
 - c. Front Yard None
 - d. Rear Yard 30 ft.
 - e. Side Yard None
- (2) There shall be a required setback from the C-1 District boundaries when such district boundaries are adjacent to a residential zone. Such setback shall be the same as required on the residential lot line.
- (3) In such cases where a side yard is not required but provided, there shall be a minimum interior side yard of five (5) feet, provided that such structure contains a solid, fire-proof wall; in such case where the structure contains windows and/or doors on the interior building side yard, a setback equal to one-half (½) the height of the structure shall be required.
- (4) Height Restrictions
 - a. In the Commercial District (C-1), no building hereafter erected or

structurally altered shall exceed three stories or 40 feet in height.

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HIGHWAY COMMERCIAL DISTRICT (C-2)

16.350. Purpose. The Highway Commercial District (C-2) is intended to provide a district to promote the development of uses which require large concentrations of automobile traffic.

16.351. Permitted Uses:

- (1) Any use permitted in the C-1 District.
- (2) Amusement and recreation establishments such as commercial bowling alleys and skating rinks.
- (3) Catering establishment.
- (4) Electrical and household appliance stores, including radio, television sales and services.
- (5) Automobile service stations.
- (6) Automotive car wash establishments.
- (7) Motels.
- (8) Travel trailers, marine, motor homes, and other recreational sales and service.
- (9) Carpet sales.
- (10) Sporting and camping goods stores.
- (11) Implement sales and service.
- (12) Mortuaries.
- (13) Auto Sales.
- (14) Nursery or green house
- (15) Truck stops and convenience stores.

16.352. Conditional use/interim uses (Require A Conditional use/interim use Permit).

- (1) Conditional use/interim uses as permitted in the C-1 Commercial District.
- (2) Wholesale or warehousing, if contained within an enclosed building.
- (3) Auto repair shop; blacksmith shop.
- (4) Construction equipment and truck storage.
- (5) Transportation vehicle storage garages.
- (6) Drive-in theater.

16.353. Accessory Uses.

- (1) Any accessory use permitted in the C-1 District.
- (2) Uses incidental to the principal uses are allowed.

16.354. Lot Area, Width, And Yard Requirements.

- (1) Minimum Requirements:
 - (a) Lot area 15,000 sq. ft.
 - (b) Lot Width 100 ft.
 - (c) Front Yard 30 ft.
 - (d) Rear Yard 30 ft.
 - (e) Side Yard 10 ft.
- (2) Height:
 - (a) Three stories or 40 feet.
- (3) Wherever a lot abuts a street or road such lot shall have a front yard setback on each road or highway side of such lot.
- (4) Primary structures constructed on lots smaller than specified in 16.354 (1) will require a variance.

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LIGHT INDUSTRIAL DISTRICT (I-1)

16.360. Purpose. The Light Industrial District (I-1) is intended to provide a district of light industrial activity and intensity that will be compatible with the surrounding residential and commercial districts.
(No prior Ordinance)

16.361. Permitted Uses.

- (1) Metal fabrication.
- (2) Machine shops.
- (3) Warehousing and wholesale operations.
- (4) Truck and freight terminals.
- (5) Truck sales.
- (6) Auto repairs.
- (7) Farm and various equipment sales.
- (8) Tire shop; plumbing supply shop.
- (9) Wholesale or distributor, storage and distribution of supplies, equipment, and goods not including bulk petroleum, gasoline, or explosives or other flammable materials in above ground tanks.
- (10) Electronics assembly and testing.

16.362. Conditional use/interim uses (Require a Conditional use/interim use Permit).

- (1) Conditional use/interim uses as permitted in the Highway Commercial District (C-2).
- (2) Cement product manufacturing and production of ready-mix cement.
- (3) Commercial stock yard and auction market.
- (4) Meat processing.
- (5) Slaughter of animals.

- (6) Sexually oriented businesses.

16.363. Lot Area, Width, And Yard Requirements.

- (1) Minimum Requirements:

- a. Lot Area 30,000 sq. ft.
- b. Lot Width 150 ft.
- c. Front Yard 50 ft.
- d. Rear Yard 40 ft.
- e. Rear Yard Adjacent to Residential District 75 ft.
- f. Side Yard 25 ft.

- (2) Building Coverage:

- a. The maximum coverage of a lot by a building shall not exceed fifty (50) per cent.

- (3) Height Requirement:

- a. The maximum height of any building shall not exceed three stories or forty (40) feet.

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GENERAL INDUSTRIAL DISTRICT (I-2)

16.370. Purpose. The General Industrial District (I-2) is intended to provide a district that will allow compact, highway-oriented industry at standards that will be compatible with surrounding and abutting districts.

16.371. Permitted Uses.

- (1) Any use permitted in the I-1 district.
- (2) Alcohol manufacturing and bottling establishments.
- (3) Glass manufacture.
- (4) Lumber yards.
- (5) Printing Plants.
- (6) Food processing
- (7) Governmental training facility

16.372. Conditional use/interim uses (Require a Conditional use/interim use Permit).

- (1) Any conditional use/interim uses permitted in the I-1 district.
- (2) Other industrial uses determined by the planning commission to be of the same general character as the principal uses previously listed and found not to be detrimental to the general public health and welfare.

16.373. Accessory Uses.

(Reserved for future consideration)

16.374. Lot Area, Width and Yard Requirements.

- (1) Minimum Requirements:
 - a. Lot Area 1 acre
 - b. Lot Width 150 ft.
 - c. Front Yard 25 ft.
 - d. Rear Yard 25 ft.
 - e. Rear Yard Adjacent to

- Residential District 50 ft.
- f. Side Yard 25 ft.
- g. Side Yard Adjacent to Residential District 50 ft.

(2) Building Coverage:

- a. The maximum coverage shall not exceed fifty (50) percent.

(3) Height Requirements:

- a. The maximum height of any building shall not exceed three stories or forty (40) feet.

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HEAVY INDUSTRIAL DISTRICT (I-3)

16.380. Purpose. The Heavy Industrial District (I-3) is intended to provide an area where heavy, intensive land use uses may locate with minimal to adjacent land uses.

16.381. Permitted Uses.

- (1) Any use permitted in the I-1 and I-2 districts.
- (2) Dairy product processing.
- (3) Animal and poultry slaughter and processing.

16.382. Conditional use/interim uses (Require a Conditional use/interim use Permit).

- (1) Conditional use/interim uses permitted in the I-1 and I-2 districts.
- (2) Other industrial uses determined by the Planning Commission to be of the same general character as the principal uses previously listed and not detrimental to the general public health and welfare.
- (3) Ethanol processing plants

16.383. Accessory Uses.

(Reserved for future consideration)

16.384. Lot Area, Width, And Yard Requirements.

- (1) Minimum Requirements:
 - a. Lot Area 5 acres
 - b. Lot Width 500 feet
 - c. Front Yard 100 feet
 - d. Rear Yard 75 feet
 - e. Rear Yard Adjacent to Residential Districts 100 feet
 - f. Side Yard 50 feet
 - g. Corner Lot Adjacent to Residential District 100 feet
- (2) Height Requirements:

- a. The maximum height of any building shall not exceed three stories or forty (40) feet.

(3) Building Coverage

- a. The maximum coverage of a lot by buildings shall not exceed fifty (50) percent.

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MN Floodplain Management Ordinance
Three Districts - One-Map Format

TABLE OF CONTENTS

STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- 16.3910 Statutory Authorization
- 16.3911 Findings of Fact
- 16.3912 Statement of Purpose

GENERAL PROVISIONS

- 16.3913 Lands to Which Ordinance Applies
- 16.3914 Establishment of Official Zoning Map
- 16.3915 Regulatory Flood Protection Elevation
- 16.3916 Interpretation
- 16.3917 Abrogation and Greater Restrictions
- 16.3918 Warning and Disclaimer of Liability
- 16.3919 Severability
- 16.3920 Definitions
- 16.3921 Annexations

ESTABLISHMENT OF ZONING DISTRICTS

- 16.3922 Districts
- 16.3923 Compliance

FLOODWAY DISTRICT (FW)

- 16.3924 Permitted Uses
- 16.3925 Standards for Floodway Permitted Uses
- 16.3926 Conditional Uses
- 16.3927 Standards for Floodway Conditional Uses

FLOOD FRINGE DISTRICT (FF)

- 16.3928 Permitted Uses
- 16.3929 Standards for Flood Fringe Permitted Uses
- 16.3930 Conditional Uses
- 16.3931 Standards for Flood Fringe Conditional Uses
- 16.3932 Storage of Materials and Equipment
- 16.3933 Standards for All Flood Fringe Uses

GENERAL FLOOD PLAIN DISTRICT

- 16.3934 Permissible Uses
- 16.3935 Procedures for Floodway and Flood Fringe Determinations

SUBDIVISIONS

- 16.3936 Land Suitability Review Criteria
- 16.3937 Requirements for Floodway/Flood Fringe Determinations
- 16.3938 Removal of Special Flood Hazard Area Designation

UTILITIES, RAILROADS, ROADS, AND BRIDGES

- 16.3939 Public Utilities
- 16.3940 Public Transportation Facilities
- 16.3941 On-site Sewage Treatment and Water Supply Systems

MANUFACTURED HOMES/TRAVEL TRAILERS AND TRAVEL VEHICLES

- 16.3942 New Manufactured Home Parks
- 16.3943 Replacement Manufactured Homes- Existing Parks
- 16.3944 Recreational Vehicles

ADMINISTRATION

- 16.3945 Zoning Administrator
- 16.3946 Permits, Certification Requirements and Record Keeping
- 16.3947 Appeals and Variances/Duties of the Board of Adjustment
- 16.3948 Conditional Uses-Standards and Evaluation Procedures

- 16.3949 NONCONFORMING USES

- 16.3950 PENALTIES FOR VIOLATION

- 16.3952 AMENDMENTS

**FLOOD PLAIN MANAGEMENT ORDINANCE
THREE DISTRICT - ONE-MAP FORMAT¹**

¹*A Flood Insurance Rate Map has been published for the community and the Regulatory Floodway boundary is shown on this map. A separate Flood Boundary and Floodway Map has not been published.*

STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

16.3910 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Long Prairie, Minnesota does ordain as follows:

16.3911 Findings of Fact:

- (1) The flood hazard areas of the City of Long Prairie, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
- (3) National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 - 78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

16.3912 Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 16.3911(1) by provisions contained herein.

GENERAL PROVISIONS

16.3913 Lands to Which Ordinance Applies: This Ordinance shall apply to all lands within the jurisdiction of the City of Long Prairie, Minnesota shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.

16.3914 Establishment of Official Zoning Map: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study, Todd County, Minnesota and Incorporated Areas; Flood Insurance Rate Map panels therein numbered 27153C0432D, 27153C0451D and 27153C0452D; and the Flood Insurance Rate Map Index (Map Number 27153CIND2A), all documents being dated February 4, 2011 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the Zoning Administrator.

16.3915 Regulatory Flood Protection Elevation: The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

16.3916 Interpretation:

- (1) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (2) The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

16.3917 Abrogation and Greater Restrictions: It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

16.3918 Warning and Disclaimer of Liability: This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Long Prairie or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

16.3919 Severability: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

16.3920 Definitions: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

- (1) Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (2) Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- (3) Conditional Use - means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
 - a. Certain conditions as detailed in the zoning ordinance exist.
 - b. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- (4) Equal Degree of Encroachment - a method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- (5) Flood - a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- (6) Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

- (7) Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Todd County, Minnesota and Incorporated Areas.
- (8) Flood Plain - the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- (9) Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- (10) Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- (11) Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
- (12) Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- (13) Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- (14) Principal Use or Structure - means all uses or structures that are not accessory uses or structures.
- (15) Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

- (16) 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 towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.
- (17) Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- (18) Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- (19) Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 16.3944(1) of this Ordinance and other similar items.
- (20) Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (21) Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions.

- b. Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1.

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

16.3921 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 16.3914 above may include floodplain areas that lie outside of the corporate boundaries of the City of Long Prairie at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Long Prairie after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City of Long Prairie.

ESTABLISHMENT OF ZONING DISTRICTS

16.3922 Districts:

- (1) Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 16.3914.
- (2) Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in Section 16.3914 as being within Zones AE but being located outside of the floodway.
- (3) General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A without a floodway on the Flood Insurance Rate Map adopted in Section 16.3914.

16.3923 Compliance: No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Sections 16.3924-16.3935 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- (1) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Sections 16.3942-16.3944
- (2) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 16.3949.
- (3) As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Sections 16.3945-16.3948 of this Ordinance.

FLOODWAY DISTRICT (FW)

16.3924 Permitted Uses:

- (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- (2) Industrial-commercial loading areas, parking areas, and airport landing strips.
- (3) Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
- (4) Residential lawns, gardens, parking areas, and play areas.

16.3925 Standards for Floodway Permitted Uses:

- (1) The use shall have a low flood damage potential.

- (2) The use shall be permissible in the underlying zoning district if one exists.
- (3) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

16.3926 Conditional Uses:

- (1) Structures accessory to the uses listed in 16.3924 above and the uses listed in 16.3926(2) – 16.3926(8) below.
- (2) Extraction and storage of sand, gravel, and other materials.
- (3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
- (4) Railroads, streets, bridges, utility transmission lines, and pipelines.
- (5) Storage yards for equipment, machinery, or materials.
- (6) Placement of fill or construction of fences.
- (7) Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 16.3944 of this Ordinance.
- (8) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

16.3927 Standards for Floodway Conditional Uses:

- (1) All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
- (2) All floodway conditional uses shall be subject to the procedures and standards contained in Section 16.3948 of this Ordinance.

- (3) The conditional use shall be permissible in the underlying zoning district if one exists.
- (4) Fill:
 - a. Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - c. As an alternative, and consistent with Subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.
- (5) Accessory Structures:
 - a. Accessory structures shall not be designed for human habitation.
 - b. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - 1. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - 2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - c. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood

proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

1. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
2. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
3. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(6) Storage of Materials and Equipment:

- a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

(7) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

- (8) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

FLOOD FRINGE DISTRICT (FF)

16.3928 Permitted Uses: Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Section 16.3929 and the "Standards for all Flood Fringe Uses" listed in Section 16.3933.

16.3929 Standards for Flood Fringe Permitted Uses:

- (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
- (2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 16.3927(5)c.
- (3) The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 16.3929(1) of this ordinance.
- (4) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- (5) The provisions of Section 16.3933 of this Ordinance shall apply.

16.3930 Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with Section 16.3929(1) – 16.3929(2) and or any use of land that does not comply with the standards in Section 16.3929(3) - 16.3929(4) shall only be allowable as a conditional

use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Sections 16.3931 - 16.3933 of this Ordinance.

16.3931 Standards for Flood Fringe Conditional Uses:

- (1) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:
 - 1) the enclosed area is above-grade on at least one side of the structure;
 - 2) it is designed to internally flood and is constructed with flood resistant materials; and
 - 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - a. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - b. Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 1. A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they

permit the automatic entry and exit of flood waters without any form of human intervention; and

2. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
- (2) Basements, as defined by Section 16.3920(2) of this Ordinance, shall be subject to the following:
 - a. Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 - b. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Section 16.3931(3) of this Ordinance.
 - (3) All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
 - (4) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

16.3932 Storage of Materials and Equipment:

- (1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
- (3) The provisions of Section 16.3933 of this Ordinance shall also apply.

16.3933 Standards for All Flood Fringe Uses:

- (1) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- (2) Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
- (3) Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 16.3933(2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- (4) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain

structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

- (5) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- (6) Standards for recreational vehicles are contained in Section 16.3944.
- (7) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

GENERAL FLOOD PLAIN DISTRICT

16.3934 Permissible Uses:

- (1) The uses listed in Section 16.3924 of this Ordinance shall be permitted uses.
- (2) All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 16.3935 below. Section 16.3924-16.3927 shall apply if the proposed use is in the Floodway District and Section 16.3928-16.3933 shall apply if the proposed use is in the Flood Fringe District.

16.3935 Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District:

- (1) Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.

- a. A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - b. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
 - c. Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
 - d. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
- (2) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
- a. Estimate the peak discharge of the regional flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- (3) The Zoning Administrator shall present the technical evaluation and

findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Sections 16.3924-16.3933 of this Ordinance.

SUBDIVISIONS²

16.3936 Review Criteria: No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

16.3937 Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in Section 16.3935 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

16.3938 Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

16.3939 Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

16.3940 Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 16.3924-16.3933 of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

16.3941 On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.

16.3942 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 7.0 of this Ordinance.

16.3943 The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 16.3928-16.3933 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 16.3933(1) then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.

- (1) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

16.3944 Recreational vehicles that do not meet the exemption criteria specified in Section 16.3944(1) below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 16.3944(3)-16.3944(4) below.

- (1) Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 16.3944(2) below and further they meet the following criteria:
 - a. Have current licenses required for highway use.
 - b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - c. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- (2) Areas Exempted For Placement of Recreational Vehicles:
 - a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks or campgrounds.
 - c. Existing condominium type associations.
- (3) Recreational vehicles exempted in Section 16.3944(1) lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 16.3924-16.3933 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
- (4) New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
 - a. Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the

site exists in accordance with Section 16.3933(1) of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

- b. All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 10.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 16.3944(1) (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 16.3941 of this Ordinance.

ADMINISTRATION

16.3945 Zoning Administrator: A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 16.3950 - 16.3951 of the Ordinance.

16.3946 Permit Requirements:

- (1) Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- (2) Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning

Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

- (3) State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
- (4) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- (5) Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 16.3950-16.3951 of this Ordinance.
- (6) Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
- (7) Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

- (8) Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- (9) Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

16.3947 Board of Adjustment:

- (1) Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
- (2) Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.
- (3) Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Ordinance, any other zoning regulations in the Community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency

Management Agency must be satisfied:

- a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.
- (5) Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within 30 days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Section 16.3948(6), which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance punishable under Section 16.3950-16.3951. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

- (6) Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.
- (7) Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

16.3948 Conditional Uses. The Planning and Zoning Commission/City Council shall hear and decide applications for conditional uses permissible under this Ordinance. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning and Zoning Commission for consideration.

- (1) Hearings. Upon filing with the Zoning Administrator an application for a conditional use permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.
- (2) Decisions. The Planning and Zoning Commission/City Council shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the Planning and Zoning Commission/City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in Section 16.3948(6) , which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Section 16.3950-16.3951. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- (3) Procedures to be followed by the Planning and Zoning Commission/City Council in Passing on Conditional Use Permit Applications Within all Flood Plain Districts.

- a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning and Zoning Commission/City Council for determining the suitability of the particular site for the proposed use:
 1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
 2. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - b. Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
 - c. Based upon the technical evaluation of the designated engineer or expert, the Planning and Zoning Commission/City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- (4) Factors Upon Which the Decision of the Planning and Zoning Commission/City Council Shall Be Based. In passing upon conditional use applications, the Planning and Zoning Commission/City Council shall consider all relevant factors specified in other sections of this Ordinance, and:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.

- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - l. Such other factors which are relevant to the purposes of this Ordinance.
- (5) Time for Acting on Application. The Planning and Zoning Commission/City Council shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to 16.3948(3) of this Ordinance. The Planning and Zoning Commission/City Council shall render a written decision within 60 days from the receipt of such additional information.
- (6) Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Planning and Zoning Commission/City Council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not

limited to, the following:

- a. Modification of waste treatment and water supply facilities.
- b. Limitations on period of use, occupancy, and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- e. Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

NONCONFORMING USES

16.3949 A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 16.3920(21)b of this Ordinance, shall be subject to the provisions of Sections 16.3949(1) – 16.3949(6) of this Ordinance.

- (1) No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
- (2) Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 16.3949(3) and 16.3949(6) below.
- (3) The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all

manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 16.3924 – 16.3927 or 16.3928-16.3933 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

- (4) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
- (5) If any nonconforming use or structure is substantially damaged, as defined in Section 16.3920(20) of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 16.3924-16.3927, 16.3928-16.3933 or 16.3934 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
- (6) If a substantial improvement occurs, as defined in Section 16.3920(21) of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Section 16.3924-16.3927 or 16.3928-16.3933 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

PENALTIES FOR VIOLATION

16.3950 Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

16.3951 Nothing herein contained shall prevent the City of Long Prairie from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

- (1) In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of

enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

- (2) When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
- (3) The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.
- (4) If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

AMENDMENTS

16.3952 The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by

the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

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GENERAL REQUIREMENTS

NON-CONFORMING USES

16.501. Non-Conforming Land. A lawful, non-conforming use of land existing at the date of enactment of this article may be continued, but if discontinued for a period of 12 consecutive calendar months, it shall not thereafter be resumed; and any future use of land shall be in conformity with all provisions hereof. The use of land, if changed, from a non-conforming use, shall be in conformity with the provisions of the specific district.

16.502. Structure And Non-Conforming Structure, Uses Thereof.

- (1) A lawful, non-conforming use of a structure, existing at the date of the enactment of this article, may be continued and such use may be extended throughout the building or changed to another non-conforming use permitted in the same district, provided no structural alterations, except those required by law and no additions or enlargements are made to such building.
- (2) Except in mobile home district, the use of a structure, otherwise permitted under this article, shall not be permitted or allowed when the structure in which the use is to be conducted is a mobile home, as that term is defined in Section 16.250 (24) herein.
- (3) Pole type structures will be allowed in Commercial and Industrial Districts, however, such structures will be limited to accessory uses only. No pole type structure will be allowed in Residential, Agricultural, Mobile Home or Multiple Dwelling districts. Any pole type structure allowed under this section shall have colored metal or wood siding, mounted on center poles no further than six (6) feet apart.

16.503. Restoration Of Structures. When a non-conforming structure is destroyed or damaged by fire, wind, flood, explosion or other casualty to an extent exceeding one-half (50%) or its original value or when a structure is destroyed or damaged to such an extent that its total demolition is required by existing or hereinafter adopted law or ordinance or is required to protect the public health and safety, any future structure or use shall conform to the provisions of the specific district.

- (1) No additions may be made to a non-conforming structure.

16.504. District Changes The provision of this section shall apply to any use that may become non-conforming due to a change in the classification of the district in which it is located as a result of rezoning from the effective date of the ordinance making such changes.

16.505. Conditional use/interim uses. Any use which is permitted in a district only as a conditional use/interim use shall, upon its establishment, be considered a conforming use in that district, but subject to any conditions of a conditional permit for such use.

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SIGNS

16.510 General Sign Provisions. The following general provisions are applicable to all signs. It shall be unlawful for any person to erect, alter, replace, or relocate any sign or other advertising structure without first obtaining a permit and paying the required fees, except as herein otherwise provided.

16.511 Exempted Signs.

- (1) Informational signs not exceeding two (2) sq. ft. in area such as rest rooms, waste receptacles, addresses, doorbells, mailboxes, or building entrances.
- (2) Memorial plaques, corner stones and historical tablets.
- (3) Public signs, street signs, warning signs, railroad crossing signs and signs of public service companies for the purpose of safety.
- (4) Temporary political campaign signs.
- (5) Temporary real estate signs pertaining only to the sale, rental, or development of the premises upon which it is displayed.
- (6) Temporary construction signs designating the architects, lending institutions, engineers, or contractors when placed on a site where a building is to be constructed.
- (7) Temporary window signs such as sale items, going out of business, moving, etc.
- (8) Temporary garage sale, rummage sale and auction sale signs.
- (9) Signs displaying the name of the owner or occupant of residential housing units.
- (10) Temporary signs indicating an industrial park or subdivision development not exceeding 32 sq. ft. in surface area and 15 feet in height, as measured above ground level. A minimum setback of 25 feet from all property lines of the property on which the sign is located shall be maintained.

16.512 Illuminated Signs.

- (1) There shall be no exterior signs having blinking or flashing lights or which

change in brightness or color.

- (2) Electronic variable message signs are permitted which provide public service information or advertise activities conducted on the premises on which the sign is located.
 - a. Electronic variable message sign are defined as those whose message may be changed at reasonable intervals by electronic process or remote control and whose only movement is the periodic changing of information against a solid background engineered for maximum legibility and readability and having a constant light level and glare-reducing screens.
- (3) Exterior indirect lighting shall be allowed providing no beam of the light shall shine onto traffic or any structure other than the sign itself.

16.513 Sign Height and Width.

- (1) Ground signs shall not exceed the following height above street grade:

Square Footage of Sign_____Maximum Height Permitted.

40 square feet or less	15 feet
41 through 80 square feet	20 feet
Over 80 square feet	25 feet

- (2) Any ground sign within 25 feet of any intersection of a street right of way line and a driveway entrance shall have a minimum vertical clearance of ten (10) feet above the center line of the street pavement.
- (3) Wall signs shall not extend more than nine (9) feet from the building. However, in no event may a sign extend within one (1) foot of the curb line. Wall signs must be at least eight (8) feet above the sidewalk or ground level. Wall signs shall not extend more than two (2) feet above the wall to which attached. If no other sign arrangement is practical, the Planning and Zoning Commission by way of a variance may approve wall signs exceeding these limitations.
- (4) Roof mounted signs shall not project any higher than 2' above the roof. If no other sign arrangement is practical, the Planning and Zoning Commission by way of a variance may approve roof mounted signs exceeding the 2' limitation.

- (5) Murals painted or applied to a building require a sign permit and an artist's conception of the painting.

16.514 Prohibited Signs.

- (1) No private signs shall be attached to trees or utility poles.
- (2) Signs shall not be painted directly on any exterior building surface with the exception of windows..
- (3) All other signs not expressly permitted by this Chapter.

16.515 Maintenance and Removal Of Signs.

- (1) All signs shall be maintained by the owner in a safe condition. A sign shall be repainted whenever its paint begins to fade, chip or discolor. A sign permit is not required for repainting of a conforming sign provided that the message on the sign is not altered.
- (2) Nonconforming signs, both on and off premise signs, shall be allowed to continue, but shall not be built, relocated, replaced, repainted or altered without being brought into compliance with all the requirements of this Chapter.
- (3) On and off premise signs shall be removed from the building and/or property within 30 days after the use is terminated. Cables and hardware supporting extended signs must also be removed within the 30 day requirement.

16.516 On-Premises District Sign Provisions.

Residential Districts

- (1) No billboards or signs shall be erected in the residential districts except as outlined in section Exempted Signs 3,4,5,6,8,9 and in instances where a conditional use/interim use permit has been granted for property within a residential district. In cases where a conditional use/interim use permit is granted the Planning and Zoning Commission will decide the use and placement of any signage.
- (2) No sign shall be greater then eight (8) square feet.

Commercial and Industrial Districts

- (1) The total of the area of all signs measured in square feet shall be no greater than two times the number of lineal feet of each street frontage of each zoning lot. The gross surface of all illuminated signs shall not exceed the lineal feet of frontage of such zoning lot. The total allowable sign area shall be reduced by 10 percent for each sign in excess of 4 signs per street frontage. Signs exceeding these standards will require a variance by the Planning and Zoning Commission.

16.517 Off Site Signs.

- (1) Off site advertising shall be permitted only as conditional use/interim uses. Off site signs shall not be spaced closer than three hundred (300) feet to any other advertising sign on the same side by the road except back to back.

16.517a Sandwich Board Signs

- (1) Sandwich Board Signs are permitted, subject to the following regulations:
 - a. Sandwich Board Signs are self-supporting A-shaped freestanding temporary signs with only two visible sides that are situated near a business, typically on a sidewalk, that contains commercial speech.
 - b. The maximum area shall be twelve (12) square feet per side of sign with the maximum height being 48 inches and the maximum width of 36 inches at the base and sides.
 - c. Sandwich Board Signs shall not be placed to cause the width of the sidewalk to be reduced below five (5) feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape. Sandwich Board Signs shall not block driveways, entryways, or pedestrian accesses, do not significantly occlude the sidewalk and/or do not impact sightlines/view at street intersections.
 - d. A temporary sign permit is required prior to the installation of the sign. Only one sandwich board sign per business per street frontage shall be permitted. Signage shall be located in front of or adjacent to the building that contains the business that is being

advertised. An off-site exception will be granted for special events sponsored by businesses. A business must have written authorization from another business and its property owner, for its sign to be located directly in front of or adjacent to said other business property. A maximum of two sandwich board signs per event may be placed, in order to advertise special events. Apart from the location, the signs must otherwise be in conformance with this ordinance.

- e. The sign shall only be placed outdoors during business hours and not left outdoors overnight. If the signs are left out more than three (3) times in a calendar year, the City reserves the right to revoke the permit. Permits are valid for one calendar year beginning January 1, and ending December 31 and such permit is not transferable.
- f. A sketch including dimensions, content, materials, and location of the sandwich board sign must be attached to the permit application along with a certificate of general liability insurance naming the City as an added insured. The permit application must be approved by the City staff before the sandwich board sign may be displayed. If a sign is displayed prior to obtaining a sandwich board sign permit, application may be denied.
- g. Sandwich board signs shall not require any form of electricity or display lights, nor have moving parts, or have balloons, streamers, pennants, or similar adornment attached to them. Attaching sandwich board signs to structures, poles, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited. They shall be removed from public sidewalks if there is any snow accumulation (the sign may not be displayed until the snow is removed) except those located on private property. Signs shall only be displayed during business operating hours.
- h. Sandwich board signs shall not be placed on any vehicle.
- i. Sandwich board signs placed in violation of this section will result in immediate removal of the sign and the business' temporary sign permit privileges will be denied for the remainder of that year. Sandwich board signs displayed without approved permits shall be disposed of at the owner's expense.

- j. Sandwich board signs within the public right-of-way may be moved/removed by the City for municipal purposes (i.e. code enforcement, snow removal, traffic issues, maintenance, etc.).
- k. A non-profit organization may place up to a maximum of 2 sandwich board signs upon a sidewalk or boulevard advertising a charitable event. The signs may be placed up to 12 blocks from the site of the event. Apart from the location, the signs must otherwise be in conformance with this ordinance.

16.518 Awnings, Canopies or Marquees

Awnings, canopies or marquees shall not extend more than nine (9) feet from the building. However, in no event may an awning, canopy or marquee extend within one (1) foot of the curb line. Awnings, canopies or marquees must be at least eight (8) feet above the sidewalk or ground level. Awnings, canopies or marquees shall be considered as part of the wall area and thus shall not warrant additional sign area.

The owner of the property on which an awning, canopy or marquee is attached shall be responsible for their structural safety and shall hold the city harmless from liability for such awnings, canopy or marquee.

Existing awnings, canopies or marquees which are not in conformance as of the effective date of this ordinance shall be permitted; provided, the awning, canopy or marquee shall be brought into compliance with this ordinance at the time of any repair or replacement affecting 50% of the existing awning, canopy or marquee.

16.519 Enforcement.

- (1) The determination of whether or not a sign is in violation of this ordinance shall be made by the Long Prairie Planning and Zoning Commission. The Planning and Zoning Commission shall notify the party by mail of the violation and the time period in which to correct it.
- (2) Any violations of sections 16.510 to 16.517 are deemed to be a petty misdemeanor punishable up to a \$200.00 fine. A person who violates these sections is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.
- (3) In the event a sign is not brought into compliance after enforcement

actions as outlined in section 16.518 (1) and (2) the city may have the sign removed after giving 10 day notice to the owner of the property of the city's intent to remove the sign. The city shall bill the owner of the property for the cost of the sign removal and if unpaid, it will be made a special assessment against the property. Any sign removed by the city may be disposed of after 30 days from removal.

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PARKING AND LOADING SPACE

16.520. Parking and Loading Requirements. Off-street automobile parking shall be provided on any commercial, industrial and residential lot on which any new structures are hereafter established in conformance with said district's requirements. The parking area shall be provided with vehicular access to a street, alley or roadway and shall be required with such use and shall not be reduced or encroached upon in any manner.

Off-street required automobile parking space shall not be utilized for open storage or for the storage of vehicles which are inoperable or for sale or for rent.

If, in the application of these provisions, a fractional number is obtained, one parking space shall be provided for that fraction. Each space required constitutes a cross area of 300 square feet.

16.521. Standards.

(1) Residential.

- a. Two (2) off-street spaces for each family unit.

(2) Commercial.

- a. Hotels and Motels: one and one-half (1 ½) parking spaces for each rental unit. Additional parking will be required if a restaurant, café, bar, tavern, or night club is attached to the hotel or motel.
- b. Theaters, Stadiums, Auditoriums: one off-street parking space for every three seats, plus one (1) space for each employee on maximum shift.
- c. Medical and Dental Clinic: Four (4) client spaces for each doctor or dentist plus one (1) space for each employee on maximum shift.
- d. Business Offices: One space for each 250 square feet of gross floor space plus one (1) space for each employee on maximum shift.
- e. Automobile Service Stations: Four (4) off-street spaces plus 2 off-street spaces for each service stall plus one (1) space for each employee on maximum shift.
- f. Restaurants, Cafes, Bars, Taverns and Night Clubs: One parking space for each three (3) seats based on design capacity plus one (1) space for each employee on maximum shift.

- g. Retail stores: One (1) off street parking space for each two hundred fifty (250) square feet of customer accessible floor space plus one (1) space for each employee on maximum shift.
 - h. Churches, synagogues, and other places of worship: Based on maximum occupancy, one parking space for every four people.
- (3) Industrial: one space for each employee on maximum shift or one for each 2000 square feet of gross floor area, whichever is the larger.
 - (4) Uses Not Specifically Noted: Determined by the City Council following review by the Planning Commission.
 - (5) Screening of Parking Areas. Off-street parking areas, whether public or private, for six (6) or more vehicles shall be screened by a fence, wall or evergreen plant materials if the parking area is visible from adjoining residential or public assembly areas or if visible from such areas which are located across a public roadway.
 - (6) Multiple Dwelling District.
 - a. Two and one-half (2 ½) spaces for each family units.

16.522. Loading. All required loading berths shall be off-street and shall be located on the same lot as the building to be served. Loading berths shall not occupy the required front yard space.

Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, or inoperable vehicles, or be included as a part of the space requirements necessary to meet the off-street parking area.

All loading berths and accessways shall be improved with a durable material to control the dust and drainage.

Unless otherwise specified, a required loading berth shall be not less than 15 feet wide, 50 feet in length, and 14 feet in height, exclusive of risk and maneuvering space.

16.523. Required Loading Spaces.

- (1) Retail sales, service stores, and offices: one loading berth for each 6,000 square feet of floor area.
- (2) Manufacturing, fabrication, processing, and warehousing: one loading berth for each building having 3,000 square feet of floor area, plus one loading berth for each additional 25,000 square feet of floor area up to

100,000

- (3) Uses not specifically noted: determined by the city council following review by the planning commission.

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FENCING

16.524. Fencing.

- (1) Fences shall not exceed six (6) feet in height in residential districts or eight and one half (8 ½) feet in height in commercial-industrial districts. Fences higher than these will require a variance. Chain link fences used for the enclosure of tennis courts and ball fields may exceed six (6) feet without the need of a variance. Swimming pools of a permanent nature must be enclosed by a fence of at least five (5) feet in height.
- (2) No fence shall be permitted on a public right-of-way or boulevard area without city council approval.
- (3) The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- (4) No fence shall be erected on a corner lot that will impede the clear view of an intersection by approaching traffic.
- (5) Any fence or hedging within the front yard setback shall be no more than 30" in height. Wherever a lot abuts a street or road such lot shall have a front yard setback on each road or highway side of such lot.
- (6) Acceptable fencing materials shall consist of treated wood, ornamental iron, chain link, vinyl or brick. These fencing material requirements do not apply to agriculturally zoned land.

16.525 Non-Conforming Fencing. Fences existing on the effective date of this article which do not conform to the regulations set forth in this article shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the fence. Uses of fences which become non-conforming by reason of subsequent change in this article shall also be discontinued with a reasonable period of amortization of the fence.

- (1) The period of amortization for fences shall be five (5) years from the effective date of this article.
- (2) No fences erected before the passage of this article shall be rebuilt, altered, or moved to a new location on the affected property without being brought into compliance with the requirements of this article.

PERFORMANCE STANDARDS

16.530. Noise Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located. This standard shall not apply to incidental traffic, loading, parking, construction, farming, or maintenance operations.

16.531. Vibration. Any use creating periodic, earth-shaking vibrations shall be prohibited if undue vibrations are perceptible beyond boundaries of the property on which the use is located. The standard shall not apply to vibrations created during the process of construction.

16.532. Glare. Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site or origin at any property line.

16.533. Smoke, Dust, Fumes, or Gases. Any use established, enlarged, or remodeled after the effective date of this article shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke, dust, fumes, or gases.

16.534. Toxic Or Noxious Matter. Any use shall not discharge into the atmosphere, water, or subsoil any toxic or noxious matter. All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with the Minnesota State Department of Health Standards and Requirements.

16.535. Storage Standards. All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties except for the following: recreational equipment, construction equipment, and agricultural equipment.

16.536. Hazardous Materials. Any use requiring the storage, utilization, or manufacturing of hazardous products shall be located not less than 400 feet from any residence or public meeting place.

16.537. Visual Standards. Where any commercial or industrial use is adjacent to property zoned or developed for residential use, that activity shall provide screening along the boundary of the residential property. Screening shall also be provided where a commercial or industrial activity is across the street from a residential zone, but not on that side of a commercially or industry considered to be the front as determined by the zoning coordinator.

Junk and auto wrecking yards must be adequately screened by fences, walls, land forms, and/or natural or planted landscape materials to effectively conceal the establishment from the surrounding area.

PLANNED DEVELOPMENT

16.540. Purpose. The planned development alternative is offered as a response to the need of a more flexible design approach to the total community environment and to insure maximum participation of the planning commission in the creation of individual development within the context of the comprehensive community plan.
(No prior Ordinance)

16.541. Allowed Uses. All the permitted and conditional use/interim uses for the specific district are allowed with the addition that residential dwellings may be attached, detached, townhouses, clustered, or multiple type and that 5 per cent of the land may be developed to other residential and commercial uses determined by the planning commission to be complementary to the general character of the permitted uses above and found not to be detrimental to the general public health and welfare.
(No prior Ordinance)

16.542. Development Intensity. There shall be no requirement for lot size, yard size, or gravel coverage. All developments need follow good design practice.
(No prior Ordinance)

16.543. Plan Approval Requirements. All development plans shall be subject to complete design review by the Planning Commission with special consideration for landscaping, plans, architectural design features, dedication of public lands, easements, underground services and utilities, and sanitary facilities, in addition to other improvements. Issuance of a building permit is conditional on completion of the development in accordance with the development plan. In the Flood Plain-Shoreland District, preliminary plans must first be approved by the Commissioner of Natural Resources.

Failure to initiate construction within 9 months, as determined by the zoning coordinator, invalidates the plan approval.
(Adopted by Ordinance No. 80-7-7-5 July 7, 1980)

16.544. Procedure. Each request for a planned development shall follow the procedure required for residential subdivision or planned mobile home developments.
(No prior Ordinance)

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TOWERS, METEOROLOGICAL TOWERS AND WIND ENERGY CONVERSION SYSTEMS (WECS).

16.550 Purpose: The purpose of this section is to regulate the installation and operation of towers, including meteorological and WECS towers, within the City of Long Prairie, not otherwise subject to siting and oversight by any Federal or State regulatory authority.

16.551 Definitions: The following definitions shall apply to this Ordinance and its enforcement.

- (1) ***Abandoned*** refers to any tower which is not used for twelve (12) successive months.
- (2) ***Commercial WECS*** means a WECS of 40 kilowatts or more in total name plate generating capacity.
- (3) ***Fall zone*** means the area defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.
- (4) ***Feeder Line*** means any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid; in the case on interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the WECS.
- (5) ***Meteorological Tower*** means towers that are erected primarily to measure wind speed and directions plus other data relevant to siting a WECS. For purposes of this ordinance, meteorological towers does not mean towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.
- (6) ***Nacelle*** means the part of the WECS that contains the key components of the wind turbine, including the gearbox, yaw system and the electrical generator.
- (7) ***Non-commercial WECS*** means a WECS of less than 40 kilowatts in total name plate generating capacity.
- (8) ***Rotor diameter*** means the diameter of the circle described by the moving rotor blades.
- (9) ***Substations*** means any electrical facility designed to convert electricity

produced by a wind turbine to a voltage greater than 35,000 volts for interconnection with high voltage transmission lines.

- (10) ***Total Height*** means the highest point, above ground level, reached by a rotor tip or any part of a tower.
- (11) ***Tower*** means any vertical structure that supports an electrical generator, rotor blades, meteorological equipment, or communication transmission equipment, including antennas and satellite dishes.
- (12) ***Tower height*** means the total height of a tower exclusive of rotor blades.
- (13) ***Transmission line*** means those electrical power lines that carry voltages of at least 69,000 volts and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
- (14) ***WECS*** refers to a Wind Energy Conversion System and means an electrical generating facility comprised of one or more wind turbines and accessory facilities, including, but not limited to, power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or may be distributed into the electrical grid.
- (15) ***Wind turbine*** means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture wind.

16.552 Towers; general

- (1) Any tower regulated by this section shall only be allowed within any Zoning District as a Conditional Use and a Conditional Use Permit must be obtained in accordance with local ordinance.
 - a. By the acceptance of the Conditional Use Permit, the owner/operator grants permission to the City of Long Prairie to enter the property to assure compliance with all conditions set forth in this section.
- (2) It shall be unlawful for any person to erect, construct, place, replace, move or repair any tower without first obtaining a building permit in accordance with local ordinance.
 - a. The applicant shall provide, at the time of application, sufficient

information to indicate that construction, installation and maintenance of a tower will not create a safety hazard or damage to the property of other persons.

b. Only one tower shall exist at any one time on any one property.

c. Before issuance of a building permit, the following information shall be submitted by the applicant:

1. Proof that the proposed tower complies with regulations administered by any Federal or State regulatory authority, including the FAA;

A. A report from a State-licensed engineer that demonstrates compliance with structural and electrical standards; and

B. A valid conditional use permit issued by the City.

(3) Unless provided otherwise, a tower shall have a total height of no more than 150 feet.

(4) No part of a tower, including guy wires, shall be located within or above any required front, side, or rear yard setback. Towers shall be set back from the closest property line one (1) foot for every one (1) foot of system height.

(5) No tower shall have affixed or attached lights, reflectors, flashers or any other illumination, except for those required by the Federal Aviation Administration.

(6) Any abandoned or obsolete temporary tower shall be removed within thirty (30) days from the cessation of operation at the site.

(7) A tower may not interfere with hospital heliport approach/departure corridors.

(8) To prevent climbing by unauthorized people, the tower must comply with the following:

a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground;

- b. A locked anti climbing device shall be installed on the tower; and
 - c. Towers capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.
- (9) A tower shall be designed and constructed not to cause radio, television, or other communication interference.
- (10) If a tower is not maintained in operational condition and poses a potential safety hazard or a nuisance, the owner shall take expeditious action to correct the situation.
- (11) An ornamental wind or similar device that does not exceed 15 feet in height are exempt from this section.

16.553 Application process

- (1) Applications for approval to construct a tower shall include the following information:
- a. The name(s) of the project applicant.
 - b. The name(s) of the property owner.
 - c. The legal description and address of the project.
 - d. A description of the project including the type, tower height, and in the case of a WECS, the name plate generating capacity, rotor diameter, and means of interconnecting with the electrical grid.
 - e. The proposed site layout showing the location of property lines, buildings, above ground utilities, trees, interconnection points with the electrical grid, guy wires, and all related accessory structures. The site layout shall include distances and shall be drawn to scale.
 - f. An engineer's certification which shall include standard drawings for the structural components of the tower and support structures including base and footings.
 - g. Documentation of land ownership or legal control of the

property.

- h. The location and elevation of all structures and towers within 350 feet of the exterior boundaries of the property.
 - i. A Federal Aviation Administration (FAA) and/or MNDOT Aeronautics Permit Application, if applicable.
 - j. The location of all known towers within two (2) miles of the proposed tower.
 - k. Other Federal, State or Local permits if required.
 - l. For WECS, a contract or agreement with the affected electrical power supplier for excess power fed back into the electrical grid.
- (2) Any city cost of testing or verification of compliance shall be borne by the applicant.
 - (3) The fee(s) to be paid shall be as prescribed by the City Council.
 - (4) A tower may be inspected by a City official to determine compliance with original construction standards. Deviation from the original construction for which a permit is obtained constitutes a violation of this section. Notice of violations will be sent by registered mail to the owner of the tower and the property upon which the tower is located who will have fourteen (14) days from the date notification is issued to make repairs. Upon completion of the repairs, the owner/applicant shall notify the building official that the repairs have been made.

16.554 Meteorological towers

- (1) An Interim permit will be issued for a Meteorological tower for a period not to exceed eighteen (18) months by the City of Long Prairie Planning and Zoning Director.
- (2) A temporary meteorological tower shall be erected to meet all standards for wind resistance and weatherability so as to not be a safety hazard or nuisance.

16.555 WECS

- (1) The permitted maximum height of a WECS shall be measured from the base of the tower to the highest possible extension of the rotor and shall not exceed one hundred and seventy five (175) feet.
- (2) No rotor blades may extend over driveways, sidewalks, or parking areas and must not be within twelve (12) feet of the ground. The maximum diameter of the rotor shall not exceed twenty six (26) feet.
- (3) WECS shall not be located within thirty (30) feet of an above ground utility line.
- (4) Blade arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure within a two hundred (200) foot radius.
- (5) Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 miles per hour or greater).
- (6) Each WECS shall be grounded to protect against natural lightning strikes in conformance with the national electric code.
- (7) WECS shall have a sign posted at the base of the tower containing the following information:
 - A high voltage warning.
 - The manufacturer's name.
 - An emergency phone number
 - Emergency shutdown procedures.
 - This sign must be easily legible and not over four (4) square feet in size.
- (8) Noises created by the operation of the WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC 1 and 2, as amended.
- (9) All electrical equipment and connections shall be designed and installed in compliance with the Electrical Code.

ADMINISTRATION AND ENFORCEMENT

Zoning Coordinator

16.601 Position Responsibilities. The City Clerk/Administrator shall serve as zoning coordinator and shall or may delegate the following responsibilities and duties:

- (1) Determine if applications comply with terms of this article.
- (2) Conduct inspections of building and use of land to determine compliance with this article.
- (3) Maintain permanent records of this article.
- (4) Receive, file, and forward all applications for appeals, variance, conditional use/interim uses, and amendments to the designated official bodies.
- (5) Notify, in writing, any person responsible for violating a provision of this article, indicating the nature of the violation and ordering the action necessary to correct it.
- (6) Serve as ex-officio member of the planning commission.
- (7) Within the Flood Plain-Shoreland District - Forward notices of public hearings to consider variances, amendments or conditional use/interim uses to the Commissioner of Natural Resources at least ten (10) days prior to such hearing, and final decision within ten (10) days.
(Adopted by Ordinance No. 80-7-7-5 July 7, 1980)

INSPECTIONS

16.610. Right of Inspection. An applicant for any permit under this article, by making such application, does thereby give the zoning coordinator reasonable right of access to the premises concerned for inspection from time to time so he may carry out his duties as specified in this article.

16.611. Right of Inspection for Investigation. The zoning coordinator is hereby authorized to enter upon lands within the City of Long Prairie for the purpose of carrying out his duties and functions imposed upon him under this article, or to make investigations of any violations of this article and to cause proceedings to be instituted if proofs at hand warrant such

actions.

VARIANCES

16.620. Variances.

- (1) Where the city council and planning commission find that extraordinary and unnecessary hardships may result from strict compliance with this article, variances may be granted, provided that such variations will not have the effect of nullifying the intent and purpose of this article.
- (2) Application for issuance of the variance shall be made with the planning commission with a statement of the exceptional conditions and the peculiar difficulties involved. A site plan may be prescribed by the planning commission.
- (3) The City/Administrator shall notify contiguous property owners of the intent of the proposed action and the date when the petitioners shall appear before the planning commission.
- (4) The city council shall consider the advice and recommendations of the planning commission and the effect of the proposed variance upon the health, safety, and the general welfare of the community and that issuance of the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate a demonstrable difficulty. No application for a variance which has been denied shall be resubmitted for a period of 6 months from date of denial.
- (5) Violation of any condition set forth in granting a variance shall be a violation of this article and automatically terminates the variance. A variance shall become void one year after it was granted unless made use of. No appeal of a variance denial may be made to the city council within 10 days of the planning commission decision.
- (6) Within the Flood Plain-Shoreland District - No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State Law.

CONDITIONAL USES

16.630. Conditional Uses. Conditional use permits may be issued for any of the following:

- (1) Any of the uses or purposes for which such permits are required or permitted by the provisions of this article.
- (2) Application for the issuance of a conditional use permit shall be made to the planning commission. The application shall be accompanied by such plans, elevations, and site plans as prescribed by the planning commission.
- (3) Upon receipt of the application and other requested material. The planning commission shall hold at best one (1) public hearing as regulated by law. Written notice of the public hearing shall be sent to all property owners of record within 300 feet of the selected property. Following the hearing, the planning commission shall make a report to the city council recommending whatever action it deems advisable. It may designate conditions and require guarantees in the granting of use permits in the manner provided for the granting of adjustments. Upon receipt of the report of the planning commission, the city council shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant a permit. If it finds that the conditions exist which are necessary under this section in order for the planning commission to recommend the granting of the conditional use permit, it may attach to the permit such conditions and guarantees as may be necessary to assure reasonable development.
- (4) No conditional use shall be recommended by the planning commission unless:
 - a. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
 - b. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - c. A building permit must be applied for within nine (9) months of the granting of the conditional use permit.
- (5) Revocation:
 - a. A violation of any condition set forth in a conditional use permit

shall be a violation of this article and automatically terminate the permit.

- b. A conditional use permit shall become void one year after being granted by the city council unless made use of.

INTERIM USE

16.640. Grant; Duration. An interim use permit may be granted, as provided in this section and as allowed by Minnesota Statutes, for a temporary use of property until a particular date, until the occurrence of a particular event, or until the City's zoning ordinance regulations no longer permit it.

16.641. Criteria for Review of Interim Use Permit Applications. In review of an interim use permit application, the City Council shall consider the advice and recommendations of the planning commission. Each application shall be reviewed to determine the effect of the proposed use on the comprehensive plan and upon the health, safety, morals and general welfare of the public including occupants of surrounding lands.

- (1) Any application for an interim use permit shall at a minimum meet the following requirements:
 - a. The use shall conform to the City's zoning regulations.
 - b. The date or event that will terminate the interim use shall be identified with certainty.
 - c. Permission of the use shall not impose additional costs on the public if it is necessary for the public to take the property in the future.
 - d. The user shall agree to any conditions the City Council deems appropriate for permission of the use, including, in the City's discretion, a condition that the user shall be responsible for the cost of removing the interim use and any structures associated with the interim use upon expiration of the interim use permit, and that the user may be required to provide appropriate financial security to cover such cost.
- (2) The application shall be reviewed for its conformance with the conditional use criteria established in Section 16.630 of the City of Long Prairie's Zoning Ordinance, and any other applicable criteria.

- (3) Failure to comply with any one of the applicable criteria as determined by the City shall be sufficient cause to deny the interim use permit application. A criterion is considered to be applicable if it is reasonably capable of being applied to the proposed use.

16.641. Additional Conditions. In addition to the criteria expressly specified by this Section, the City Council may impose additional conditions on the issuance of an interim use permit which the Council considers necessary to ensure neighborhood compatibility, to ensure compliance with all applicable federal, state, and local regulations, and to protect the public health, safety, morals and general welfare.

16.642 Termination. An interim use permit shall terminate upon the occurrence of any of the following:

- (1) The date or event specified in the approval of the permit.
- (2) Violation of any of the conditions under which the interim use was issued.
- (3) A change in the City's zoning regulations such that the interim use is no longer permitted.

16.643 Required Exhibits. An accurate property description, a preliminary development plan, and a property survey shall be required as part of the application for an interim use permit unless any such requirement is waived by the zoning administrator.

16.644 Procedure. The procedure for issuance of an interim use permit shall be as follows:

- (1) The property owner shall meet with the zoning administrator to explain the situation, learn the procedures and obtain an application form.
- (2) The applicant shall file the completed application together with the required exhibits with the zoning administrator and shall pay a fee as established by City Council resolution.
- (3) The zoning administrator shall set a date for a public hearing and prepare notices of the time, place and purpose of such hearing for publication in the official newspaper at least ten days prior to the day of the hearing. A similar notice shall be mailed to each owner of affected property situated wholly or partly within 350 feet of the property to which the permit relates. 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 provisions has been made.

- (4) Prior to the public hearing, the zoning administrator shall prepare the appropriate exhibits for distribution to the planning commission and to interested parties.
- (5) The planning commission shall hold the public hearing, study the application to determine possible adverse effects of the proposed interim use and determine what additional requirements may be necessary to reduce such adverse effects, adopt findings based upon the evidence established during the hearing and shall recommend to the City Council one of three actions: approval, denial, or conditional approval.
- (6) The City Council shall adopt findings and shall act on the request for an interim use permit within the time required by State law. If the City Council grants the interim use permit, the Council may impose conditions it considers necessary to protect the public health, safety, and welfare, and such conditions shall include a time limit for the use to exist or operate.
- (7) Where an interim use permit has been issued pursuant to this section, such permit shall become null and void without further action by the planning commission or the City Council unless work thereon commences within one year of the date of the granting of such interim use. An interim use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than 12 consecutive months.
- (8) In the event that a permittee violates any one of the conditions set forth in the interim use permit or the requirements of any applicable zoning regulations, the permit may be revoked by the City Council and/or treated as violation as specified by City ordinance.

16.645 Recordkeeping. The zoning administrator shall maintain a record of all interim use permits including information on the use, location, conditions imposed by the City Council, time limits, review dates, and other such information as may be appropriate.

CERTIFICATE OF OCCUPANCY

16.650 Use and Occupancy. No building or structure shall be used or occupied and no change in existing occupancy classification of a building, structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy.

16.651. Change in Use. No change shall be made in the character of occupancies or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies.

16.652 Certificate Issued. After the Building Official inspects the building or structure and finds no violations of the provisions of the code, the Building Official shall issue a Certificate of Occupancy.

16.653 Temporary Certificate. If the Building Official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a Temporary Certificate of Occupancy may be issued for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

16.654 Posting. The Certificate of Occupancy shall be permanently posted in a conspicuous place on the premises and shall not be removed by anyone but the Building Official.

16.655 Revocation. The Building Official may, in writing, suspend or revoke a Certificate of Occupancy when issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or portion thereof is in violation of any provisions of the code.

AMENDMENTS

16.660. Amendments. The regulations, restrictions, and boundaries set forth in this article may be amended, supplemented, or repealed in accordance with the provisions of this article.

(1) Amendments within the Flood Plain-Shoreland District.

- a. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands

outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

- b. All amendments to this ordinance including amendments to the Official Zoning Map must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map also require prior approval by the Federal Insurance Administration.
(Adopted by Ordinance No. 80-7-7-5 July 7, 1980)

16.661. Initiation. Amendments may be initiated by the planning commission, the city council, or by petition of any person owning property within the boundaries of the district subject to the proposed amendment.

16.662. Referral to Planning Commission. An amendment not initiated by the planning commission shall be referred to the commission for study and report and may not be acted upon by the city council until it has received the recommendation of the commission on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report being prepared by the commission.

HEARING; No amendment shall be adopted until a public hearing has been held thereon by the city council. The notice of the time, place, and purpose of the hearing shall be published at least ten (10) days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed by the city council at least ten (10) days before the day of the hearing to each owner of the affected property and property situated wholly or partly within 350 feet of the use to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which the notice was sent 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 this subdivision has been made.
(No prior Ordinance)

GENERAL ADMINISTRATIVE PROVISIONS

16.670 Building Permits. From the effective date of this article. it shall be unlawful to proceed with exterior construction, alteration, enlargement, demolition, removal, or placement of any building or part of without first obtaining a building permit.

Application for a permit to construct, alter, or move a building on a lot shall be

accompanied by a plan drawn to scale showing the dimensions of the lot to be used. The size and location of the building and accessory buildings to be erected or moved on said lot shall be indicated on the site plan. Application for any kind of building permit shall contain only information as may be deemed necessary for proper enforcement of the ordinance. A building permit will become void 90 days after it was granted unless made use of.
(No prior Ordinance)

16.671. Appeals from Planning Commission. The decision of the planning commission may not be final. Any person or persons having an interest affected by this article or any decision made relating to this article shall have the right to appeal to the city council within 60 days of the filing of the decision of the planning commission with the City Administrator/Clerk.

The decision of the city council may not be final. Any person or persons jointly or severally aggrieved by any decision of the city council may appeal to the District Court of Todd County by filing a petition setting forth that such decision is illegal in whole or in part, specifying the grounds for such illegality within 15 days from the date of the city council's decision.

A majority of the city council would be needed to overrule decision of the planning commission.

16.672. Violations. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor. Each day a violation is permitted to exist shall constitute a separate offense.

In the event of a violation or a threatened violation of this ordinance, the council, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violation and it is in the duty of the attorney to institute such action.

No person shall perform work upon a project requiring a building permit, conditional use/interim use permit, or a variance issued under this article unless such permit has been issued and posted on the premises and the accuracy of setback distances and building sizes have been verified. Any person performing such work shall be criminally liable to the same extent as the property owner.

Any citizen or taxpayer of Long Prairie may institute mandamus proceedings in district court to compel specific performance by the proper official or officials of any duty required by this article.

16.673. Schedule of Fees. The city council shall determine the fee and collection procedure for all permits, certificate, or petition issued by the planning commission. No permit, certificate, or petition shall be recognized or issued unless such fee or fees have been paid in full.

**SUBDIVISION AND PLATTING
GENERAL PROVISIONS**

16.701. Title. The provisions of section 16.701 and 16.999 shall be known as the “Subdivision and Platting Article of the Long Prairie City Code of 1976” and may be referred to by that name in all proceedings and actions. This “Subdivision and Platting Article of the Long Prairie City Code of 1976” shall be known, cited, and referred to herein as “This Article.”

16.702. Purpose. Pursuant to the authority contained in Minnesota Statutes, Section 462.358, this ordinance is adopted for the following purposes:

- (1) To provide for the orderly, economic and safe development of land and urban services and facilities.
- (2) To promote the public health, safety, morals, and general welfare of the residents of the city.
- (3) To assure equitable handling of all subdivision plats by providing uniform procedures.

16.703. Jurisdiction. These regulations governing plats and the subdivision of land shall apply to the area within the corporate limits of the City of Long Prairie and the unincorporated area within one-half mile of the city’s corporate limits providing that the governing body or bodies of the unincorporated areas adjacent to the city have not adopted ordinances for the subdivision of land or platting.

16.704. Compliance. After adoption of this code, no lot in a subdivision shall be sold, no permit shall be issued to alter or erect any building upon land in a subdivision, and no building shall be erected in a subdivision unless a subdivision plat has been approved and recorded and the unit improvements required in accordance with the provision of This Article and Chapters 15 and 16 of the Long Prairie City Code have been met.

16.705. Required Approvals of Subdivision Plats. Before any plat shall have any validity, it shall have been approved by the City Planning Commission and the City Council and recorded in the office of the Register of Deeds of Todd County.

16.706. Conflict. It is not intended that This Article annul or interfere with any other official regulations or ordinance of the City; provided, however, that when there is a difference between minimum standards or dimensions herein and those contained in other official regulations or ordinance of the city, the highest standards shall apply.

DEFINITIONS

16.710. Definitions of Words and Phrases. For the purpose of sections 16.701-16.999, the following terms shall have the meanings given them:

- (1) Alley: A public right-of-way less than (e.g., 15) feet in width which normally affords a secondary means of vehicular access to abutting property.
- (2) Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
- (3) Boulevard: The portion of the street right-of-way between the curb line and property line.
- (4) Building: Any structure having a roof which may provide shelter or enclosure of persons or animals. When said structure is divided by partition walls without openings, each portion of such building so separated shall be deemed a separate building.
- (5) Building setback line: The minimum horizontal distance and the street right-of-way as prescribed in the zoning ordinance.
- (6) Commission: Planning and zoning commission of Long Prairie, Minnesota.
- (7) Comprehensive Plan: The general plan for land use, transportation, and community facilities prepared and maintained by the planning and zoning commission of the City of Long Prairie.
- (8) Consolidation: Two or more existing lots or parcels joined into a single lot, which resulting lot or parcel meets the minimum lot size requirement established by local ordinance or law.
- (9) Crosswalk: The right-of-way across or within the block for use by pedestrian traffic whether designated as a pedestrian way, crosswalk, or however otherwise designated.
- (10) Cul-de-sac: A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn around.
- (11) Easement: Authorization by a property owner for the use by another, and

for a specified purpose, of any designated part of his property.

- (12) Engineer: The Long Prairie City Engineer.
- (13) Final plat: A drawing in final form showing a proposed subdivision containing all information and detail required by state statutes and by This Article to be presented to the planning and zoning commission for approval and which, if adopted, may be duly filed with the Todd County Register of Deeds.
- (14) Grade: The rise and fall of a street in feet and tenths of a foot for each one hundred (100) feet or horizontal distance measured at the center line of a street.
- (15) Lot: A parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof.
- (16) Lot depth: The mean horizontal distance between the front lot line and the rear lot line.
- (17) Lot of record: A platted lot or metes and bounds parcel which has been recorded in the Office of Todd County Register of Deeds prior to adoption of This Article.
- (18) Lot width: The horizontal distance between the side lines of a lot measured parallel to the front line of the lot and the setback line.
- (19) Official map: The map established by the city council in accordance with state statutes showing streets, highways, and parks, both existing and proposed.
- (20) Qualified person: A person recognized by Todd County as having the required training and experience to prepare plats.
- (21) Outlot: A lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no development is intended and for which no building permit shall be issued.
- (22) Owner: The record owner, whether one or more persons, or entities of legal or equitable title to the property, but excluding those having such interest merely as security for the performance of an obligation or those

having a lien upon the property by provision or operation of law.

- (23) Planned unit development: A development which consists of two or more principal structures or uses on a single parcel of land.
- (24) Plat: A map, drawing or chart on which the subdivider's plan of subdivision is presented to the Council for approval.
- (25) Preliminary plat: A drawing clearly marked "preliminary plat" showing the salient feature of a proposed subdivision.
- (26) Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
- (27) Right-of-way: Land dedicated and publicly owned for use as a street, alley, or crosswalk.
- (28) Simple lot split: A division of one lot into two or more lots or parcels; provided, the resulting lots or parcels separately meet the minimum lot size requirements established by local ordinance or law.
- (29) Street: A public right-of-way which affords a primary means of access to abutting property.
- (30) Street, Collector: A street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major street. The design character provides for some access control and is for low to moderate operating speeds with a projected average daily traffic (ADT) range of 200 to 3,000.
- (31) Street, major: A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas. The design character provides for some access control and is for low to moderate operating speeds with a projected average daily traffic (ADT) range of 3,000 or more.
- (32) Street, minor: A street intended to serve primarily as an access to abutting properties and collector street.
- (33) Street pavement: The wearing surface of a street.

- (34) Street width: The width of right-of-way measured at the right angles to the center line of the street.
- (35) Subdivider: Any person, firm, corporation, partnership, or association who shall lay out any subdivision or part thereof as defined herein, either for himself or others.
- (36) Subdivision: The division or redivision of a lot, tract, or parcel of land, regardless of how it is to be used, into two or more lots either by plat or by metes and bounds description: or the division or redivision of land involving dedication of a new park, playground, street, or other public right-of-way facility: or the vacation, realignment or any other change in existing streets, alleys, easement, recreation areas, water, or other public improvements or facilities, provided, however, the following classes shall be exempt:
 - a. The division of land for agricultural purposes into lots, tracts, or parcels greater than 5 acres where no new streets, roads, or other right-of-ways are involved.
 - b. The division of a lot of record for the purpose of attachment to contiguous lots provided no residual plot is left.
 - c. A simple lot split pursuant to Article 16.791 through 16.794 of this ordinance.
- (37) Surveyor: The surveyor for the City of Long Prairie or his authorized representative.

PLATTING PROCEDURES

16.720. Platting Procedures, Generally. Whenever any subdivision of land is proposed to be made, and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the procedure outlined in sections 16.721 to 16.723.

16.721. Preliminary Plan: Pre-Application Meeting. Any subdivider who intends to file a preliminary plat shall submit to the City Administrator/Clerk five (5) copies of a preliminary plan and any proposed restrictive or protective covenants. Submission of such a preliminary plan shall not constitute a formal filing of a preliminary plat. The preliminary plan shall be reviewed and acted upon in accordance with the following procedures:

- (1) The City Administrator/Clerk shall refer two (2) copies of the preliminary plan to the Planning and Zoning Commission. One copy shall be referred to the surveyor. If the proposed subdivision fronts upon or has access to a state or federal trunk highway, one copy of the preliminary plan shall be referred to the District Engineer of the Minnesota Highway Department for review as required by state law. If the proposed subdivision fronts upon or has access to a county road, one copy of the preliminary plan shall be referred to the Todd County engineer for review.
- (2) The surveyor and engineer shall submit reports to the Planning and Zoning Commission expressing their recommendations for approval or disapproval and their suggestions for revisions in the preliminary plan within (30) days after the plan is referred to them by the City Administrator/Clerk.
- (3) Within thirty (30) days after receipt of said reports, Planning and Zoning Commission shall schedule a pre-application meeting with the subdivider or his duly authorized representative. The pre-application meeting shall be for the purpose of informing the subdivider of the requirements of all applicable ordinances laws and regulations, for the purpose of assisting the commission in determining whether the preliminary plan conforms to the comprehensive plan of the city and the design standards set forth in This Article, and for the purpose of advising the subdivider of the recommendations and suggestions of the surveyor, engineer, and the Planning and Zoning Commission
- (4) The fee, if any, for the submission of the preliminary plan or for the scheduling of the pre-application meeting shall be set by resolution of the city council.
- (5) The preliminary plan shall include the following:
 - a. Location map.
 - b. A sketch plan of the proposed subdivision containing, at a minimum, the following information:
 1. Lots and streets as they may be laid out, including preliminary proposals for the utility improvements that will be needed.
 2. The sketch plan shall be on a topographic map, if possible.

3. North arrow and graphic scale.
 4. Designation of existing and proposed land use and zoning.
- c. With the sketch plan the subdivider shall submit information showing what consideration has been given to the relationship between the proposed subdivision and the topography of the site, neighboring subdivisions and developments, and to existing community facilities that would serve the subdivision if approved and developed.

16.722. Preliminary Plat. Within six (6) months after the Planning Commission pre-application meeting, sub-divider shall, if he intends to proceed, submit to the City Administrator/Clerk fifteen (15) copies of a preliminary plat of the proposed subdivision. Failure on the part of the subdivider to act within said six (6) month time period shall invalidate all proceedings held until that point and require resubmission by the subdivider of a preliminary plan in accordance with section 16.721.

The preliminary plat, when submitted, shall be accompanied by the required fee as established by city council resolution. Furthermore, the subdivider shall submit to the City Administrator/Clerk a list of property owners located within 350 feet of the subject property obtained and certified by an abstract company or prepared by Todd County. The list shall include mailing labels and first class postage for each notice that is to be mailed. The preliminary plat shall be reviewed and acted upon in accordance with the following procedures:

- (1) Within three (3) days after submission of the preliminary play by the subdivider, the City Administrator/Clerk shall do the following:
 - a. Notify the secretary of the Planning and Zoning Commission of the receipt of the preliminary plat, and furnish five (5) copies thereof to the Planning and Zoning Commission.
 - b. Refer copies of the preliminary plat to the city engineer, any utility company that provides service to the subdivision, the district engineer of the Minnesota Highway Department, if the plat borders a federal, state or state aid highway, and to the county engineer if the subdivision requires curb cuts or access points on a county road. The City Administrator/Clerk shall refer copies of the preliminary plat to such other appropriate local, state or federal officials or agencies as required by law or as is advisable under the circumstances.

- (2) Upon receipt by the Commission of notice that a preliminary plat and subdivision proposal has been submitted, the Commission shall place the matter on the agenda for the next regular scheduled meeting of the Planning and Zoning Commission. However, if the preliminary plat was not submitted by the subdivider to the City Administrator/Clerk at least 15 days prior to the next regularly scheduled Planning and Zoning meeting, then the matter shall be scheduled for the next succeeding Planning and Zoning meeting.
- (3) At the Planning and Zoning meeting where the preliminary plat is an agenda item, the Planning and Zoning Commission shall set a hearing date specifying the date, time and location at which a public hearing on the preliminary plat of the subdivider will be held, which hearing date shall be not later than 45 days after the meeting of the Planning and Zoning Commission at which is considered as an agenda item. Notice of the public hearing and of the time and place thereof shall be published in the official newspaper of the city at least ten (10) days prior to the hearing date. Notice of the hearing shall also be mailed to all owners of real property located within 350 feet of the exterior boundary of the proposed plat. This public hearing shall constitute the public hearing on the plat as required by state law.
- (4) At the public hearing, the subdivider and all other interested persons shall have the opportunity to be heard. Within 15 days after completion of the hearing, the Planning and Zoning Commission shall prepare and submit to the city council a report and recommendation, which may be favorable, conditional, or unfavorable. The report and recommendation of the commission shall be accompanied by a copy of the preliminary plat. The report and recommendation submitted by the commission to the council shall include finding, conclusions and reasons therefore.
- (5) The Planning and Zoning Commission may, subject to city council approval, require qualified technical services such as land planning and legal to review the preliminary 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, and other features. The subdivider shall be required to pay the cost of such services.
- (6) Upon receipt of the report and recommendation of the commission, the city council shall review the same together with the preliminary plat. The council shall approve or disapprove the preliminary plat, and approval may be made conditional in the discretion of the council, provided such

conditions are specifically stated. If the council disapproves the preliminary plat, the grounds for such disapproval shall be set forth in the minutes of the council meeting and reported to the subdivider. Likewise, if the council conditionally approves the preliminary plat, the specific conditions shall be set forth in the minutes of the council meeting and reported to the subdivider.

- (7) Approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward the final plat in accordance with the provision of This Article.
- (8) The preliminary plat submitted by the subdivider and upon which review and action are taken shall include the following:
 - a. Proposed name of subdivision, which name shall not duplicate or be similar in pronunciation to the name of any plat recorded in Todd County.
 - b. Title opinion indicating ownership of property as prepared by a certified title company.
 - c. Boundary line of proposed subdivision, clearly indicated and size of area to be platted expressed in acres and/or square feet.
 - d. Location map with section, township, and range or by other legal description.
 - e. Site map (including land within 350 feet of boundary).
 - f. Existing and proposed streets.
 - g. Names of adjacent property owners.
 - h. Topography, showing lakes, water courses, wetlands, and contours at vertical intervals of no more than two. All elevation data shall be mean sea level, 1929 USGS or established city datum.
 - i. Location of significant natural features.
 - j. Areas subject to flooding and wetlands.
 - k. Any easements or buildings on the tract to be platted.

- l. Location and size of existing and proposed parks, school sites, and other public areas and/or public improvements of record.
- m. Existing and proposed zoning changes including proposed use of all parcels. If a proposed preliminary plat will, upon approval, require a comprehensive plan amendment and/or rezoning, the developer shall submit to the city, at the time of submitting the preliminary plat, a petition for the comprehensive plan amendment and/ or rezoning.
- n. Preliminary plat map (at a scale no smaller than 100 feet to the inch).
- o. Names and addresses of owners, lien holders, surveyor and designer of the plan.
- p. Names of surveyor and engineer.
- q. Names of adjoining sale divisions.
- r. Date plat prepared.
- s. North Arrow.
- t. Graphic Scale (no smaller than one inch equals 100 feet and no larger than one inch equals 20 feet).
- u. Block and lot numbers.
- v. Names, locations, and widths of public and private streets proposed by the subdivision (no duplication of existing streets unless the proposed street is an extension of an existing street).
- w. Names, locations and widths of adjacent streets (existing).
- x. Location and width of alleys, crosswalks or pedestrian ways, sidewalks, railroads, drainage and utility easements and any other easements and their purpose.
- y. Lot layout with dimensions/size in square feet and minimum and proposed building setback lines.
- z. Parcels of land to be dedicated or reserved for public access.

- aa. Existing and proposed utilities (water lines, storm drains, sanitary sewers, fire hydrants, gas lines, electric and telephone poles, street lights, street trees, signs, curbs, gutter, culverts, etc.).
 - bb. Proposed restrictive covenants.
 - cc. Grading plan showing finish grades and surface draining of all parcels including overall final contours at 2-foot intervals, if required by Council or Planning and Zoning Commission.
 - dd. Preliminary street grades and drainage plan with elevations.
 - ee. Erosion and sedimentation control plans which specify the control measures to be used before, during, and after construction until the soil and slope are stabilized by permanent cover.
 - ff. Other information, such as soil tests or borings and a historic high water elevation, if requested by the city engineer, Planning and Zoning Commission or city council to aid in its review.
- (9) In reviewing the proposed subdivision and preliminary plat, the Planning and Zoning Commission and the city council shall take into account all relevant factors, including, but not limited to the following: Ordinances or requirements of Todd County, the best use of the land being subdivided; the arrangement, location and width of streets, the relation of the streets to the topography of the land; water supply; sewage disposal; drainage; lot sizes and arrangements; the future development of adjoining lands presently not yet subdivided; the goals and requirements of the comprehensive plan of the City of Long Prairie; the official map; the zoning map; the Todd County land use plan; Todd County comprehensive plan, and the Todd County Zoning map; park, playground or open space; the views of owners of property located within 300 feet of the exterior boundaries of the proposed subdivision.
- (10) In the case of all subdivision, the planning and zoning commission shall recommend to the city council denial of, and the city council shall deny approval of, any preliminary or final plat if either the commission or the council makes any of the following findings or determinations:
- a. That the proposed subdivision is in conflict with any adopted applicable general or specific plans of the city.

- b. That the design or improvement of the proposed subdivision is in conflict with any adopted feature of the comprehensive plan for the City of Long Prairie.
- c. That the physical characteristics of the site are such that the site is not suitable for the type of development or use proposed.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage.
- f. That the design of the subdivision or the type of improvements are likely to cause serious public health problems or hazards.
- g. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
- h. That the proposed subdivision is in conflict with existing zoning requirements for which neither a conditional use/interim use permit or a variance has been obtained.

16.723. Final Plat. Within six (6) months after approval by the City Council of the preliminary plat, the subdivider shall, if he intends to proceed, submit to the City Administrator/Clerk six (6) paper prints of the final plat, together with an up-to-date abstract of title or certificate of title, an opinion of title by the subdivider's attorney, and a form indicating latitude and departure traverse closure. The final plat data shall include, but is not limited to the following:

- (1) Existing identification and description data and proposed subdivision design features as required for the preliminary plat.
- (2) Boundaries of the property; lines of all proposed streets, walkways and alleys, with their width, and any other areas intended for public use.
- (3) Lines of adjoining streets and alleys, with their width and names.
 - (4) All lot lines, building lines and easements, with figures showing their dimensions.
- (5) An identification system for all lots and blocks.

(6) Data required under regulation by the Todd County Surveyor, i.e., accurate angular and linear dimensions for all lines, angles and curvatures used to describe boundaries, streets, easements and other features.

(7) Certification by a qualified person to the effect that the Plat represents a survey made by her/him and that monuments and markers thereon exist as located and that all dimensional geodetic details are correct.

(8) Notarized certification by owner, and by all mortgage holders of record, of the adoption of the Plat and the dedication of streets and other public areas.

(9) Certification showing that all taxes currently due on the property to be subdivided have been paid in full.

(10) Form for Approval by the Planning Commission:

Planning and Zoning Commission of Long Prairie, Minnesota

This ____ day of _____, 20__

Signed _____

Chairperson

Signed _____

Secretary

(11) Form for approval by the Council:

City Council of Long Prairie, Minnesota

This ____ day of _____ 20__

Signed _____

Mayor

Signed _____

City Clerk

16.724. Final Plat Action. Failure on the part of the subdivider to act within said six (6) month time period shall invalidate all proceedings held until that point and the preliminary plat previously approved shall then be null and void. Provided, however, that the subdivider may within said six (6) month period, request in writing an extension of time in which to submit his

final plat, which request may be granted by the Planning and Zoning Commission for good cause shown. The final plat shall be reviewed and acted upon in accordance with the following procedures:

- (1) The City Administrator/Clerk shall refer two copies of the final plat to the Planning and Zoning Commission, and one copy shall be referred to the City Engineer. Other copies may be referred to such other appropriate local, state or federal officials or agencies as required by law or as is advisable under the circumstances.
- (2) The City Engineer and such other officials or agencies to whom the final plat has been referred shall submit written reports regarding the final plat to the Planning and Zoning Commission within 15 days of receipt by such official or agency of a copy of the final plat.
- (3) Upon receipt of said reports, the Planning and Zoning Commission shall, at its next regularly scheduled meeting, or as soon there-after as may be practicable, check the final plat to see that it is in substantial agreement with the preliminary plat as approved and that the final plat complies with all applicable ordinances and regulations, both State and local. The Planning and Zoning Commission shall further check and verify that the subdivider has complied with all requirements set forth in Sections 16.770 through 16.780, inclusive, and any and all other requirements of This Article. Particular attention should be given to the requirements of This Article with reference to construction plans and financial arrangements for payment of required improvements.
- (4) The Planning and Zoning Commission shall advise the subdivider of any changes or corrections required to bring the final plat into compliance with the preliminary plat previously approved and/or into compliance with applicable laws, ordinances and regulations. The Subdivider shall incorporate all such corrections and changes in the record copies of the final plat, which may be printed following review by the Planning and Zoning Commission as stated above.
- (5) Upon submission of the record copies of the final plat to the Planning and Zoning Commission, the Commission shall, by motion and vote, take its final action on the final plat and forward the same to the City Council for review and approval.
- (6) Upon final review and approval by the City Council, the appropriate city officials shall execute the final plat as required by Minnesota Statutes. The subdivider shall then record the final plat with the County Recorder

within ninety (90) days after approval of the final plat by the City Council. A final plat not filed for record within said ninety (90) day period shall cause the final plat to become null and void. The subdivider shall furnish the City Administrator/Clerk with two (2) prints of the final plat showing evidence that the same has been recorded as required by This Article.

(7) No changes, erasures, modifications or revisions shall be made in any final plat after approval by the Planning and Zoning Commission unless the plat, as changed, modified or revised is resubmitted to the Commission for approval thereof. In the event any final plat is recorded, contrary to the requirement of this paragraph, the final plat shall become null and void and the city shall institute legal proceedings to have the plat stricken from the records of the County Recorder.

DEVELOPMENT STANDARDS

Generally, design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the city's development objectives for the entire area. No Plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained unless the subdivider agrees to make improvements at developer's sole expense which will, in the opinion of the city engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage and which satisfy all flood plain requirements.

16.730. Streets. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the comprehensive plan. The streets shall be considered in their relationship to topographic features, drainage, and the relationship to the proposed land uses to be served by such streets. The street alignment shall cause no undue hardship to adjoining properties and shall be coordinated so as to comprise a convenient system.

16.731. Street Arrangement.

- (1) Streets in the subdivision shall provide for the continuation of principal street, or adjoining subdivisions and for the proper projection of principal streets into adjoining properties which are not yet subdivided in order to make possible necessary community services.
- (2) Minor streets shall be arranged so their use by through traffic will be discouraged.

16.732. Blocks. Blocks shall ordinarily not be less than 400 feet nor more than 1200 feet in length. No block width shall be less than twice the normal lot depth unless it abuts a railroad

right-of-way, a limited access highway, a major or arterial street, a river, or a park. For blocks longer than 800 feet pedestrian ways and/or easements may be required.

16.733. Street Alignment.

- (1) Street jogs with center line offset less than 150 feet shall be avoided.
- (2) Insofar as practical, streets shall intersect at right angles for a distance of at least 100 feet and no intersection shall be at an angle of less than 75 degrees. It must be evidenced that safe and efficient traffic flow is encouraged.

16.734. Dead End Streets. The creation of dead end or loop residential streets will be encouraged wherever the planning commission finds this type of street development will not interfere with normal traffic circulation in the area. Dead-end streets shall include a cul-de-sac with a minimum right-of-way radius of 60 feet, but cul-de-sac with center islands shall not be permitted. Maximum length of permanent cul-de-sac streets shall be 500 feet measured along the center line from the intersection or origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn around having a minimum outside roadway diameter of 100 feet, and a minimum street property line diameter of 120 feet.

16.735. Service Streets.

- (1) Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, existing or planned, the planning commission may require a street approximately parallel to and on each side of such right-of-way at a distance appropriate for the use of the intervening land. (Park purposes in R zones or C or I use in the appropriate districts).
- (2) When a subdivisions abuts or contains an existing or proposed arterial or major street, the planning commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatments as may be necessary for adequate protection of residential properties and to attend separation of through and local traffic.

16.736. Prohibited Plans.

- (1) Half streets and partial streets are prohibited.
- (2) Private streets, unless part of an approved planned unit development in

which case the streets shall conform to the approved design criteria of the city, are prohibited. Furthermore, public improvements shall not be approved for any private street.

- (3) Reverse strips controlling access to streets are prohibited.
- (4) Intersections with more than four corners are prohibited.

16.737. Street Design and Improvement. All streets shall be graded to the design grade; and in areas served with water and sewer, the street shall be improved by surfacing with concrete or plant mix bituminous and shall be provided with concrete curbs and gutters. The grading and improvements shall be approved as to the design specifications by the engineer. In areas not served by water and sewer, curbs and gutters may not be required; and streets may be of a suitable compacted gravel surface as approved by the engineer.

16.738. Street Widths.

- (1) Minimum right-of-way dimensions for all streets shall be 66 feet.
- (2) Minimum pavement widths shall be as follows:
 - Arterials and Major: 40 feet
 - Any street narrower than 40 feet needs Council approval.
- (3) Greater widths may be required depending upon anticipated traffic volumes, planned function of the street, and character of planned abutting land.

16.739. Street Grades.

Arterials and Major Maximum Grade* 5 – 8%

*For safety considerations a lesser maximum grade may be required at or approaching intersections.

16.740 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 engineer. All street grading and gravel base construction will be in accordance with specifications on file with the city engineer. Grading will 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.

16.741. Street Surfacing. Following city engineer 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/or specifications prepared by the city engineer.

16.742. Street Names. Proposed streets obviously in alignment with existing and named streets shall bear the name of such existing streets. In no case shall the name of the proposed street duplicate existing street names, including phonetical similarities. Where a plat extends beyond existing streets, continuity of present street naming scheme shall be maintained.

16.743. Corners. Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.

16.744. Alleys. Alleys shall be prohibited unless special permission is granted by the city for their provision.

UTILITIES

16.745. Water Utilities.

- (1) Where connection with a public water system is feasible, that system shall be utilized and service shall be provided and stubbed into each lot. Water distribution facilities shall be adequate to serve the subdivision including pipe, fittings, hydrants, valves, etc. House service shall be of a type approved by the engineer.
- (2) All water mains, materials, and design shall be approved by the engineer. Minimum size water main in any street shall be 6 inch diameter. The developer must pay the total cost of water main through 8 inch diameter in size. Oversized mains larger than 8 inch may be required with the additional costs to be borne by the benefited properties.
- (3) Fire hydrants of a type approved by the engineer shall be installed in accordance with adopted standards.

16.746. Sanitary sewer.

- (1) Where connection with sanitary sewer trench lines is feasible, that system shall be utilized and service shall be provided and stubbed into each lot. Sanitary sewer facilities shall be designed and installed in accordance with latest plans and/or specifications of the city engineer. House service shall be approved by the engineer.
- (2) All sanitary sewer lines, materials, and design shall be approved by the engineer. Minimum size sanitary sewer in any street shall be 8 inch

diameter. The developer must pay the total cost of sanitary sewer through 10 inch diameter size if this greater size is required by the city engineer. Oversize sewer lines larger than 10 inches in diameter, when required, or extra depth lines may be required with the additional cost to be borne by the benefited properties.

- (3) When main trunk line are not accessible, internal trunk sewers, together with all necessary laterals extending from the mains to a minimum of 8 feet beyond the curb or curb lines, shall be installed and capped for future connection.
- (4) All installations shall be approved by the engineer.

16.747. Storm Sewer.

- (1) All surface and underground drainage systems shall be installed in accordance with latest plans and/or specifications of the city engineer to adequately remove all natural drainage that accumulates in the developed property. Unless approved by the city engineer, no storm drainage shall be carried over the street surface for a distance greater than 500 feet. All such systems shall be in conformity to the drainage plans and all piping shall provide complete removal and a permanent solution for the removal of drainage water.
- (2) When an existing storm sewer system is feasible, that system shall be utilized.
- (3) The drainage system shall be designed large enough to accommodate potential runoff from its entire upstream drainage area whether inside or outside of the subdivision. The drainage shall be based on conditions of total potential development permitted by the zoning ordinance in the watershed. Oversized storm sewer lines may be required with the additional costs to be borne by the benefited properties.

16.748. Electrical.

- (1) Electrical utilities, whenever feasible, shall be installed underground and completed prior to street surfacing.
- (2) When overhead power poles are used, the poles shall be placed in a rear lot easement and positioned so as to provide individual service to each lot.

16.749. Street Lighting.

- (1) Street lighting shall be in conformance with street lighting plans. Light standards and fixtures shall be installed after the approval of the engineer.

16.750. Gas.

- (1) Natural gas lines shall be installed by the appropriate gas company and completed before street surfacing.

16.751. Telephone.

- (1) Telephone facilities, when feasible, shall be installed underground prior to street surfacing.
- (2) When overhead lines are used, the pole shall be placed in a rear easement and positioned so as to provide individual service to each lot.

16.752. Cable Television

- (1) Cable television wiring, when feasible, shall be installed underground prior to street surfacing.

16.753. Easements.

- (1) Easements at least 10 feet wide along front and side-corner lot lines as well as centered on rear and side lot lines shall be provided for drainage and utilities where necessary. Easements for water main, storm or sanitary sewers shall be at least 20 feet wide. The easements shall have continuity of alignment from block to block; and at deflection points easements for pole-line anchors shall be provided where necessary. Easements may be required along property lines from utility easements on rear lot lines and right-of-ways.
- (2) Where a subdivision is traversed by a water course, drainage way, channel, or stream there shall be provided a storm water easement or drainage right-of-way substantially with the lines of such water course, together with such further width or construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel but also adjoining areas that have been subject to flooding in years of heavy runoff.
- (3) Easements shall be dedicated for the required use.

17.754. Lots.

- (1) Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines, unless a variance from this rule shall give a better street or lot plan.
- (2) Lots with frontage on two parallel streets shall be permitted only under unusual circumstances.
- (3) Minimum lot area and lateral dimensions shall be set forth in the zoning ordinance.
- (4) Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable out lot, unless the owner can show future plans for such remnants.
- (5) Lots abutting upon a water course, drainway, channel, stream, or water holes shall have additional depth or width to assure that home sites are not subject to flooding.
- (6) In subdividing of any land regard shall be shown for all natural features which, if preserved, will add attractiveness to the proposed development.

16.755. Sidewalks and Driveways.

- (1) Grading of boulevards in all new developments shall be accomplished so as to accommodate construction of sidewalks thereon regardless of whether said boulevard is part of a sidewalk plan. Any sidewalk located in the plat shall be dedicated to the public. Any sidewalks constructed in any subdivision shall be in accordance with specifications established by the city engineer. Sidewalks shall be a minimum of four feet in width, and located one foot off the property line in the street right of way.
- (2) Each and every driveway shall be constructed with a concrete apron from the concrete curb and gutter a minimum of three feet towards the property line. If a sidewalk is to be constructed, the concrete driveway shall extend through to the property line side of the walk. The remainder of the driveway shall be concrete or asphalt from the end of the concrete apron to the garage. In cases where driveways are constructed after curbing and sidewalks are in place, the sidewalk shall be reconstructed in accordance with driveway specifications for the width of the driveway.

- (3) Parking areas shall be designed so as to provide an adequate means of access to a public alley or street. Said driveway access shall not exceed 24 feet in width for residential uses and 32 feet in width for commercial, industrial or office uses at the public right-of-way line and shall be so located as to cause the least interference with traffic movement. Driveway widths up to 50 feet will be permitted only by special permission of the city engineer. All off-street parking spaces shall have access off driveways and not directly off a public street. For industrial properties, no more than two (2) driveways shall be permitted along the street frontage of each lot. There will be no parking on any streets serving an industrial facility other than in an emergency.

16.756. Monuments.

- (1) Steel monuments shall be placed at all block corners, lot corners, angle points, points of curves in streets and at intermediate points as shown on the final plat. Such installation shall be at 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 displaced, damaged or removed during grading operations shall be replaced by the developer.

16.757. Specification – Inspections.

- (1) Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the city. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the city engineer.

CONVEYANCE BY METES AND BOUNDS

16.758. Conveyance by Metes and Bounds. No conveyance of land to which these regulations apply shall be filed or recorded if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after May 1, 1980. However, transfers of land may occur as allowed by Minnesota Statutes 1997, 462.358, Subd. 4b, (1), (2), (3), (4), (5), and (6) now in effect and as they may be amended, or was an approved simple lot split pursuant to Article 16.791 through 16.794 of this ordinance.

16.760 – 16.769 – Reserved for Future Expansion

REQUIRED IMPROVEMENTS

16.770. Required Improvements. Prior to final plat approval, the subdivider shall agree

to provide the required improvements at his own expense in conformity with the construction plan approved by the city engineer and in conformity with the requirements of This Article. Required improvements include all costs and expenses incurred by the city directly or for individuals or firms retained by the city to review a proposed subdivision pursuant to the requirements of This Article.

16.771. Payment of Improvements. The required improvements which are listed in This Article are to be furnished and installed at the sole expense of the subdivider and at no expense to the City of Long Prairie unless otherwise stated.

16.772. Construction Plans. The construction plans for the required improvements together with the subdivider's cost estimate of the necessary construction materials shall be submitted to the city engineer for his estimate of the total cost of the improvements. Upon the engineer's approval, the plans shall be the basis of the cost portion of the contract required by Section 16.773.

16.773. Contract for Installation of Improvements. Before installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the City of Long Prairie that shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications, and normal contract conditions approved by the council. The contract shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the city's authority to inspect the construction including provisions for supervision of construction details by the city engineer. The contract shall require the subdivider to make an escrow deposit or furnish a performance bond as specified in This Article. Alternatively, the city at its discretion may require that, or, at the request of the subdivider may agree to, undertake the installation of the required improvements, in which event the subdivider shall enter into a contract with the city agreeing to pay the expense thereof, including all construction, engineering, legal, financing and administrative costs incurred by the city by reason thereof; by such contract the developer shall agree to the method and schedule of payment to the city as determined by the city, and, if required, shall agree to furnish the cash escrow of performance bond described in paragraph 16.774 of This Article.

16.774. Financial Guarantee. The planning commission shall require that one or more of the following financial guarantees be given by the subdivider to assure completion of minimum the necessary required improvements:

- (1) Escrow Deposit. Prior to the city signing the final plat, if the subdivider is to undertake the installation of the required improvements, he shall make a deposit with the City Administrator/Clerk a cash escrow equal to 125 percent of the city engineer's total cost estimate including the costs of inspection of the improvements to be provided and/or installed by the subdivider per his contract. If the city undertakes the installation of said

improvements, and if requested by the city, the subdivider shall make a cash escrow deposit in the amount deemed necessary by the city in case of default of the subdivider. In case of default, the city shall appropriate any such deposit. The term of any deposit shall be specified by the city. Deposits shall be made with the City Administrator/Clerk of the city. The city may agree to provide for the amount of any deposit by reason of completion of, or payment for, the improvements for which said deposit has been made. The city shall be entitled to reimbursement from said deposit for all costs and expenses incurred by the city for reports, reviews, inspections or other services rendered by any individual or firm retained by the city and for any other such damages sustained by the breach of the contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit, if any, shall be refunded to the subdivider. Nothing herein shall preclude the city from making special assessments against benefited property for improvements made on it.

- (2) Performance Bond. The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes with a corporate surety in a penal sum equal to 125 percent of the engineer's estimated cost for the required improvements to be provided and/or installed by the subdivider. The performance bond shall be approved by the city attorney prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements. The subdivider shall likewise separately reimburse the city for all costs and expenses incurred by the city for reports, reviews, inspections or other services rendered by any individual or firm retained by the city and for any other such damages sustained by the breach of the contract. Nothing herein shall preclude the City from making special assessments against benefited property for improvements made on it.

16.775. Privately Constructed Improvements. In the event the subdivider elects to pay one hundred percent (100%) of all costs incurred by installation of the improvements required under This Article titled Required Improvements, outside of the normal assessment procedure, he may do so providing he complies with the following requirements:

- (1) All construction shall be in accordance with plans and specification approved by the city engineer.
- (2) The subdivider must retain a registered civil engineer to design and inspect the improvements and to certify that the improvements were constructed in accordance with the approved plans.

- (3) Complete the required improvements within a two year period.
- (4) Provide the city with reproducible as-built drawings of the improvements within two months of completion of the improvements.

16.776. City Financed Improvements. To request the city to design and construct improvements required under This Article titled Required Improvements the subdivider must submit a petition for all improvements required as part of the subdivision in accordance with State Law. The petition form may be secured from the city engineer. The petition must be submitted prior to October 1st of the year preceding the construction of improvements. The total maximum allowable costs, for complete improvements as required by this Chapter, which can be financed by city assessment procedures within any plat of subdivision per lot or parcel is determined by the city council. The assessment shall be spread over a number of years as prescribed by the council and that the unpaid balance shall bear interest in accordance with the statutes of the State of Minnesota in effect at that time. The cost of said improvements shall be the estimated cost for said improvements as computed by the city engineer. Any cost exceeding the amount authorized to be assessed by the city council per lot or parcel shall be paid by the Subdivider, in accordance with the following:

- (1) The Subdivider shall submit prior to construction of improvements an executed subdivision development contract as required under Section 16.773 of This Article and the required cash escrow or performance bond to insure payment of costs.
- (2) Any variance from the required escrow procedure herein specified, because of unique development or true and certified higher land values or larger than average size lots as platted, but not to include higher improvements costs as a result of street alignment grades or soil conditions, resulting in higher construction costs, will be considered as stated in Section 16.802 "Variances".

16.777. Completed Improvements. If improvements have been completed within the subdivision prior to final plat approval or execution of the contract for required improvements, they shall be accepted as equivalent improvements in compliance with the requirements of This Article only if the city engineer certifies he is satisfied with existing improvements.

16.778. Inspection of Improvements. The subdivider shall notify the city engineer at least 10 days prior to construction of the required improvements and at such time pay the inspection fee.

16.779. Modification of the Design Improvements. If unforeseen conditions arise that make it necessary to modify the location or design of such required improvements, the city engineer may, upon approval of the planning commission, authorize modifications, provided

these modifications are within the spirit and intent of the original approved requirements.

16.780. Proper Installation of Improvements. If the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the city engineer shall report these findings to the council and the planning commission. The City Administrator/Clerk shall then notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the city's rights under the bond. No plat shall be approved by the planning commission as long as the subdivider is in default on a previously approved plat.

16.781. Reimbursement of City Costs. All costs and expenses incurred by the city shall be reimbursed by the subdivider regardless of whether or not final approval of the proposed subdivision is granted.

EXISTING SUBDIVISION OR PLATS: SUSPENSION OF CERTAIN REQUIREMENTS.

16.782 – 16.789 – Reserved for Future Expansion

16.790. This section of This Article applies only in cases where an existing subdivision plat is on file and of record in the office of the County Recorder.

16.791. When the owner of an existing lot or lots within an existing subdivision plat proposes a simple lot split or the consolidation of 2 or more existing lots, the requirements of Section 16.721 and 16.722 shall be waived. Planning & Zoning Commission with the concurrence of the city council may waive compliance with such other sections of This Article as it deems appropriate consistent with the public interest.

16.792. No such simple lot or consolidation of lots resulting in waiver or suspension of the requirements of This Article shall be permitted, however, unless the owner proposing the simple lot split or consolidation meets the following conditions:

- (1) The owner shall file with the City Administrator/Clerk a proposed survey plat a registered land surveyor of the lot or lots to be divided or consolidated. Such plat or survey shall show the dimensions of said lot as measured upon the recorded plat and also the proposed division thereof. A written description of the separately described tract or tracts which will result from the proposed subdivision or consolidation shall be filed with such plat or survey.
- (2) No lot, whether split or consolidated, shall be approved unless the lot meets the minimum dimension required and the minimum lot area specified in This Article or in the City Code.

16.793. Definitions

- (1) Simple Lot Split: A division of one lot into two or more lots or parcels; provided, the resulting lots or parcels separately meet the minimum lot size requirements established by local ordinance or law.
- (2) Consolidation: Two or more existing lots or parcels joined into a single lot, which resulting lot or parcel meets the minimum lot size requirement established by local ordinance or law.
- (3) Any split or consolidation which does not result in a lot or parcel meeting the minimum size requirement shall be deemed non-conforming and a variance shall be required.

16.794. Simple Lot Split/Consolidation Procedure:

- (1) General.
 - a.. A simple lot split or consolidation may be initiated by the property owner(s) authorized agent by filing an application with the City Administrator/Clerk along with the fee(s) established by resolution of the city council.
 - b. A minor subdivision is limited to one (1) division of a parcel of land per twelve month period which results in no more than two (2) lots provided no new road is required and all lots created meet the requirements of the Zoning Ordinance. It does not include any consolidation (i.e., boundary/lot line adjustment) approved pursuant to 16.794 Subd. (5) of This Article.
 - c. The simple lot split or consolidation shall not necessitate any additional public investment in new roads nor utilities to serve the lots.
 - d. A simple lot split is generally not intended for outlots nor commercial/industrial lands..
- (2) Application.
 - a. An application for a simple lot split shall include 15 copies of a certificate of survey prepared by a registered land surveyor showing at a minimum the following information:
 1. Map specification. Date; northpoint; legend; standard

engineer's scale no less than one inch equaling 100 feet, unless otherwise approved by staff.

2. Boundaries. The original lot lines; the proposed new lot lines; legal description of the existing and proposed property.
3. Easements. Existing and proposed easements and their dimension.
4. Existing Improvements. Names and locations of streets, drainage lines, sewer and water lines, other utilities, and structures within the proposed minor subdivision area.
5. Proposed Improvements. Location of proposed sewer and water lines, utilities, common facilities, driveways and structures.
6. Setbacks. Setback distance between existing/proposed structures and all lot lines.
7. Lot Areas. Existing and proposed lot(s) areas shown in square feet for each lot less than one acre.
8. Supplementary Information. An affidavit by the applicant containing the exact names and addresses of all persons or entities having any type of ownership interest in the property.
9. Topography and other features as may be required by the city engineer.
10. Any other information specific to the particular site and required for the complete evaluation of the application. Such information shall be supplied at the expense of the applicant.

(3) Review Process.

- a. The Planning and Zoning Commission shall hold a public hearing on the application. Notice of the time and place of this public hearing shall be in the official newspaper and mailed to all property owners within 350 feet of the subject property. Both

notices shall be given at least ten (10) days before the date of the hearing. The Planning and Zoning Commission shall recommend to the city council either approval, with or without conditions, or denial of the proposed simple lot split within 60 days of when the completed application was accepted by the city. If the Planning and Zoning Commission recommends that the simple lot split be denied, the Planning and Zoning Commission shall set forth the reasons for its recommendation and forward them to the applicant and the city council.

- b. The city council may approve the request with or without conditions, deny it, refer it back to the Planning and Zoning Commission for additional input or study or require modification of the proposed simple lot split. The city council shall approve or deny the simple lot split request within 120 days after the completed application has been accepted by the City Administrator/Clerk.
- c. Where public agencies other than the city have some form of jurisdiction over an area included in or directly affected by a proposed simple lot split, approval of that simple lot split may be conditioned on satisfaction of the requirements of the outside agency. Such agencies shall include but not be limited to Todd County and Minnesota Department of Transportation, and the Minnesota Department of Natural Resources.

(4) Filing.

- a. If the application is approved and the city deems it appropriate, a Declaration of Simple Lot Split shall be prepared and signed by the city and all owners of the property. The Declaration of Simple Lot Split shall contain such provisions as deemed necessary by the city council. The Declaration of Simple Lot Split shall be recorded against the property at the County Recorder's Office. The simple lot split shall not become effective until the Declaration of Simple Lot Split has been signed by all property owners and recorded with the County Recorder's Office.
- b. If approval of simple lot split results in the creation of more lots than previously existed, the applicant shall be required to pay park dedication fees, interceptor sewer charges, and other applicable fees for each additional lot created as required by the city ordinance in effect at that time.

- c. A declaration of the simple lot split or certified copy of the resolution waiving the platting requirements together with one copy of the certificate of survey, shall be recorded with the county. In addition, a copy of the certificate of survey shall be filed with the city. Proof of filing the resolution waiving the platting requirements shall also be submitted to the city prior to issuance of any building permits on the property.

(5). Consolidation (i.e., boundary/lot line adjustments)

- a. A consolidation includes, but is not limited to, transfer of title of a portion of one parcel to an adjacent parcel.
- b. The City Administrator/Clerk can administratively approve a consolidation subject to the following requirements:
 - 1. Compliance with 16.794 Subd. 2 of this Section.
 - 2. A common property line between two adjacent parcels in the same zoning district may be adjusted; provided all resulting parcels conform with the Zoning Ordinance including minimum lot area and setbacks.
 - 3. In case of non-conforming lot(s), a consolidation shall not result in increasing the non-conformity of either lot(s).
 - 4. The City Administrator/Clerk can attach such conditions deemed necessary to protect the public interest.
- c. A consolidation shall be deemed to occur when the deed transferring title is recorded with the County Recorder's Office.

ADMINISTRATION AND ENFORCEMENT

16.800. Administration.

- (1) The planning commission shall administer the provisions of This Article.
- (2) All appeals applying to the terms of This Article shall be made to the council acting as the board of adjustment and appeals.

16.801. Building permits. No building permit shall be issued by any governing official

for the construction of any building structure, or improvement on any land henceforth subdivided until all requirements of This Article and Chapter 15 and 16 of the Long Prairie City Code have been met.

16.802. Variance.

- (1) The planning commission may recommend that a variance be granted by the city council from strict compliance with This Article when extraordinary and unnecessary hardship would be imposed on the property owner, provided that a variance, if granted, would not result in detriment to the public welfare or nullify the intent and purpose of the Community Development Plan or the Zoning article of this code.
- (2) Application for a variance shall be made in writing by the subdivider when the preliminary plat is filed. The plans for variance shall include such covenants and other such provisions as necessary to guarantee the full achievement of the plan.
- (3) If the commission refuses to recommend a variation, the subdivider may petition the city council for a review of the decision for application of variation. Such a petition for appeal must be filed with the City Administrator/Clerk within 10 days from denial of the variance by the commission.

16.803. Amendments. Amendments shall be initiated by the Planning Commission and recommendations made to the council. The Planning Commission shall hold at least one public hearing when an amendment is to be considered. Following the hearing, the planning commission shall report its finding and recommendations to the council. The council shall hold such public hearings upon the amendment or any part thereof such form it deems advisable.

16.804. Fees. The city council shall determine the fee and collection procedure for subdividing.

16.805. Violations and Penalties.

- (1) Any person violating any provision of Section 16.701. to 16.805 shall be guilty of a misdemeanor.
- (2) In the event of a violation or a threatened violation of This Article, the council or any member thereof, in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations; and it shall be the duty of the city attorney to institute such action.

- (3) Any tax payer or citizen of Long Prairie may institute mandamus proceedings in district court to compel specific performance by the proper official or officials of any duty required by This Article.

TABLE OF CONTENTS

SECTIONS

Sections 16.9101 - 16.9102 Statutory Authorization & Policy

Sections 16.9201 - 16.9207 General Provisions & Definitions

Sections 16.9300 Administration

- 16.9301 Permits Required
- 16.9302 Certificates of Zoning Compliance
- 16.9304 Variances
- 16.9305 Notifications to DNR

Sections 16.9400 Shoreland Classifications and Land Use Districts

- 16.9401 - 16.9404 Shoreland Classification System
- 16.9405 - 16.9407 Land Use District Descriptions

Section 16.9500 Zoning and Water Supply/Sanitary Provisions

- 16.9501 - 16.9505 Lot Area and Width Standards
- 16.9510 - 16.9512 Placement, Design, and Height of Structures
- 16.9530 - 16.9542 Shoreland Alterations
- 16.9540 - 16.9542 Placement and Design of Roads,
Driveways and Parking Areas
- 16.9550 - 16.9551 Stormwater Management
- Special Provisions for:
- 16.9560 -Commercial, Industrial, Public
and Semipublic Uses
- 16.9561 -Agricultural Uses
- 16.9562 -Forestry
- 16.9563 -Extractive Uses
- 16.9564 -Mining of Metallic Minerals and Peat
- 16.9570 - 16.9572 Conditional Uses
- 16.9580 - 16.9581 Water Supply and Sewage Treatment

Section 16.9610	Nonconformities
16.9611	Construction on Nonconforming Lots of Record
16.9612	Additions/Expansions to Nonconforming Structures
16.9613	Nonconforming Sewage Treatment Systems
Sections 16.9710 -16.9715	Subdivision/Platting Provisions
Sections 16.9810 - 16.9832	Planned Unit Developments

CITY OF LONG PRAIRIE
SHORELAND MANAGEMENT ORDINANCE

STATUTORY AUTHORIZATION AND POLICY

16.9101 Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

16.9102 Policy. The uncontrolled use of shorelands of the Community of Long Prairie, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the Community of Long Prairie.

GENERAL PROVISIONS AND DEFINITIONS

16.9201 Jurisdiction. The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Sections 16.9401 - 16.9407 of this ordinance, **EXCEPT AS FOLLOWS: WITH REGARD TO THE LONG PRAIRIE RIVER AND VENEWITZ CREEK, THIS ORDINANCE WILL APPLY EXCLUSIVELY TO VEGETATION AND SEDIMENT CONTROL. HOUSING AND OTHER STRUCTURES SHALL REMAIN SUBJECT TO THE PROVISIONS OF THE FLOOD PLAIN MANAGEMENT ORDINANCE.** Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was

no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

16.9202 Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

16.9203 Enforcement. The Long Prairie City Council and the City Attorney's Office are responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional use/interim uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 16.9301 of this ordinance.

16.9204 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

16.9205 Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

16.9206 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

16.9207 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

- (1) Accessory structure or facility - Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
- (2) Bluff - A topographic feature such as a hill, cliff, or embankment having

the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- a. Part or all of the feature is located in a shoreland area;
- b. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- d. The slope must drain toward the waterbody.

- (3) Bluff impact zone - A bluff and land located within 20 feet from the top of a bluff.
- (4) Boathouse - A structure designed and used solely for the storage of boats or boating equipment.
- (5) 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.
- (6) Commercial planned unit developments - Are typically 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.
- (7) Commercial use - The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (8) Commissioner - The commissioner of the Department of Natural Resources.
- (9) 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 the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
- (10) Deck - A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- (11) 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.
- (12) Dwelling site - A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

- (13) 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 timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- (14) Extractive use - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
- (15) Forest land conversion - The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- (16) Guest cottage - A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
- (17) Hardship - The same as that term is defined in Minnesota Statutes, Chapter 462 (for municipalities).
- (18) Height of building - The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
- (19) Industrial use - The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- (20) Intensive vegetation clearing - The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (21) 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 said description for the purpose of sale, lease, or separation.
- (22) Lot width - The shortest distance between lot lines measured at the midpoint of the building line.
- (23) 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.

- (24) Ordinary high water level - The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
- (25) Planned unit development - A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
- (26) Public waters - Any waters as defined in Minnesota Statutes, section 103G.005.
- (27) Residential planned unit development - A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, 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.
- (28) Semipublic use - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- (29) Sensitive resource management - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or

expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

- (30) Setback - The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
- (31) Sewage treatment system - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Sections 16.9580 - 16.9581 of this ordinance.
- (32) Sewer system - Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- (33) Shore impact zone - Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
- (34) Shoreland - Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
- (35) Significant historic site - Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- (36) Steep slope - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and

construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

- (37) Structure - Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
- (38) Subdivision - Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
- (39) Surface water-oriented commercial use - The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
- (40) Toe of the bluff - The lower point of a 50-foot segment with an average slope exceeding 18 percent.
- (41) Top of the bluff - The higher point of a 50-foot segment with an average slope exceeding 18 percent.
- (42) Variance - The same as that term is defined or described in Minnesota Statutes, Chapter 462 (for municipalities).
- (43) Water-oriented accessory structure or facility - A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
- (44) Wetland - A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

ADMINISTRATION

16.9301 Permits Required. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities

not exempted by Section 16.9530 - 16.9532 of this ordinance. Application for a permit shall be made to the City Administrator on the forms provided. The application shall include the necessary information so that the City Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

- (1) A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 16.9580 - 16.9581, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

16.9302 Certificate of Zoning Compliance. The City Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 16.9301 of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 16.9203 of this ordinance.

16.9304 Variances. Variances may only be granted in accordance with Minnesota Statutes, Chapter 462 (for municipalities), as applicable. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

- (1) The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 16.9305(1) below shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- (2) For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

16.9305 Notifications to the Department of Natural Resources. Copies of all notices of

any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

- (1) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

16.9401 Shoreland Classification System. The public waters of Long Prairie have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Todd County, Minnesota.

16.9402 The shoreland area for the waterbodies listed in sections 16.9403 and 16.9404 shall be as defined in section 16.9207(34) and as shown on the Official Zoning Map.

16.9403 Lakes.

- | | | |
|-----|---|------------------------------|
| (1) | Recreational Development Lake
(Lake Charlotte) | Inventory I.D. No.
77-120 |
|-----|---|------------------------------|

16.9404 Rivers and Streams.

- (1) Urban Rivers
 - a. Long Prairie River

Legal Description: Beginning at the city's corporate limits in the NW 1/4 NE 1/4 Section 20, Township 129, Range 33 and meandering northeasterly to the corporate limits in the NE 1/4 of Section 17, Township 129, Range 33. Then beginning at the corporate limits in the SE 1/4 of Section 8, Township 129, Range 33 and meandering northeasterly through the SE 1/4 of Section 8 to the city's corporate limits.

- b. Venewitz Creek

Legal Description: Beginning at the city's corporate limits in the SW 1/4 Section 20, Township 129, Range 33 and meandering north to the Long Prairie River located in the NW 1/4 Section 20, Township 129, Range 33.

Land Use District Descriptions.

16.9405 Criteria For Designation. The land use districts in Section 16.9406, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan (when available) and the following criteria, considerations, and objectives:

- (1) General Considerations and Criteria for All Land Uses:
 - a. preservation of natural areas;
 - b. present ownership and development of shoreland areas;
 - c. shoreland soil types and their engineering capabilities;
 - d. topographic characteristics;
 - e. vegetative cover;
 - f. in-water physical characteristics, values, and constraints;
 - g. recreational use of the surface water;
 - h. road and service center accessibility;
 - i. socioeconomic development needs and plans as they involve water and related land resources;
 - j. the land requirements of industry which, by its nature, requires location in shoreland areas; and
 - k. the necessity to preserve and restore certain areas having significant historical or ecological value.
- (2) Factors and Criteria for Planned Unit Developments:
 - a. existing recreational use of the surface water and likely increases in use associated with planned unit developments;

- b. physical and aesthetic impacts of increased density;
- c. suitability of lands for the planned unit development approach;
- d. level of current development in the area; and
- e. amounts and types of ownership of undeveloped lands.

16.9406 Land Use District Descriptions. The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200, Subp. 3:

(1) Land Use Districts For Lakes
Recreational
Development Lakes

N - Prohibited use
P - Permitted use
C - Conditional use

- | | | |
|----|--|------|
| a. | Special Protection District - | Uses |
| | -Forest management | P |
| | -Sensitive resource management | P |
| | -Agricultural: cropland and pasture | P |
| | -Agricultural feedlots | C |
| | -Parks and historic sites | C |
| | -Extractive use | C |
| | -Single residential | C |
| | -Mining of metallic minerals and peat | P |
| b. | Residential District - | Uses |
| | -Single residential | P |
| | -Semipublic | C |
| | -Parks & historic sites | C |
| | -Extractive use | C |
| | -Duplex, triplex, quad residential | P |
| | -Forest management | P |
| | -Mining of metallic minerals and peat | P |
| c. | High Density Residential District - | Uses |
| | -Residential planned unit developments | C |

PLANNING AND LAND USE CONTROL

CHAPTER 16

	-Single residential	P
	-Surface water oriented commercial*	C
	-Semipublic	C
	-Parks & historic sites	C
	-Duplex, triplex, quad residential	P
	-Forest management	P
d.	Water Oriented Commercial District -	Uses
	-Surface water-oriented commercial	P
	-Commercial planned unit development**	C
	-Public, semipublic	C
	-Parks & historic sites	C
	-Forest management	P

* As accessory to a residential planned unit development

** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Sections 16.9810 - 16.9832 of this ordinance are satisfied.

e.	General Use District -	Uses
	-Commercial	P
	-Commercial planned unit development**	C
	-Industrial	C
	-Public, semipublic	P
	-Extractive use	C
	-Parks & historic sites	C
	-Forest management	P
	-Mining of metallic minerals and peat	P

(2) Land Use Districts for Rivers and Streams

		Urban
a.	Special Protection District - Uses	
	-Forest management	P
	-Sensitive resource management	P
	-Agricultural: cropland and pasture	P
	-Agricultural feedlots	C
	-Parks and historic sites	C
	-Extractive use	C
	-Single residential	C
	-Mining of metallic minerals and peat	P
b.	Residential District - Uses	

PLANNING AND LAND USE CONTROL

CHAPTER 16

-Single residential	P
-Semipublic	C
-Parks and historic sites	C
-Extractive use	C
-Duplex, triplex, quad residential	P
-Forest management	P
-Mining of metallic minerals and peat	P

* As accessory to a residential planned unit development

** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Sections 16.9810 - 16.9832 of this ordinance are satisfied.

c.	High Density Residential- Uses	
	-Residential planned unit developments	C
	-Single residential	P
	-Surface water oriented commercial*	C
	-Semipublic	C
	-Parks and historic sites	C
	-Duplex, triplex, quad residential	P
	-Forest management	P
d.	Water-oriented Commercial- Uses	
	-Surface water-oriented commercial	C
	-Commercial planned unit development*	C
	-Public, semipublic	P
	-Parks and historic sites	C
	-Forest management	P
e.	General Use District - Uses	
	-Commercial	P
	-Commercial planned unit development**	C
	-Industrial	C
	-Public, semipublic	P
	-Extractive use	C
	-Parks and historic sites	C
	-Forest management	P
	-Mining of metallic minerals and peat	P

* As accessory to a residential planned unit development

** Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Sections 16.9810 - 16.9832 of this ordinance are satisfied.

16.9407 Use and Upgrading of Inconsistent Land Use Districts. The land use districts adopted in Chapter 16 of this Code, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, are not consistent with the land use district designation criteria specified in Section 16.9406 herein. These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.

- (1) When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:
 - a. For Lakes. When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this ordinance on said lake must be revised to make them substantially compatible with the framework in Sections 16.9405 and 16.9406 of this ordinance.
 - b. For Rivers and Streams. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this ordinance must be revised to make them substantially compatible with the framework in Sections 16.9405 and 16.9406 of this ordinance. If the same river classification is contiguous for more than a five-mile segment, only the shoreland for a distance of 2.5 miles upstream and downstream, or to the class boundary if closer, need be evaluated and revised.
- (2) When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the City Council.
- (3) When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The City Council will direct the City Administrator to provide such additional information for this waterbody as is necessary to satisfy Sections 16.9407 and 16.9407(1).

- (4) The City Council must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of Section 16.9405 - 16.9407.

ZONING AND WATER SUPPLY/SANITARY PROVISIONS

16.9501 Lot Area and Width Standards. The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications are the following:

16.9502 Unsewered Lakes:

- (1) Recreational Development:

	Riparian Area	Lots Width	Nonriparian Area	Lots Width
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

16.9503 Sewered Lakes:

- (1) Recreational Development:

	Riparian Area	Lots Width	Nonriparian Area	Lots Width
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

16.9504 River/Stream Lot Width Standards. There is no minimum lot size requirements for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for the river/stream classification is:

	Urban	
	No sewer	Sewer
Single	100	75
Duplex	150	115

Triplex	200	150
Quad	250	190

16.9505 Additional Special Provisions.

- (1) Residential subdivisions with dwelling unit densities exceeding those in the tables in Sections 16.9503 and 16.9504 can only be allowed if designed and approved as residential planned unit developments under Sections 16.9810 - 16.9832 of this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 16.9503 can only be used if publicly owned sewer system service is available to the property.
- (2) One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 16.9502 - 16.9504, provided the following standards are met:
 - a. for lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - b. a guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
 - c. a guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- (3) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
 - a. they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
 - b. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
	Less than 100
25	100-200
20	201-300
15	301-400
10	Greater than 400
5	

- c. they must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- d. covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES

16.9510 Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

- (1) Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*.

Classes of Public Waters	Structures		Setbacks* Sewage Treatment System
	Unsewered	Sewered	
Lakes			
Recreational Development	100	75	75
Rivers			
Urban	100	50	75

* One water-oriented accessory structure designed in accordance with Section 16.9511 of this ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

- (2) Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback (in feet)
a. top of bluff;	30
b. unplatted cemetery;	50
c. right-of-way line of federal, state, or county highway; and	50
d. right-of-way line of town road, public street, or other roads or streets not classified.	20

- (3) Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- (4) Uses Without Water-oriented Needs. Uses without water-oriented needs

must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

16.9511 Design Criteria For Structures.

- (1) **High Water Elevations.** Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
 - a. for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
 - b. water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

- (2) **Water-oriented Accessory Structures.** Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 16.9510 of this ordinance if this water-oriented accessory structure complies with the following provisions:
 - a. the structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
 - b. the setback of the structure or facility from the ordinary high water level must be at least ten feet;
 - c. the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - d. the roof may be used as a deck with safety rails, but must not be

- enclosed or used as a storage area;
 - e. the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
 - f. as an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.
- (3) Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- a. stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - b. landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - c. canopies or roofs are not allowed on stairways, lifts, or landings;
 - d. stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - e. stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - f. facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore

areas, provided that the dimensional and performance standards of subitems (a) to (e) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

- (4) Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- (5) Steep Slopes. The City Administrator/Clerk or his designated official must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

16.9512 Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

SHORELAND ALTERATIONS

16.9530 Shoreland alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

16.9531 Vegetation Alterations.

- (1) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Sections 16.9540 - 16.9542 of this ordinance are exempt from the vegetation alteration standards that follow.
- (2) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 16.9561 and 5.63, respectfully, is allowed subject to the following standards:
 - a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and

sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

- b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - 1. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - 2. along rivers, existing shading of water surfaces is preserved; and
 - 3. the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

16.9532 Topographic Alterations/Grading and Filling.

- (1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- (2) Public roads and parking areas are regulated by Section 16.9540 - 16.9542 of this ordinance.
- (3) Notwithstanding Items (1) and (2) above, a grading and filling permit will be required for:
 - a. the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - b. the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- (4) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional

use permits, variances and subdivision approvals:

a. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:

1. sediment and pollutant trapping and retention;
2. storage of surface runoff to prevent or reduce flood damage;
3. fish and wildlife habitat;
4. recreational use;
5. shoreline or bank stabilization; and
6. noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

* This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;

f. Fill or excavated material must not be placed in a manner that creates an unstable slope;

- g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - h. Fill or excavated material must not be placed in bluff impact zones;
 - i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 103G.005;
 - j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
- (5) Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS.

16.9540 Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

16.9541 Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

16.9542 Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 16.9532 of this ordinance must be met.

STORMWATER MANAGEMENT.

The following general and specific standards shall apply:

16.9550 General Standards:

- (1) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- (2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- (3) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

16.9551 Specific Standards:

- (1) Impervious surface coverage of lots must not exceed 25 percent of the lot area.
- (2) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- (3) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

SPECIAL PROVISIONS FOR COMMERCIAL, INDUSTRIAL, PUBLIC/SEMIPUBLIC, AGRICULTURAL, FORESTRY AND EXTRACTIVE USES AND MINING OF METALLIC MINERALS AND PEAT.

16.9560 Standards for Commercial, Industrial, Public, and Semipublic Uses.

- (1) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - a. in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - b. uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - c. uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 1. no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 2. signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

3. other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- (2) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

16.9561 Agriculture Use Standards.

- (1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- (2) Animal feedlots must meet the following standards:
 - a. new feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
 - b. modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

16.9562 Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

16.9563 Extractive Use Standards.

- (1) Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- (2) Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

16.9564 Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

CONDITIONAL USES

16.9570 Conditional Uses Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:

16.9571 Evaluation criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- (1) the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- (2) the visibility of structures and other facilities as viewed from public waters is limited;
- (3) the site is adequate for water supply and on-site sewage treatment; and
- (4) the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

16.9572 Conditions attached to conditional use permits. The City Council, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (1) increased setbacks from the ordinary high water level;
- (2) limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- (3) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

WATER SUPPLY AND SEWAGE TREATMENT

16.9580 Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

16.9581 Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- (1) Publicly-owned sewer systems must be used where available.
- (2) All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance.
- (3) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 16.9510 of this ordinance.
- (4) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (a)-(d). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- a. depth to the highest known or calculated ground water table or bedrock;
 - b. soil conditions, properties, and permeability;
 - c. slope;
 - d. the existence of lowlands, local surface depressions, and rock outcrops;
- (5) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with sections 16.9610 - 16.9613 of this ordinance.

NONCONFORMITIES

16.9610 Nonconformities. All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

16.9611 Construction on nonconforming lots of record.

- (1) Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 16.9501 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
- (2) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- (3) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 16.9501 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land,

each meeting the requirements of Section 16.9501 of this ordinance as much as possible.

16.9612 Additions/expansions to nonconforming structures.

- (1) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 16.9501 - 16.9505 of this ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Section 16.9304 - 16.9305.
- (2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - a. the structure existed on the date the structure setbacks were established;
 - b. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - c. the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
 - d. the deck is constructed primarily of wood, and is not roofed or screened.

16.9613 Nonconforming sewage treatment systems.

- (1) A sewage treatment system not meeting the requirements of Sections 16.9580 - 16.9581 of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- (2) The governing body of Long Prairie has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The City of Long Prairie will require upgrading or replacement

of any nonconforming system identified by this program within a reasonable period of time which will not exceed 2-years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

SUBDIVISION/PLATTING PROVISIONS

16.9710 Land suitability. Each lot created through subdivision, including planned unit developments authorized under Section 16.9810 - 16.9832 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

16.9711 Consistency with other controls. Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Sections 16.9510 - 16.9512 and 16.9580 - 16.9581 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 16.9501, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

16.9712 Information requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:

- (1) topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
- (2) the surface water features required in Minnesota Statutes, section 505.02,

subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

- (3) adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- (4) information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- (5) location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
- (6) a line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

16.9713 Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

16.9714 Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

16.9715 Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 16.9505 of this ordinance.

PLANNED UNIT DEVELOPMENTS (PUD's)

16.9810 Types of PUD's Permissible Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Sections 16.9405 - 16.9407 of this ordinance and

the official zoning map.

16.9811 Processing of PUD's Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 16.9821 - 16.9823. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

16.9812 Application for a PUD The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

16.9813 A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

16.9814 A property owners association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of Sections 16.9824 - 16.9827 of this ordinance.

16.9815 Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Sections 16.9824 - 16.9827 of this ordinance.

16.9816 When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

16.9817 Those additional documents as requested by the City Council that are necessary to explain how the PUD will be designed and will function.

SITE "SUITABLE AREA" EVALUATION

16.9818 Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Sections 16.9821 - 16.9823.

16.9819 The project parcel must be divided into tiers by locating one or more lines

approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions	Unsewered (feet)	Sewered (feet)
Recreational development lakes	267	267
All river classes	300	300

16.9820 The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

RESIDENTIAL AND COMMERCIAL PUD DENSITY EVALUATION

The procedures for determining the "base" density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

16.9821 Residential PUD "Base" Density Evaluation:

- (1) The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Sections 16.9824 - 16.9827.

16.9822 Commercial PUD "Base" Density Evaluation:

- (1) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
- (2) Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development Floor Area Ratios*
Public waters classes

*Average unit floor area (sq. ft.)	Second and additional tiers on unsewered general development lakes; recreational development lakes; and forested river transition segments
200	.020
300	.024
400	.028
500	.032
600	.038
700	.042
800	.046
900	.050
1,000	.054
1,100	.058
1,200	.064
1,300	.068
1,400	.072
1,500	.075

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- (3) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- (4) Divide the total floor area by tier computed in Item (3) above by the average inside living area size determined in Item (1) above. This yields a base number of dwelling units and sites for each tier.
- (5) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Sections 16.9824 - 16.9827.

16.9823 Density Increase Multipliers:

- (1) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Sections 16.9501 - 16.9581 are met or exceeded and the design criteria in Sections 16.9824 - 16.9828 are satisfied. The allowable density increases in Item (2) below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
- (2) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

Density evaluation tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

MAINTENANCE AND DESIGN CRITERIA

16.9824 Maintenance and Administration Requirements.

- (1) Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- (2) Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - a. commercial uses prohibited (for residential PUD's);

- b. vegetation and topographic alterations other than routine maintenance prohibited;
 - c. construction of additional buildings or storage of vehicles and other materials prohibited; and
 - d. uncontrolled beaching of watercraft prohibited.
- (3) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
- a. membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - b. each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - c. assessments must be adjustable to accommodate changing conditions; and
 - d. the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

16.9825 Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:

- (1) at least 50 percent of the total project area must be preserved as open space;
- (2) dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
- (3) open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
- (4) open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units

or sites, and by the general public;

- (5) open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
- (6) open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
- (7) the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
- (8) the shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

16.9826 Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:

- (1) be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
- (2) be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Sections 16.9530 - 16.9532.

16.9827 Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:

- (1) planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 16.9510 - 16.9512 and 16.9580 - 16.9581 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
- (2) dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 16.9823 of this ordinance for developments with density increases;
- (3) shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
- (4) structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
- (5) accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
- (6) water-oriented accessory structures and facilities may be allowed if they

meet or exceed design standards contained in Section 16.9510 - 16.9512 of this ordinance and are centralized.

CONVERSIONS

16.9828 Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

16.9829 Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

16.9830 Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

16.9831 Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

- (1) removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
- (2) remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
- (3) if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

16.9832 Existing dwelling unit or dwelling site densities that exceed standards in Section 16.9821 - 16.9823 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

APPENDIX A

**ORDINANCE CERTIFICATION CHECKLIST
[CITY/COUNTY NAME]**

Once all the below listed tasks are completed, please sign and return the checklist and all required documents to the appropriate DNR area hydrologist.

1. _____ Date of published hearing notice.
2. _____ Date of postmark of hearing notice to commissioner of the Department of Natural Resources/area hydrologist.
3. _____ Date of hearing(s).

4. _____ Date of ordinance adoption.
5. _____ If ordinance is published in entirety, date and affidavit of newspaper publication of adopted ordinance (Include three copies of ordinance).
6. _____ If only ordinance summary published, date and affidavit of newspaper publication of ordinance title and summary along with certified copy of adopted ordinance in its entirety from clerk/auditor. (Include three copies of ordinance)
7. _____ Date of official filing of adopted ordinance with county recorder
_____ record book number
_____ page number.
8. Yes__ No__ Board of adjustment and appeals has been established?

* Note: Cities under charter must also submit a list of any additional requirements for hearings, notices, etc. stated in their charter. Please specify:

Signature of Clerk/Auditor