



**PLAINVIEW PLANNING COMMISSION MEETING
AGENDA**

**Tuesday December 3, 2024, at 6:00 P.M.
City Hall, 241 W Broadway, Plainview, MN 55964**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of Consent Agenda**
 - a. Planning Commission Meeting Minutes – February 6, 2024**
- 4. Public Hearings**
 - a. 600 Code Amendments**
- 5. New Business**
 - a. 600 Code Amendments**
 - b. Board Appointments**
- 6. Updates/Discussion**
 - a. Discuss – 2024 Annual Report to Council**
 - b. Discuss – January Election of Chair and Vice Chair**
 - c. Other Updates/Discussion from Commissioners or Staff**
- 7. Adjourn**

CITY OF PLAINVIEW PLANNING COMMISSION
FEBRUARY 6, 2024
MEETING MINUTES

The February 6, 2024, meeting for the Plainview Planning Commission was called to order at 6:00 p.m. by Commission Chair Holly Reeve.

Members present: Holly Reeve, Jim Walkes, Scott Kujath, and Don Kuschel.

Members absent: Ann Liebenow-Anttila.

Staff members present: City Administrator David Todd, City Clerk Carol Kujath, and Deputy Clerk Kayla Hall.

Guests in attendance: Brian Malm with Bolton & Menk.

Motion by Kuschel, second by Walkes to approve the Agenda.
Motion carried unanimously.

Motion by Kujath, second by Kuschel to approve the Consent Agenda which included the January 10, 2024, Planning Commission Minutes.
Motion carried unanimously.

Building Inspection Proposals:

Construction Management Services (CMS) has been the City of Plainview's building inspections company for many years. Lately, the City has been experiencing some issues with service delivery, slow processing of permits, and missing permits. The City has also received complaints from applicants regarding the length of time in getting their permits back and inspections taking too long to complete. CMS has recently been sold. The new owner has developed properties in Plainview, which creates a conflict-of-interest issue for building inspection services on certain properties. The Planning Commission requested Administrator David Todd to investigate other options for building inspection services in the area. The only alternative to CMS in the region is MNSPECT. Both CMS and MNSPECT supplied the City with quotes for services. CMS has also provided a quote for hourly as well as a retainer fee option. Both proposals offer office software for filing and tracking permits as well as remote inspections. In CMS' proposal this is an add-on service that costs \$3,300, which will be waived for 2024, however, will be added in 2025 and beyond. MNSPECT offers their office software at no additional cost to the City. The Planning Commission had a lengthy discussion and reviewed both proposals. A cost comparison worksheet was provided by Brian Malm with Bolton & Menk, with updated calculations from CMS. Some of the talking points were the added office software cost, even with it being waived for 2024, this is an added expense in the future, the conflict of interest, whether it is real or not,

just how it is perceived as such, service delivery, reputation, and communication. It was noted that if the Planning Commission recommends to Council to switch to MNSPECT, it can be addressed again in the future if the City is not satisfied with the service being provided by MNSPECT. References for MNSPECT were provided to the Planning Commission for review. Administrator Todd did receive feedback from local contractors on their experiences with CMS, which were all positive.

Motion by Reeve, second by Kuschel to recommend to the City Council to accept the building inspection services as proposed by MNSPECT.

Motion carried unanimously.

Updates/Discussion:

Reeve – Condolences to the family of Roger Durgin. Roger served on the Planning Commission for several years and will be missed and remembered with gratitude for his service to the City.

Clerk Kujath – The Planning Commission is down two (2) members, and the City is having a tough time recruiting residents to volunteer to be on the Planning Commission. The City of Elgin pays a stipend to their Planning Commission per meeting. This is something the City of Plainview may want to consider.

Administrator Todd – Per City Code the Planning Commission is to have seven (7) members, two (2) of which can be council members. The Planning Commission has been a difficult board to fill due to the number of board members needed and for members to have an understanding or at least rudimentary knowledge of the trades regarding building inspections and planning. In small towns it has been difficult to find commission members. Would recommend the Council and Planning Commission reach out to see if they can find interested people to serve on the Planning Commission.

Motion by Kuschel, second by Walkes to adjourn.

Motion carried unanimously.

Meeting adjourned at 6:35 p.m.

Planning Commissioner

City Clerk

Date

**CITY OF PLAINVIEW MINNESOTA
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Plainview, MN will conduct a public hearing on December 3, 2024, at 6:00 p.m. in the City Council Chambers located at 241 West Broadway in the City of Plainview, MN.

The purpose of the public hearing is to discuss updates and amendments to Chapter 600 Construction, Planning, Zoning & Land Use of the Plainview City Code Zoning Regulations.

Anyone wishing to speak on this issue is invited to attend and be heard at this scheduled public hearing. Formal written comments will also be accepted prior to the meeting date. Please forward all written comments and/or inquiries to the City Administrator or call 507-534-2229.

Dated this 18th day of November, 2024.
/s/ Carol Kujath, City Clerk
City of Plainview

PLAINVIEW

CITY COUNCIL ACTION



Executive Summary

Planning and Zoning Regular Meeting: December 3, 2024

AGENDA ITEM: 600 Code Final Review	AGENDA SECTION: New Business
PREPARED BY: David Todd, City Administrator	AGENDA NO. 5.a.
ATTACHMENTS: 600 Code of Ordinances Final Revisions	APPROVED BY: dt
RECOMMENDED ACTION: Motion to recommend adoption of the revised 600 Code of Ordinances to City Council.	

SUMMARY

City staff has been in the process of revising the 600 Code of Ordinances, pertaining to zoning, construction, and land use for several months. The code needed review and updates and the project was undertaken by city staff as well as staff from Bolton and Menk—the City’s engineers.

A joint meeting of the Planning Commission and City Council took place in January 2024 where input was gathered on the sections of the code where staff needed some direction. In the months that followed, the code was formatted, rearranged, and completed with updates and with the input from the joint meeting.

The attached document is a completed version that incorporates comments from the joint meeting between the planning commission and city council as well as updated code section related to cannabis legislation. Staff is seeking a recommendation from the Planning Commission to the City Council for approval.

A public hearing was advertised in the Plainview News and public comments will be heard at tonight's Planning Commission meeting. A recommendation will then be forwarded to the City Council and the approved code will be summarily published in the local news paper prior to codification.

Respectfully submitted,

David Todd
City Administrator

600 CONSTRUCTION, PLANNING, ZONING, AND LAND USE

601 DEFINITIONS

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows, or if there are any terms or words not contained herein that described the applicable physical characteristic or condition that prevails, then the definition or abbreviations contained in the current Building Code as published shall prevail. Words used in the present tense include the past and future tense; the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the words "should" and "may" are permissive. In the event of conflicting provisions in the rest of these regulations, the more restrictive shall apply.

Accessory Buildings. A subordinate structure or building on the same lot which is incidental and subordinate to the principal use of the primary or main building.

Accessory Building, Permanent, Temporary, Interior, Attached, Detached. See Section 604.14.2

Accessory Dwelling/Unit. See Section 604.14.2.

Accessory Use. A use incidental to and on the same lot as a principal use.

Agriculture Building. A building located on agriculturally zoned property and used to shelter farm implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation, and which is not used by the public.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Alley, Maintained. Alley used on a regular basis for through traffic with upkeep provided by the City of Plainview.

Alter or Alteration. Any change, addition, or modification in construction or occupancy.

Applicant. Any person or entities that applies for a building permit, subdivision approval, or a permit to allow land-disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's direction. Consent shall be required from the legal owner of the premises.

Aggrieved or Affected Person. An aggrieved or affected person is someone who has a substantial interest in the decision made by the city and who is aggrieved by the decision. In the case of a decision by a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals.

Basement. A story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story if used or intended to be used for dwelling or business purposes. No structure which consists solely of a basement shall, for any period of time, be used as a dwelling.

Best Management Practices (BMP's). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

Block. Any combination of land ownership bounded by streets, roads, or highways or a

combination thereof or by a combination of streets, roads, or highways and public parks, cemeteries, railroad right-of-ways, streams, lakes, or similar man-made or natural physical barriers.

Board of Adjustments. A seven-member governmental Board appointed by the City Council according to MSA 462.354, Subd. 2. The purpose of this board is to act upon appeals regarding the Plainview Zoning Ordinance. The Planning Commission shall serve as the Board of Adjustments.

Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the governing body. All bonds shall be approved by the governing body whenever a bond is required by these regulations.

Buildable Area. The portion of a lot remaining after required yards have been provided.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, ~~chattels~~, or property of any kind.

Cannabis Business. Any of the business licensed by the Minnesota Office of Cannabis Management related to the production and sale of cannabis, including cannabis microbusinesses, cannabis mezzobusinesses, cannabis cultivators, cannabis manufacturers, cannabis retailers, cannabis wholesalers, cannabis transporters, cannabis testing facilities, cannabis event organizers, cannabis delivery services, and medical cannabis combination businesses, as defined under Minnesota Statutes, Chapter 342.

Cannabis Cultivation (Indoor). A cannabis business licensed to grow cannabis plants within the approved amount of indoor space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the Office of Cannabis Management.

Cannabis Cultivation (Outdoor). A cannabis business licensed to grow cannabis plants within the approved amount of outdoor space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the Office of Cannabis Management.

Cannabis Delivery. A cannabis business licensed to purchase cannabis flower, cannabis products, and hemp products, including lower-potency hemp edibles, as defined under Minnesota Statutes, Section 340.01, from retailers or cannabis business with retail endorsements for transport and delivery to consumers.

Cannabis Manufacturing. A cannabis business licensed to manufacture cannabis products and hemp products, and package such products for sale to a state-licensed cannabis retailer and perform other actions approved by the Office of Cannabis Management.

Cannabis Retailer. A cannabis business licensed or endorsed to sell cannabis product to consumers and not for the purpose of resale in any form. Cannabis retailer may include state-licensed cannabis retailer location(s) and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, and medical combination businesses operating a retail location.

Cannabis Testing Facilities. A cannabis business licensed to obtain and test immature cannabis

plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis businesses.

Cannabis Transporter. A cannabis business licensed to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, and hemp products to licensed cannabis businesses.

Cannabis Wholesaler. A cannabis business licensed to purchase and sell immature cannabis plants and seedlings, cannabis flower, cannabis products, and hemp products, including lower-potency hemp edibles, from another licensed cannabis business, as well as import hemp-derived consumer products and lower-potency hemp edibles.

Building Official. The officer charged with the administration and enforcement of this ordinance or his regularly authorized deputy.

City Attorney. The licensed attorney designated by the City of Plainview to furnish legal assistance for the administration of these regulations.

City Council. Governing body of the City of Plainview.

City Engineer. The licensed engineer designated by the City of Plainview to furnish engineering assistance for the administration of these regulations.

Cluster Development. A subdivision development planned and constructed that groups housing units into patterns while providing a unified network of open space and wooded areas, while meeting the overall density regulations of this Ordinance. A cluster development must be at least 5 acres in size.

Comprehensive Plan (Master Plan). "Comprehensive Plan or Master Plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the city's recommendations for future development of the city.

Concept Plan. A preliminary sketch showing the proposed development that may include lot patterns and roadways prior to submitting a preliminary plat to enable the subdivider to save time and expense in reaching general agreement and understanding of all applicable City standards and regulations.

Condominium. A multiple dwelling containing individually owned dwelling units and jointly owned with shared areas and facilities, which dwelling is subject to applicable provisions of Minnesota State Statute §515A, commonly known as the Uniform Condominium Act.

Construction Plan. Maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City as a condition of the approval of the plat.

Construction Stormwater (CSW) Permit. A permit for construction activity required by the Minnesota Pollution Control Agency (MPCA) under Minnesota Rules Chapter 7090.

Cross Walkways. A right-of-way or easement dedicated to public use which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.

Cul-de-sac (court). A short street having one end open to traffic and the other end being permanently terminated by a circular turn-around for vehicles.

Day Care. A state licensed residential facility serving from 7 through 16 persons or a licensed

day care facility serving from 13 through 16 persons.

Developer. The owner or representative of land proposed to be subdivided. Consent shall be required from the legal owner of the premises.

Development. The act of building structures and installing site improvements.

Discharge. The conveyance, channeling, run-off, or drainage of stormwater, including snow melts from a construction site.

Dwelling Unit. One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental, or lease on weekly, monthly, or longer basis and physically separate from any other rooms or dwelling units which may be in the same structure and containing independent cooking, bathing and/or sleeping facilities.

Dwelling Unit, Multi-family Unit. A residential building designed for or occupied by four or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit, Single-family. A detached residential dwelling unit including, but not limited to, stick built housing, manufactured housing and mobile homes complying with Minnesota Statutes §327.31 to §327.36, designed for and occupied by one family only.

Dwelling Unit, Two Family. A residential building containing two dwelling units, designed for occupancy by not more than two families.

Easement. A grant by the property owner of the use of a designated portion of land by the public, individuals, groups, or corporations for specific purposes.

Erosion. Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

Erosion Control. Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Escrow. A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Plainview City Clerk in a separate account.

Existing Building or Structure. A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

Family or Household Members. (1) spouses and former spouses; (2) parents and children; (3) persons related by blood; (4) persons who are presently residing together or who have resided together in the past; (5) persons who have a child in common regardless of whether they have been married or have lived together at any time.

Fences. A structure dividing pieces of property which may or may not be on adjoining property lines.

Gas Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a gas station do not include major mechanical and body work, straightening of body parts or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gas stations.

Footing. That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.

Frontage. That side of a lot abutting on a street or alley and ordinarily regarded as the front of the lot; in the case of a corner lot, it shall be the smaller lot line abutting a street right-of-way.

Garage. A building or portion thereof in which a motorized vehicle or equipment containing gasoline, distillate, or other volatile, flammable liquid in its tank, is stored, repaired, or kept and not qualifying as an accessory dwelling.

Garage, Private. A building attached or detached to the primary building used by the owner or tenant for the storage of motorized vehicles or equipment and not qualifying as an accessory dwelling.

Garage, Commercial. Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, sold or stored.

Governing Body. The City Council of Plainview.

Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.

Ground Floor. First floor entirely above grade.

Height of Building. The vertical distance from the “grade” to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

Hemp Business. A business licensed by the Minnesota Office of Cannabis Management related to the production and sale of lower-potency hemp edibles, including lower-potency hemp edible manufacturers and lower-potency hemp edible retailers.

Home Occupation. Any gainful occupation or profession engaged in by the occupant of a dwelling from the dwelling unit. Such uses may include professional offices, repair services, photo or art studios, dressmaking, barber and beauty shops, tourist homes, daycare centers, or similar uses. Auto repair, welding, and large equipment repair or other business that has outdoor display or activity shall not be included as a home occupation.

Impervious Surface. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Improvements. See Lot Improvements or Public Improvements.

Inspection. A procedure of determining the location of buildings and structures and the general construction or erection utilized to meet the intent of this ordinance.

Interim Use. is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Land Disturbance Activities. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government’s jurisdiction, including clearing and grubbing, grading, excavating, transporting, and filling of land.

Living Area. The interior habitable area of a dwelling unit including basements and attics and does not include a garage or any accessory structure.

Loading Space, Off-street. Space logically and conveniently located for bulk pickups and deliveries. Required off-street loading space shall not to be included in the assessment of off-street parking space needed for the use.

Lot. A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for

use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public or private street, and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record, a parcel of land described by metes and bounds. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lots, Double Frontage. Lots which have a front line abutting on one street and a back or rear, line abutting on another street.

Lot, Interior. A lot which is located between two other lots.

Lot, Through. A lot situated such that any two of its opposite sides are adjacent to street.

Lot Improvement. Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Lot of Record. A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lower-Potency Hemp Edible Manufacturer. A hemp business licensed to manufacture artificially derived cannabinoids as well as lower-potency hemp edibles for public consumption and package such lower-potency hemp edibles for sale to consumers. Hemp manufacturers may also sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses.

Lower-Potency Hemp Edible Retailer. A hemp business licensed to to acquire, possess, transfer, sell, dispense, or distribute lower-potency hemp edible products and related supplies and products pursuant to consumers.

Manufactured Home. A structure, transportable in one or more sections, which in the transportable mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under Chapter 327 of Minnesota statutes.

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

Manufactured Home Park Space or Manufactured Home Park Lot. A parcel of ground within a manufactured home park designed for the accommodation of one manufactured home.

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

Minimum Subdivision Design Standards. The guides, principles and specifications for the preparation of subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Monument. Concrete and/or metal markers utilized to establish survey points and lot boundaries.

Non-Conforming. That which fails to meet the requirements and intent of this ordinance. Also refer to Section 604.10.12 and Article IV, §1, 2, and 3

Open Space. An area of land preserved from building development and reserved for the use of the general public or a homeowners' association for the purpose of active and passive recreation and certain necessary community facilities.

Ordinance. Any legislative action of a local government which has the force of law including any amendment or repeal of any ordinance.

Outlot. A tract of land other than a lot or block so designated on a land division plat or Certified Survey Map.

Owner. Any person, group, firm, or corporation, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Owner Occupied. The owner currently resides on the property.

Places of Worship. Development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, classrooms, dormitories and accessory buildings.

Park. Area of public land developed and maintained primarily as pleasurable landscaped areas provided for both active and passive recreational pursuits, including tot- lots, playground-s' neighborhood parks, play fields, and special purpose areas.

Parking Space, Off-Street. Space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Person. Any individual, firm, corporation, partnership, franchisee, association, or governmental entity.

Plat. A drawing or map of a subdivision prepared for filing of record containing all elements and requirements set forth in applicable local regulations.

Plat, Final. All required maps, information, and documents as set forth in the subdivision regulations and as required by the City and containing all conditions imposed on the preliminary plat.

Plat, Preliminary. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their consideration.

Planning Commission. A governmental agency appointed by the City Council according to MSA 462.351 through 462.363.

Private Street. A street serving as vehicular access to one or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government

may ultimately assume the responsibility for maintenance, operation, and/or ownership or which may affect an improvement for which local government responsibility is established.

Recreation Vehicle. A transportable overnight or short-term sleeping vehicle. The term includes, but is not necessarily limited to, travel trailer, pickup camper, fold-down camper, and mobilized camper.

Recreation Vehicle Park. An approved site, lot, field, or tract of land designed, maintained, or used for the purpose of supplying location and accommodations for recreation vehicles and including any building, structure, vehicle, or enclosure used or intended for use as part of the equipment of such park; unoccupied recreation vehicles which are parked for purposes of inspection and sale may be placed in a recreation vehicle park if they are incidental to the operation of said recreation vehicle park.

Recreation Vehicle Space or Lot. A parcel of ground within a recreation vehicle park designed for the accommodation of one recreation vehicle.

Renewable Energy System. Any system, structure, or apparatus designed to generate energy from naturally replenishing sources, including but not limited to solar, wind, hydroelectric, geothermal, and biomass sources. These systems may include solar panels, wind turbines, hydroelectric generators, geothermal heat pumps, and biomass combustion systems, among others.

Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The work "repair" or "repairs" shall not apply to any structural or spatial modifications.

Residential Facility or Housing with Services. A state licensed residential facility or housing with services establishment serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a single family use.

Restrictive Covenants. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Resubdivision. A change in a map or an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Right-of-way Width. The distance between property lines measured at right angles to the center

of the street.

Setbacks. Distance required from nearest point of building wall or structure to property line.

Short Term Rental. A dwelling unit, or a portion of a dwelling unit, rented for a period of less than thirty (30) days.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

Signs, Number of. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Sign, On-site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of outdoor advertising business.

Signs, Off –site. A sign other than an on-site sign.

Stormwater. Means precipitation run-off, stormwater run-off, snow melt run-off, and any other surface run-off and drainage.

Stormwater Management Facility. Means a permanent natural or man-made facility that serves the purpose of temporarily detaining/retaining, infiltrating, and/or treating stormwater runoff.

Stormwater Pollution Prevention Plan (SWPPP). Means a plan for stormwater discharge that includes all required content under the MPCA Construction Stormwater (CSW) Permit that describes the erosion prevention, sediment control and waste control BMPs and permanent stormwater treatment systems.

Stabilized. Is exposed ground surface after it has been covered by sod, erosion control blanket, riprap, or other material that prevents erosion from occurring. Simply sowing grass seed is not considered stabilization.

Street, Arterial. An urban arterial is a four-lane street which provides service for intra- urban trips at a somewhat lower level of travel mobility than the expressway. The at- grade intersections should be fully or partially regulated by conditions for the arterial traffic. Direct private access onto the street will be permitted but regulated. Under certain circumstances, a frontage road may be needed. Additional right-of-way would be required for the frontage road.

Street, Collector. A street that serves local traffic and provides for direct private access to abutting land uses. This system channels the local traffic to and from the arterial system and is capable of serving a minimum of through traffic.

Street, Frontage. A frontage street (road) is adjacent to a major thoroughfare. Its primary function is to preserve the safety and capacity of the thoroughfare by controlling leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, access to the major street while still providing direct private access to the adjoining properties. The roadway of the frontage road usually abuts the thoroughfare's right-of-way.

Street, Local. A local street offers the lowest level of mobility because service to through traffic is deliberately discouraged. Direct private access to abutting land uses is provided.

Street Width. For the purpose of this Ordinance, the shortest distance between the lines

delineating the right-of-way.

Structure. A building or edifice or anything built, manufactured, constructed, or erected which is normally attached to or positioned on land, inside the ground (underground structure) including portable buildings, earthen structures, roads, parking lots, and paved storage areas. A structure can be among other things a wall, fence, or a prior mobile home which has been immobilized and erected on some type of permanent footings or foundation.

Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, or plat in a subdivision, or (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and non-residential zoned land, whether by deed, metes and bounds description, lease, map, plat, or other recorded instrument.

Townhouse. A structure housing two (2) or more dwelling units contiguous to each other only by the sharing of one (1) common wall. Each dwelling shall have a separate entrance.

Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water or as defined by Minnesota State Wetland Program Summary statute (Minn. Stat. § 103G.005, subd. 19). For purposes of this definition, wetlands must have the following three attributes:

- (1) have a predominance of hydric soils;
- (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) under normal circumstances support a prevalence of such vegetation.

Variance. A city authorized deviation from a requirement of the zoning code where, due to circumstances unique to the subject property, strict enforcement of the zoning code would cause practical difficulties. The consideration of a variance request shall be based upon defined practical difficulties criteria contained in Minnesota Statutes, Section 462.357, subd. 6 (2).

Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, wallpoles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning administrator may waive the requirement for the normal front yard and

substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of a half depth required generally for front yards in the district shall be provided on the other frontage.

In the case of reverse frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the administrator shall determine the front yard requirements, subject to the following limitations: at least one front yard shall be provided having the full depth required generally in the district; no other front yard on such lot shall have less than half the full depth required generally.

Depth of the required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Fronting and rear lines shall be parallel.

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards.

Yard, Rear. A yard extending across the rear of the lot between side yard lines. In the case of through lots and corner lots, there will not be a rear yard, but only front and side yards.

602 ADMINISTRATION AND ENFORCEMENT

602.1 Duties of the Zoning Administrator

602.1.1. Zoning Administrator. The City Administrator shall serve as the zoning administrator.

602.1.2. Duties of the Zoning Administrator. The zoning administrator shall enforce the zoning and land use ordinances and shall be responsible for the following functions:

- A. Review all matters pertaining to applications and enforcement of this chapter.
- B. Review building permits to ensure proper zoning and approve other permits and make and maintain records thereof.
- C. Conduct inspections of buildings and use of land to determine compliance with the

terms of this chapter.

- D. Maintain permanent and current records of this chapter, including but not limited to: all maps, amendments, conditional uses, variances, appeals, and applicants therefore.
- E. Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
- F. Notify in writing persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
- G. Institute, in the name of the city, any appropriate actions or proceedings against a violator as provided for in this chapter.

602.2 Duties of the Planning Commission. The Planning Commission shall provide assistance to the city council and zoning administrator in the administration of this chapter and the provide recommendations to the city council, as needed, regarding the administration of this chapter.

602.3 Board of Adjustments Established; Membership; Duties.

602.3.1 Established. The Board of Adjustments is hereby established. The Planning Commission shall serve as the Board of Adjustments. The Board of Adjustments shall serve in an advisory capacity to the city council, and shall have the following powers and duties:

602.3.2 Powers and Duties

- A. The Board shall review all questions as they may arise regarding the interpretation of this chapter and shall provide recommendations to the City Council regarding the interpretation of this chapter.
- B. The Board shall review applications for variances and conditional use permits as they arise, shall hold any public hearings related to such permit applications, and shall provide the city council written recommendations on the permit applications. The written recommendations shall include a complete copy of the record of the proceedings before the Board, along with factual findings to support its recommendations.

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

602.5 Re-Submission of Use Permit, Variance Requests, and Subdivision Plats. Following denial by the City Council of a use permit request, variance request, or subdivision plat, an applicant may not re-submit the same request again to the City Council within one year of the date of denial of said request, unless the applicant has made a good faith effort

to change their request as instructed by the City Council in its findings denying the original request.

602.5.1 Appeals From The Board Of Adjustment. Any person or persons, or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek, after an appeal to City Council, within 30 days of the decision, judicial review, in the manner provided by the state statutes.

602.6 Amendments

602.6.1 Generally.

- A. The city council may adopt amendments to this chapter and the zoning map in relation both to land uses within a particular district or to the location of the district line. Such amendments shall not be issued indiscriminately but shall only be used as a means to reflect changes in the goals and policies of the city as reflected in the comprehensive plan. Amendments must be adopted by a majority vote of the city council. The adoption or amendment of any portion of a zoning and land management ordinance which changes all or part of the existing classification of a zoning district from residential to either a commercial or an industrial district requires a two-thirds majority vote of the city council.
- B. The following are the types of amendments the council may make:
 - 1. A change in a district's boundary (rezoning)
 - 2. A change in a districts regulations
 - 3. A change in any other provision of this chapter

602.6.2 Initiation of Proceedings. Proceedings for amending this chapter shall be initiated by at least one of the following methods:

- A. By action of city staff
- B. By petition of an owner of property which is proposed to be rezoned or for which district regulation changes are proposed
- C. By action of the city council

602.6.3 Amendments Initiated by Property Owners. The procedure for a property owner to initiate a rezoning or district regulation change applying to any property is as follows:

- A. The property owner or his/her agent shall meet with the zoning administrator to explain the situation, learn the procedures and obtain an application form and checklist of required exhibits.
- B. The applicant shall file the completed application form together with the required exhibits with the zoning administrator and shall pay a filing fee and escrow as established by resolution. Required exhibits include:
 - 1. A fully completed application form signed by all property owners.
 - 2. All required fees and costs associated with the application.
 - 3. A written statement that explains the request, including the section of the zoning and land management ordinance for which an amendment is requested as well as suggested language for the amendment. If applying for a rezoning, the request

should describe the current and proposed zoning classification along with reasons supporting the proposed change. For the city council to adopt a zoning and land management ordinance amendment or rezoning, it needs to be consistent with the city's comprehensive plan. The written statement should address the request's consistency with the comprehensive plan or a proposed amendment to the comprehensive plan.

4. An accurate boundary survey and conceptual development plan for the area proposed to be rezoned.
5. Any other technical information identified by the zoning administrator as required by state statute or necessary to review the proposal for consistency with the city's comprehensive plan for example, but not limited to, environmental review, traffic impact study, future roadway layout, stormwater analysis, utility and grading plans and/or concept platting. One copy of all required exhibits as indicated on the application form.
6. The zoning administrator shall transmit the application and required exhibits to the planning and zoning commission for review and recommendation. In the case of a rezoning request, a notice of the planning and zoning commission meeting schedule for consideration of the application shall be sent to all property owners within 350 feet of the outer boundaries of the property in question.
7. The planning commission shall review the proposal and hold a public hearing in accordance with Section 602.6.5 of this chapter.
8. After the public hearing, the planning commission shall transmit to council its recommendation for approval or denial, along with facts supporting the recommendation.
9. The council shall either approve or deny the application by resolution.

602.6.4 Amendments Initiated by City Staff or the City Council. The following procedures apply for initiating an amendment based upon a recommendation by city staff or the city council:

- A. The proposed amendment shall be referred to the planning commission for study and report.
- B. The city council may direct the planning commission to initiate a study on a proposed ordinance amendment and report its findings and recommendations from the study to the city council.
- C. The planning commission shall hold a public hearing in accordance with Section 602.6.5 of this chapter.
- D. In the case of a rezoning a notice shall be mailed to the owners of the property being considered for rezoning within 350 feet of the outer boundaries of the property in question not less than ten days prior to the date of the hearing. Mailed notice shall not be required for a city-wide amendment to this chapter initiated by the city council after review by the planning and zoning commission.
- E. The city council, after receipt, and placing on file the report of the planning commission shall either approve or deny the proposed amendment or rezoning.

602.6.5. Public Hearings. No Zoning and Land Management ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning commission. A notice of the time, place and purpose of the hearing shall be published

in the official newspaper of the city at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

602.7 Conditional and Interim Use Permits. The zoning administrator shall maintain a record of all conditional and interim use permits issued including information on the use, location, and conditions imposed by the city council, time limits, review dates and such other information as may be appropriate

602.7.1 Application Procedures for Conditional Use and Interim Use Permits. The procedure for applying for conditional and interim use permit are as follows:

- A. The property owner or his or her agent may meet with the zoning administrator to describe the situation, to be advised of the procedures and to obtain an application form.
- B. The following exhibits shall be required for a conditional and interim use permit. Any of the application requirements below may not be applicable to a particular permit application and any application requirement listed below may be waived in writing by direction of the zoning administrator or city engineer:
 - A. A fully completed application form signed by all property owners.
 - B. All required fees and costs associated with the application.
 - C. A statement of proposed use(s) addressing the required findings in Section 602.7.3 which outlines if it is a temporary use of property or is intended to be a permanent use of the property.
 - D. Accurate and to-scale development plans for the project area, the number of which to be provided as indicated on the application form, including the following minimum information as required by the zoning administrator or city engineer.
 - E. Location and dimensions for existing and/or proposed buildings or other structure(s); setbacks; walkways and bikeways; off-street parking and driveways; refuse and service areas including screening materials; loading areas and docks; any fencing including material type; and any signs.
 - F. A site plan and building elevation plans.
 - G. A utility plan showing all existing and proposed water, sanitary sewer and stormwater management utilities needed up to 200 feet beyond the project area boundary as well as pipe diameters, rim and invert elevations and pipe gradients for sanitary sewer and storm sewer mains.
 - H. A grading plan with topographic data for 200 feet around the subject property or around major features with contour intervals not exceeding one foot. All

proposed stormwater management facilities, roadway gradients and spot elevations on parking lots and curb lines must also be shown on the grading plan.

- I. Ingress and egress to property and proposed structures thereon and with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access.
 - J. Screening and buffering with reference to type, dimension and purpose.
 - K. Exterior lighting plans showing proposed exterior lighting and signs with reference to fixture type, height including base, glare, traffic safety, lumen levels at all property lines, and compatibility and harmony with properties in the district.
 - L. Landscaping plan showing quantities, size, common and botanical names, mature heights and spreads, root type and locations of plants and areas of sod.
 - M. Traffic impact study, if required by the city engineer.
 - N. Stormwater management calculations and report in a format approved by the city engineer.
 - O. Such other information and size and quantity of exhibits as required by the city.
- C. The zoning administrator shall forward the application and required exhibits to the planning commission for review and consideration. A notice of the planning commission meeting for consideration of the application shall be sent to all property owners within 350 feet of the outer boundaries of the property in question.
- D. The planning commission shall review the proposal and report to the city council its recommendations together with any conditions it may propose on the recommendation.
- E. The zoning administrator shall schedule the public hearing and shall cause notice of the time, place and purpose of said hearing to be published at least ten days prior to the date of the hearing in the official newspaper of the city. The notice shall be mailed to the owners of the property within 350 feet of the outer boundaries of the property in question not less than ten days prior to the date of the hearing.
- F. The city council shall, after receipt and placing on file the report of the planning and zoning commission, and zoning administrator, hold a public hearing on the application. The city council shall either approve or deny the application.

602.7.2 Expiration, revocation and amendment.

- A. The zoning administrator shall file a certified copy of any conditional or interim use permit with the county recorder. The conditional use permit shall include the legal description of the property. The applicant shall reimburse the city for the filing costs.
- B. Where a conditional and/or interim use permit has been issued pursuant to the provisions of this division, such permit shall become null and void unless work thereon commences within one year of the date of granting such conditional or interim use unless otherwise stipulated or an extension is approved by the city

- council. A conditional or interim use permit, unless otherwise specified in the conditions of approval, shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than 36 months.
- C. In the event that the applicant violates any of the conditions set forth in the permit, the conditional or interim use permit may be revoked by resolution of the city council. The resolution shall be recorded with the county recorder.
 - D. The procedure to amend or alter an existing conditional or interim use shall be the same as outlined in Section 602.7.1.

602.7.3 General Criteria for Granting. In granting a conditional or interim use permit, the city council shall consider the advice and recommendations of the planning and zoning commission. The city council shall make the following findings to grant a use permit:

- A. *Consistency with the comprehensive plan.* The proposed use shall be consistent with the comprehensive plan.
- B. *Health and safety.* The proposed use shall not negatively impact the health, safety and general welfare of occupants of surrounding land.
- C. *Public infrastructure services.* Adequate public facilities and services shall be able to be provided to the site where the use is proposed, and/or existing infrastructure shall be able to absorb the additional demand for public services such as utilities, streets, parks, schools, etc.
- D. *Screening and landscaping.* Incompatible impacts of the proposed use shall be screened and buffered from adjacent property and the surrounding neighborhood. The city council may require additional landscaping or screening above that required in the zoning ordinance.
- E. *Architectural standards.* The site or building associated with the proposed use meets or exceeds the architectural design and landscaping standards for the district in which it is located. The city council may require additional architectural standards above those required in the zoning ordinance.
- F. *Zoning.* The use is consistent with the purposes of the zoning and land management ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- G. *Traffic.* The generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety associated with driveway locations, existing and proposed capacity on adjacent roads, sidewalks and trail connections can be adequately mitigated.
- H. *Temporary Use.* If a temporary use permit is applied for, a specific date or end of a specific occurrence of an event must be specified as a condition of approval.

602.7.4 Additional Conditions Authorized. In permitting a new conditional or interim use or the alteration of an existing conditional or interim use, the city council may impose, in addition to these standards and requirements expressly specified by this chapter, additional conditions which the city council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- A. Increasing the required lot size or yard dimensions
- B. Limiting the height, size or location of buildings
- C. Controlling the location and number of vehicle access points.
- D. Increasing or decreasing the street or driveway width
- E. Increasing or decreasing the number of off-street parking spaces

- F. Limiting the number, size, location, or lighting of signs
- G. Modifying the building architecture or orientation or required berms, screening, landscaping or other facilities to protect adjacent or nearby property.
- H. Designating locations for open space.

602.8 Variances, Conditions Governing Applications, Procedures.

Pursuant to Minnesota Statute 462.357, subd. 6, as may be amended from time to time, the Planning Commission, shall have the power to hear requests for variances from the requirements of a zoning and land management ordinance based upon practical difficulties, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance; and when the variances are consistent with the comprehensive plan.

602.8.1 Application and Public Hearing.

The procedures for applying for a variance from the is chapter are as follows:

- A. The property owner or his agent shall meet with the zoning administrator to describe his or her situation, to be advised of the procedures and to obtain an application form.
- B. The applicant shall file the completed application form together with the required exhibits with the zoning administrator and shall pay a filing fee as by the Council.
- C. The application shall set forth the special circumstances and conditions which the applicant alleges exist and which are peculiar to the land, structures or buildings involved.
- D. The zoning administrator shall submit the application to the planning commission for its review and comment, and to hold a public hearing on the application.
- E. The zoning administrator shall schedule the public hearing and shall cause notice of the time, place and purpose of said hearing to be published at least ten days prior to the date of the hearing in the official newspaper of the city. The notice shall be mailed to the owners of the property within 350 feet of the outer boundaries of the property in question not less than ten days prior to the date of the hearing. The current City Assessor's tax records shall be deemed sufficient for the location of said properties.
- F. After the public hearing, the planning commission shall make a written report to the City Council, with proposed factual findings to support its recommendation.
- G. Upon receipt of the report from the planning commission, the city council shall either approve or deny the application by resolution.

602.8.2 Required Exhibits and Submittals.

- A. A complete application form signed by all the property owners.
- B. All required fees and administrative costs referenced in Section 602.2 associated with the application.
- C. A statement of all property owners of all land included within the proposal and a list of property owners' names and addresses within 350 feet of the outer boundaries of the property.
- D. A statement outlining the variance request addressing the required criteria in Section 602.8.3.
- E. Accurate and to-scale development plans for the project area, the number of which to be provided as indicated on the application form.

602.8.3 Criteria for Granting; Recording; Revocation.

In granting a variance, the city council shall consider the advice and recommendations of the planning commission, The city council shall make the following findings to grant a variance:

- A. *Zoning*. The variance is in harmony with the purpose and intent of the ordinance;
- B. *Comprehensive Plan*. The variance is consistent with the comprehensive plan;
- C. *Practical Difficulties*. The landowner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties, as used in connection with the granting of a variance, require the following findings:
 - 1. The landowner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
 - 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - 3. The variance, if granted, will not alter the essential character of the locality.
- D. *Economic Considerations*. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. The board or governing body may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- E. *Use Variances Prohibited*. The City council may not grant a variance for any use that is not allowed under this chapter for property in the zone where the affected person's land is located.
- F. *Conditions*. The city council may impose such restrictions or conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this chapter, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. Any conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.
- G. *Revocation*. The city council may revoke a variance if any conditions established as part of granting the variance request are violated.
- H. *Recording*. The zoning administrator shall file a certified copy of the resolution approving the variance with the county recorder or registrar of titles for record. The resolution shall include the legal description of the property involved. The applicant shall reimburse the city for the filing costs. Failure to file a resolution or variance shall not affect its validity or enforceability.

602.8.4 Record of Proceedings. The Planning Commission and the Council shall provide for a record of their proceedings, which shall include the minutes of their meetings, their findings, documentary or other evidence received, and the action taken on each matter heard by them, including final recommendation, decision and order.

602.8.5 Appeals from the Decision of City Council. Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Council may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 462.361, Minnesota State Statutes.

602.9 Building Code

602.9.1 Codes adopted by reference.

The Minnesota State Building Code, as adopted by the Minnesota Department of Labor and Industry, pursuant to Minnesota Statutes chapter 326B, including all of the

amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

604.9.2 Application, Administration and Enforcement.

The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes 326B.121, subd.2(d), when so established by this ordinance. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 326B.133, subd. 1). No construction project shall be constructed without first paying for and acquiring a building permit.

602.9.3 Violations and Penalties.

A violation of the code is a misdemeanor.

602.9.4 Permits and Fees.

The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the City.

602.9.5 Permit Validity: Any building permit issued by the City of Plainview remains valid for a period of 2 years from the date of issuance. Construction activities must commence within 180 days and be completed within the 2 years expiration, otherwise, the permit becomes invalid unless renewed. If the work authorized by the permit is suspended or abandoned for a period exceeding 180 days, the permit becomes invalid unless renewed before expiration. The 180-day period begins on the first day the work was suspended or abandoned.

602.9.6 Renewals and Expiration.

Permits may be renewed administratively for not more than one (1) renewal of one hundred and eighty (180) days. After the original issuance (2 year validity) and one renewal (180 days) the maximum permit period of three (3) years, the permit will be considered expired and invalid, and a new permit application and fee will be required. For purposes of this paragraph, the term "commenced" shall mean the completion of an inspection. A failed inspection does not count as a valid commencement of construction. For purposes of this paragraph, the term "completed" shall include, but not be limited to the following:

1. All required inspections are passed.
2. All scope of work authorized in permit is fully built, functional and inspected.
3. All utilities water, sewer/septic, electricity and or gas are connected.
4. Removal of all construction materials, equipment, debris, and excess earth.
5. Placement of topsoil and sod or seed/mulch on all lawn areas. Finish grading any swales within established drainage easements necessary to accommodate natural drainage of adjacent properties.

602.9.7 Building Code Year of Issuance.

Building permits issued under a building code year and built during a new code year, may continue to be built under the code year that it was originally issued under. Should

the permit expire, and a new permit or modifications be required the building may continue under the original code if the building already has foundations constructed. A violation of any portion of this section of the City Code shall cause suspension of the building permit and/or shall subject any person, firm, or corporation so found to be violating the ordinance to a fine of not more than One Hundred (\$100.00) Dollars for each day that the violation continues or is not corrected.

602.9.8 Duties of Building Inspectors.

Upon conducting an inspection, the City Building Inspector shall verify that each project has a valid building permit on-site. The City Building Inspector shall notify the City of any project found to be without a permit. Upon final completion of the project and inspection by the City Building Inspector, the Inspector will issue a project completion certificate and/or a Certificate of Occupancy. No project shall be issued a completion certificate until the fee for the permit has been paid, and the permit applicant has complied with the provisions of this section.

602.10 Demolition of Buildings

602.10.1 Permit.

It shall be unlawful to wreck or demolish any building or structure in the City of Plainview consisting of 1,000 square feet or more without first securing a permit pursuant to the procedures set forth below. Except that no permit shall be required for structures or buildings as exempted by the building code and without electrical, water or gas connections. Square footage shall not be incremental or phased but shall be calculated as the cumulative total for each building structure.

602.10.2 Application.

An application for a permit to wreck or demolish any building or structure in the City shall be made in writing to the City Clerk. Such application shall give the location of the building or structure, the date when the wrecking or demolition is to commence and the approximate time which such wrecking or demolition shall take. Upon issuance, a copy of the permit shall be delivered to the building inspector and any utility company serving the premises, and adjoining property owners or agents.

602.10.3 Insurance.

A certificate showing that public liability insurance in the amount of \$1,000,000 has been obtained by the applicant, shall accompany the application.

602.10.4 Inspection.

Before any such permit shall be approved, the building inspector shall inspect the premises where the wrecking and demolition work is to take place and ascertain that the provision for proper care has been made so as not to endanger any connections with the City sewer and water systems, electrical wires, or installation of gas piping.

602.10.5 Approval.

If the building inspector finds that the terms of this ordinance are being complied with by the applicant, he shall approve the applicant and issue a permit for demolition.

602.10.6 Fees.

The applicant shall pay the fee to the applicable City Clerk at the time of issuance of the permit. Said fee shall be used to pay for 2 inspections of the premises and other administrative expenses of the City.

602.10.7 Regulations.

All work of such wrecking or demolition shall be performed in a workman-like manner and with the least amount of noise possible. Care shall be taken to protect neighboring structures with adequate shoring and whatever else is needful to protect such structures. Signs stating "Demolition in Progress-No Trespassing" shall be erected on each side of the building that faces a public street or alley. Adequate protection shall be provided to prevent injury to any City or public utility. It shall be the duty of all people working on or responsible for such wrecking or demolition to see to it that children are warned away from the premises, and are not permitted to play in or on or frequent such structures.

602.10.8 Penalty.

Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

602.11 Moving of Houses, Buildings and Other Structures

602.11.1 Permit Required

No person shall move, haul or transport, any house, building, derrick or other structure of the height of sixteen (16) feet or more, of a width of fifteen (15) feet or more, or which cannot be moved at a speed of four (4) miles per hour or more, upon, across or over any street or alley without first obtaining a permit therefor as hereinafter provided.

602.11.2 Manner of Obtaining Permits.

All applications for permits to move houses, buildings, derricks or other similar structures shall be made in writing to the City Clerk, specifying the date and time of said moving is to commence, and the street route over which said building or structure shall be moved. If it shall be necessary to cut down, move, raise or in any other way interfere with any wires or poles, the application shall state the name of the owner and provide signed authorization from the owner of said wires and poles, the time and place when and where removal and/or cutting, raising or other interference with said wires will be necessary. A permit to move, shall require a resolution of the City Council.

602.11.3 Fee for Permit.

Before a permit to move any house, building, derrick or either structure is granted under the provisions hereof, the applicant for said permit shall pay the applicable fee to the City Clerk.

602.11.4 Surety Bond Required.

Every person at the time of making the application for a permit as provided in Subd. 2, hereof, shall execute in favor of the City a good and sufficient surety bond to be approved by the Building Inspector, indemnifying the City against any loss by reason of damage to streets or other City property, and holding the City harmless from any damage to private property or damage suit resulting from the failure of such person to comply with the provisions hereof, or from their negligence.

602.11.5 Notice to Owners of Wires and Poles.

The applicant shall, upon filing of each application, give not less than five (5) working days written notice to the person owning or operating such wires and poles or to their agents, of the time when, and the place where the removal of said poles, or the cutting, raising or otherwise interfering with said wires shall be necessary.

602.11.6 Duty of Owners of Wires and Poles.

Every person owning or operating said poles or wires after service of notice, as required in Subd. 3, hereof, shall furnish competent workmen or linemen to remove such poles, or raise or cut wires, as may be necessary to facilitate the moving of such house, building, derrick, or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.

602.11.7 Duty of House Movers.

No person engaged in moving any house, building derrick or other structure shall raise, cut or in any way interfere with any such poles or wires unless the persons or authorities owning or having control of the same shall neglect or refuse to do so after having been notified as required in Subd. 5, hereof, thereupon, the person or persons engaged in such moving may employ competent and experienced workmen or linemen to perform the necessary work, which shall be done in a careful and workmanlike manner, and the poles and wires shall be promptly replaced, and the damage thereto promptly repaired.

602.11.8 Violations, Penalty.

- A. A violation of any provision of this section shall be declared to be a nuisance which shall be remedied pursuant to Chapter 110.
- B. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this chapter or any amendment or supplement thereto adopted by the city council. Any person violating any of the provisions of the city code or any amendment or supplement thereto shall be deemed guilty of a misdemeanor. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.
- C. Such penalties under A) and B) are cumulative and not exclusive such that the City of Plainview has the right to exercise either or both options in its sole discretion or judgement.

602.11.9 Duty of the Public Works Director.

The Public Works Director shall from time to time inspect the progress of the moving of any building, house or other structure and see that said house, building or other structure is being moved in accordance with the provisions of the Ordinance.

602.11.10 Lights to be Displayed.

Any person moving any structures upon, across or over any street, alley or other public place, shall display lights thereon in such a manner as to show the height and width from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

602.12 Comprehensive Plan

The City of Plainview has created a comprehensive plan. The purpose of the Comprehensive Plan is to shape growth in ways that make Plainview a better place to live and work. Changes to the zoning code, zoning map, or development standards shall be in compliance with the Comprehensive Plan.

602.13 Enforcement Officer.

The City Council will designate the Enforcement Officer, and it is the Enforcement Officer's duty to enforce the provisions of this Ordinance.

602.14 Inspections.

The Enforcement Officer shall be authorized to make or cause to be made inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The Enforcement Officer, or his designated representative, shall, with the permission of the owner, be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, tenant, operator, or person in possession of the structure shall refuse to consent to the inspection, an administrative search warrant may be obtained.

602.15 Compliance Order.

Whenever the Enforcement Officer determines that any structure or the premises fail to meet the provisions of this ordinance, the Enforcement Officer may issue a compliance order setting forth the violations of the ordinance and ordering the owner, or agent to correct such violations. The compliance order shall:

- A. Be in writing.
- B. Describe the location and nature of the violations of this ordinance by providing the section of code being violated.
- C. Establish a time for the correction of such violation, which shall be at least ten
- D. (10) calendar days, and include information on appeal procedures to the City Council.
- E. Be served upon the violator or the owner agent. Such notice shall be deemed to be properly served upon the violator if a copy thereof is served upon them personally or sent and delivered by registered or certified mail to the address listed on the most recent property tax statement of the property that is the subject of the compliance order, the owner's last known address or to the property address.

602.16 Designated Officers.

City officers designated by the City Administrator, employees and independent contractors of the City who have designated authority to enforce an ordinance or statute, or the Plainview Police Department, may pursuant to this section, issue citations whenever the officer, employee or independent contractor has probable cause to believe that the person cited has committed a misdemeanor which the officer, employee or independent contractor has been designated and authorized to enforce, and issue a notice to appear and release such person on his or her written promise to appear in court. The officer, employee or independent contractor shall deliver executed citations or notices to the Plainview Police Department for filing with the court after review for legal sufficiency.

602.17 General Government Provisions

602.17.1 Title.

This section of the City Code may be referred to as the Land Management Ordinance of the City of Plainview, Minnesota.

602.17.2 Intent and Purpose.

It should be known that the process of dividing land into separate parcels for other uses, including residential, industrial and commercial sites, is one of the most important factors in the orderly growth of any community. Once the land has been subdivided and the streets, homes and other structures have been constructed and infrastructure has been provided, these amenities form the basic character of the community. It is therefore, to the interest of the general public, the developer, and the future landowners that subdivisions be conceived, designed, and developed in accordance with the standards in this ordinance. All subdivisions of land hereafter submitted for approval shall fully comply with the regulations set forth herein. It is the purpose of these regulations to:

- A. Implement the goals and policies of the City of Plainview and its Comprehensive Plan;
- B. Protect and promote the public health, safety, and general welfare;
- C. Provide for the compatibility of different land uses and the most appropriate use of land throughout the city;
- D. Conserve the natural resources in the city;
- E. Provide for the health and safety of residents by requiring the necessary services such as properly designed streets, adequate stormwater management, and adequate sewage and water service, and
- F. Promote orderly and efficient development of the city aligned with future growth goals and with service and infrastructure capacities.

602.17.3 Interpretation Of Standards.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed, or required by other provisions of law, or by other rules or regulations or ordinances, the provisions of this ordinance shall control. Where the requirements of any other ordinance of the City of Plainview are more stringent or restrictive than the requirements set forth herein, nothing herein shall be construed to waive compliance with the provisions of such other ordinance.

602.17.4 Validity.

This ordinance and the various articles and sections thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence, or phrase of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

602.17.5 Compliance.

Except as hereinafter specified, no building or structure shall be demolished, erected, converted, enlarged, reconstructed, moved, or altered, nor shall any building or land be used or subdivided which does not comply with all of the applicable provisions established by this ordinance. In the event of conflicting provisions with other City of Plainview, State, or Federal requirements, the more restrictive provisions shall apply.

602.17.6 Enforcement.

In enforcing the provisions of the Land Management Ordinance, the following provisions shall apply.

- A. Unless approved as a final plat as provided in this article, no subdivision shall be entitled to record in the county register's office or have any validity. The city shall not issue building permits for any construction on a lot in any proposed subdivision that is not approved as provided in this chapter except as allowed by the city's building permits for model homes and new residential developments policy. The city shall not permit any public improvements to be installed unless the preliminary plat is approved and shall not permit any utilization of municipal services until approval of the final plat and recording of same.
- B. Subdivisions shall be consistent with the adopted official zoning map and the zoning ordinance.
- C. If any subdivision, construction, reconstruction or use occurs in violation of this chapter, the zoning administrator may, in addition to other remedies, institute any proper criminal action or proceedings in the name of the city and hereby shall have the powers to prevent such unlawful subdivision, construction, reconstruction or use, to restrain or correct such violations, to prevent occupancy of said property or to prevent any use in or about said premises.
- D. Any person who violates any of the provisions of this chapter, or who sells, leases or transfers title of any lot, block or tract of land herein regulated before all the requirements of this chapter have been complied with, shall be guilty of a misdemeanor and upon conviction shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses.

602.17.7 Jurisdiction.

This Land Management Ordinance shall apply to all lands as defined herein, located within the corporate limits of Plainview.

602.17.8 Enactment.

This ordinance is enacted pursuant to §§462.351 to 462.365, laws of Minnesota, 1959, as amended. Amendments to this ordinance were adopted on December 9, 2002, January 1, 2003, and all the amendments shall be effective November, xx 2024.

602.17.9 Reservations And Appeals.

Upon the adoption of this ordinance according to law, any previous zoning or subdivision regulations of the City of Plainview, as amended, are hereby repealed except as to such sections expressly retained herein. The City Council, if it believes it is in the best interests of the public, may waive some of the new requirements of the Zoning and Land Management Ordinance for applications that had been submitted for consideration to the Planning Commission and City Council at the time this ordinance was adopted. All applications and projects adopted after XXXX XX, the latest date of adoption, must conform to all specifications and regulations of the Zoning Ordinance.

602.17.10 Issuance Of Building Permits Prohibited.

No building permit shall be issued for any construction, enlargement, alteration or repair, demolition or moving of any building or structure on any lot or parcel until all the requirements of these regulations have been fully met.

602.17.11 Platting.

Any subdivision creating parcels, tracts or lots after the adoption of these regulations shall be platted.

602.17.12 Precedent.

Any mistake or oversight on behalf of the City Council, Planning Commission, and/or City Staff in review, approval, or enforcement of these regulations do not constitute a defacto new precedent. Any change in these regulations must follow the established process in Section 600.

602.17.13 Outlots.

Development on lots designated as an outlot is prohibited, and no building permit will be issued for construction on any such lot.

602.17.14 Resubdivision Of Land.

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Planning Commission by the same procedures, rules, and regulations as for a subdivision.

602.17.15 Conveyances Prohibited.

No conveyance involving a portion of a platted lot or involving unplatted land, the conveyance of which is prohibited by Minnesota Statutes §462.358, subd. 4, shall be made unless the conveyance involves a single parcel of land of not less than five acres and having a width of not less than 300 feet.

602.17.16 Corner Lots.

For corner lots platted after the effective date of this ordinance, the side street yard shall be equal in width to the setback regulation of the lot to the rear having frontage on the intersecting street. If there are no lots to the rear having frontage on the intersecting street, the side yard shall be not less than fifty percent (50%) of the front yard requirement. However, in R-1 and R-2 Districts, the street side yard setback shall be 15 feet.

On corner lots platted and of record at the time of the effective date of this ordinance, the same regulations shall apply, except that this regulation shall not be so interpreted as to reduce the buildable width of the corner lot facing an intersecting street to less than 30 feet nor to prohibit the erection of any accessory building which shall be in compliance with applicable setbacks.

602.18 Administrative Lot Split.

In the event a property owner wishes to detach a portion of one platted lot and add it to an adjoining platted lot, this shall be known as a "lot split" and the process for accomplishing this shall be as set forth in this section.

602.18.1 Application.

An owner desiring a lot split shall submit an application to the City. This application shall contain the name and address of the applicant, telephone number, and e-mail of

the applicant where applicable, the address of the property if different from the applicant's address, the legal description for the property and a summary of the reasons why the lot split is warranted. It shall be signed and dated by the applicant.

602.18.2 Certificate of Survey.

An owner desiring a lot split shall also submit a certificate of survey prepared by a licensed land surveyor. The owner shall also submit an application fee to be established by resolution of the City Council.

602.18.3 Criteria.

Administrative lot splits shall meet the following criteria:

- A. Only parcels that are part of an existing plat may be administratively split.
- B. The division involves the creation of no more than a total of three new and residual parcels from a legally recorded original parcel.
- C. The property lines remaining after the lot split shall not cause any resulting lot to be in violation of these regulations or the zoning ordinance
- D. If dedication of public streets or drainage and/or utility easements are required, the owner will be required to plat the property.
- E. If the intent of the lot split is to allow for building construction to take place over a lot line, any existing easements will need to be vacated prior to the lot split being approved.
- F. Lots intended for combination after split must be from the same subdivision.

602.18.4 Review.

Upon receipt, the completed application and survey/plat drawing shall be submitted to the City and will be reviewed by the City Engineer and Public Works staff. The City Engineer and Public Works staff shall require the applicant to provide any additional information necessary for the City to appropriately address the application.

602.18.5 Approval.

Approval or denial of an application shall be issued in writing to the property owner. The property owner shall be required to record this approval with the Wabasha County Recorder, submit a copy of the recorded document to the City, and bear any costs associated with doing so. If denied, the owner shall have the right to a public hearing before the City Council in conformance with the appeal procedure.

602.19 Procedures for Submission of Plats

602.19.1 Pre-Application Meeting.

Prior to the submission of a preliminary plat, the subdivider shall meet with the Zoning Administrator or designee, City Engineer and other appropriate regulatory agencies to review applicable ordinances, regulations and plans in the area to be subdivided. At this time, the subdivider shall submit a concept plan of the proposed subdivision showing the proposed lot and roadway layout and, if available, the proposed connections to community facilities such as water supply, wastewater collection, and stormwater management, surrounding neighborhood information, existing natural resources and topography of the site. The concept plan will be reviewed by the city to provide an advisory review without incurring major costs prior to submission of a preliminary plat.

602.19.2 Concept Future Development Plan.

If a preliminary plat includes additional land that is not part of the proposed plat, the owner shall submit a concept future development plan that outlines how the remaining or surrounding land may be developed. Elements of the plan may include but not limited to, conceptual land use, development intensity, general street patterns, drainage patterns, lot patterns, and open space, if applicable. The submitted development plan will be reviewed by the city at the pre-application meeting, will be filed with the plat, and reviewed with all future plats within the land described in the development plan to assure connectivity and continuity with surrounding plats and is in conformance with the Comprehensive Plan goals and policies.

602.19.3 Fees.

Subdivision process fees shall be as established by the city. All applicable fees must accompany a subdivision application.

602.19.4 Overall Development Guidelines.

The City Council may require qualified technical and staff services such as engineers, planners, surveyors, economics, and legal to review the concept plan, preliminary plat, and the final plat and advise on its suitability regarding general planning; conformity with plans of other private and public organizations and agencies; adequacy of proposed water supply, wastewater collection, stormwater management, special assessment procedures and other features. The subdivider shall also be required to pay the cost of such services.

602.19.5 Sixty Day Rule.

The preliminary plat application must be approved or denied by the City Council within 120 days from the date of its official and complete submission. A submission is not deemed complete unless it includes all necessary information required by the City Code, unless waived by the City.

602.19.6 Denial Of Plat.

The Planning Commission shall recommend denial of a preliminary or final plat if they make any of the following findings:

- A. That the proposed subdivision, including the design, is in conflict with any adopted component of the Plainview Comprehensive Plan, Land Management Ordinance, Stormwater Management Ordinance, or any other provision of the City Code;
- B. That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;
- C. That the site is not physically suitable for the proposed density of development and is not compatible with the density of surrounding properties;
- D. That the design of the subdivision or the proposed improvements is likely to cause

- substantial environmental damage;
- E. That the design of the subdivision or the type of improvements will be detrimental to the health, safety, and general welfare of the public;
- F. That the design of the subdivision or the type of improvements will conflict with easements of record;
- G. That the design will create an undue burden on the City's traffic system, water, wastewater, or stormwater infrastructure.

602.19.7 Preliminary Plat.

After the pre-application meeting the applicant may prepare a preliminary plat, which shall conform to the requirements of this ordinance and the submitted concept plan with revisions recommended by staff. An application shall be filed at least 30 days prior to the Planning Commission meeting at which time action is desired. The City Clerk shall send copies of the preliminary plat to each of the below agencies for their comments or recommendations.

- | | |
|---|-------------------------------|
| 1. County Engineer | 10. Plainview-Elgin |
| 2. County Assessor | 11. Sanitary Sewer District |
| 3. County Surveyor | 12. U.S. Post Office |
| 4. County Zoning Administrator | 13. City Clerk |
| 5. City Engineer | 14. Public Works Director |
| 6. Power Company | 15. Plainview Fire Department |
| 7. Communications Company | 16. Plainview Ambulance |
| 8. Minnesota Dept. of
Transportation | Service |
| 9. Natural Gas Company | 17. Plainview School District |

602.19.8 Planning Commission Action-Preliminary Plat.

The Planning Commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be given in the same manner as required by 602.6.5, Public Hearings. After considering the comments received at the public hearing, written staff report, and agency responses, the Planning Commission shall submit their findings and recommendations to the City Council and the applicant.

602.19.9 City Council Action-Preliminary Plat.

The city administrator shall notify the applicant of the City Council's action and shall endorse the date of the approval or denial on the preliminary plat. If approval is given, the City Clerk shall send the applicant one copy of the preliminary plat marked with any required revisions. If approval is not given, the reasons shall be recorded in the minutes of the City Council or by resolution of the City Council and shall be served on the applicant by regular U.S. mail at the address listed on the application.

602.19.10 Approval Of Preliminary Plat.

Approval of a preliminary plat shall not constitute approval of the final plat. Unless earlier rescinded by the City Council, approval of a preliminary plat is limited to a period of one year,

after which time the applicant is required to resubmit a preliminary plat. Upon application filed with the City Clerk, the City Council may continue the approval for an additional period of time. The application shall be filed at least 30 days prior to expiration of the approval of the preliminary plat.

602.19.11 Waive a Preliminary Plat

The submittal of a preliminary plat can be waived if a subdivision can meet all the following criteria:

- A. Shall contain no more than five lots;
- B. The subdivision does not involve the construction of any public right-of-way or public utilities other than the standard required easements of platted lots and future easement corridors;
- C. Does not impair access from the subject properties or any adjacent properties;
- D. Does not violate any local, state or federal adopted law, ordinance, regulation, plan or policy; and
- E. The final plat shall be prepared by a land surveyor licensed in the state and follow the review and approval process as found in Section 602.20. Final plat content shall conform to Minnesota Statute 505.021.

602.19.12 Final Plat.

Following approval of a preliminary plat, the applicant may engage a licensed land surveyor to prepare a final plat which may constitute only a portion of the preliminary plat which the subdivider proposed to record and develop at this time. The applicant shall file with the City Clerk an application for a final plat which shall be filed at least 15 days prior to the meeting of the City Council at which time action is desired. Prior to submittal of the final plat application, the applicant shall work with City staff to develop and negotiate the required Development Agreement for City Council consideration of approval. The City Clerk shall send copies of the application and final plat to each of the agencies which received a preliminary plat for their comments, and recommendations. A final plat shall conform to the requirements of this ordinance and all conditions set forth in the approval of the preliminary plat.

602.19.13 City Council Action -- Final Plat.

The City Council shall review the final plat and, by resolution shall approve or deny the final plat within 60 days of the submittal. The reasons for denial shall be recorded in the minutes of the City Council or a council resolution and shall be served on the applicant by regular U.S. mail at the address listed on the application. If approved, the city council shall approve the final plat by resolution and shall state that the approval is conditional on signing and recording a Development Agreement approved by the city council, and that the final plat shall not be signed by the Mayor or clerk until after the Development Agreement has been signed and recorded with the County Recorder.

602.19.14 Recording Final Plat.

Upon approval by the City Council, the City, shall record the final plat in the Office of the County Recorder, as provided by law. Prior to recording, the applicant shall remit to the City Clerk a payment equal to filing and recording costs applicable to the plat.

602.20 Plat Application Guidelines

602.20.1 Application For Preliminary Plat.

Applicants shall provide and comply with applicable city application requirements and fees.

602.20.2 Application For Final Plat.

Applicants shall provide and comply with applicable city application requirements and fees.

602.20.3 Preliminary and Final Plat Format and Content.

Each preliminary and final plat shall be prepared and signed by a Minnesota Licensed Professional Engineer or a Minnesota Licensed Land Surveyor. Prepared plats shall comply with M.S. Chapter 505 and M.S. §462.358, as they may be amended from time to time, and all other statutes and requirements which are applicable. Plats submitted for application and review purposes may be made at half size, 11 inches by 17 inches provided that all text is legible, and shall be submitted in PDF format. Preliminary and final plat applications shall include all information required on the application checklist, as approved by the city council.

602.21 Finance of Improvements

602.21.1 Public Finance of Improvements.

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

602.21.2 Private Finance of Improvements.

In the event the developer elects to privately finance and administer improvements, the developer must provide financial security in accordance with the approved Development Agreement and comply with the following provisions:

- A. *Completion of Improvements.* Before the plat is signed, all applicants shall be required to complete a Development Agreement, in accordance with the City Council's decision and the satisfaction of the city's engineer and attorney, to complete all the street, sanitary sewer, water supply, stormwater management, and other improvements, including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the City Council, and to dedicate the public improvements to the local government free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- B. *Financial Security.*
 - 1. The City Council shall require the applicant post financial security at the time of signatures for a final plat in an amount equal to 125% of the estimated public improvement costs as determined by the City Engineer.
 - 2. Such financial security shall be in a form approved by the City and shall comply with all statutory requirements and shall be satisfactory to the municipal attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Council in the Development Agreement and shall be incorporated in the financial security and shall

- not, in any event, exceed two (2) years from date of final approval.
3. Such financial security shall be approved by the governing body as to amount and surety and conditions satisfactory to the governing body. The City Council may, upon proof of difficulty, approve an extension of the completion date set forth in such financial security for a maximum period of one (1) additional year.
 4. In the event the subdivider defaults in the terms or conditions of the contract with the city for such improvements, the city may complete the project referred to in the contract by drawing on the financial security to cover the costs of the completion or may assess the costs of the completion incurred by the city against the real property being subdivided as if it were any other special assessment levied by the city against real property. All assessments shall be pursuant to Chapter 429 of Minnesota State Statutes.

602.21.3 Warranty.

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

603 ZONING DISTRICTS

603.1 Purpose. Areas of the City of Plainview have different needs and goals. To properly meet these needs and goals, the community has been divided into several land management districts. The purpose of these districts is to classify, regulate, and determine the location of trades, industry, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and determine the area of yards, courts, and other open spaces within and around such buildings.

603.2 Allowed Uses. In order to allow maximum flexibility in the development of the community and provide a measure of security in existing neighborhoods, within each district are allowed two levels of land use. The two levels are permitted uses and conditional uses.

- A. Permitted uses are those uses allowed by right in the district. These uses are the primary activity of the district.
- B. Conditional uses are use activities that are generally acceptable within the district, but the nature of the activity creates negative impacts on other uses and properties which need to be mitigated with conditions. Such uses shall be allowed on a limited and selected basis only, where it is shown that there is substantial benefit to the community and the level of negative impacts is kept at a minimum or eliminated. Applicants will be financially responsible for filing fees with the County Recorder's/Registrar of Title's office.
- C. Use Chart

Use	Districts							
	AG	R-1	R-2	T	C-1	C-2	I	MU
Residential Uses								
Cemeteries, funeral parlors		C	P					P
Day Care		C	C					P
Home occupation		L	L	L				L
Manufactured home parks			C					P
Multi-family dwellings/units (four or more units)			C					P
Nursing or convalescent homes		C	P					P
Professional offices			C					P
Public uses, such as public parks, public schools, etc.		C	P					P
Residential care facilities, providing there are no more than 12 residents		C						P
Residential care facility			P					P
Semi-public uses such as places of worship, private schools, etc.		C	P					P
Short-term rentals			P	P				P
Single family dwellings	P	P	P	C	P*	P*		P
Two-family dwellings/units		C	P	C	P*	P*		P
Commercial Uses								

Animal hospitals and clinics					C	P		P
Appliance sales and service					P			P
Automotive sales and service					P	P		P
Automotive storage					C	C		P
<u>Cannabis cultivation, indoor</u>	<u>P</u>			<u>P</u>				
<u>Cannabis delivery</u>					<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>
<u>Cannabis retailer</u>				<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>Cannabis transporter</u>							<u>P</u>	
Banks and savings & loans					P	P		P
City Council approved commercial uses	C					C		P
Entertainment					P			P
Farm equipment sales, storage, and repair					C	C	P	P
Food processing					C			P
Home improvement trades					P	P		P
Hotels and motels					P			P
<u>Lower-potency hemp edible retailer</u>				<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
Multi-family dwellings/units				C	C			C
Offices				C	P	P		P
Parking garages and lots					P			P
Personal services				C	P	P		P
Printing and related trades					P			P
Renewable Energy Systems					C	C		P
Repair shops				C	P	P		P
Restaurants					P	P		P
Retail sales				C	P	P		P
Single family dwellings	P	P	P	C	P*	P*		P
Two-family dwellings/units		C	P	C	P*	P*		P
Wholesaling and warehousing					C		P	P
Industrial Uses								
Agriculture related uses, such as grain elevators							P	P
<u>Cannabis manufacturer</u>							<u>P</u>	
<u>Cannabis testing facility</u>							<u>P</u>	
<u>Cannabis transporter</u>							<u>P</u>	
<u>Cannabis wholesaler</u>							<u>P</u>	
Contractor's storage yard							P	
Farm equipment sales, storage, and repair					C	C	P	P
Food productions and processing							P	
Land consumptive business necessitating outdoor storage							P	
<u>Lower-potency hemp edible manufacturer</u>				<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	

Manufacturing							P	
Wholesaling and warehousing					C		P	P
Transitional and Mixed Use Uses								
Accessory Use				P				C
Agriculture related uses, such as grain elevators							P	P
Animal hospitals and clinics					C	P		P
Appliance sales and service					P			P
Automotive sales and service					P	P		P
Automotive sales, service, and storage				C				C
Automotive storage					C	C		P
Banks and savings & loans					P	P		P
Cemeteries, funeral parlors		C	P					P
City Council approved commercial uses	C					C		P
Day Care		C	C					P
Entertainment					P			P
Farm equipment sales, storage, and repair					C	C	P	P
Home improvement services and trades				C				C
Home improvement trades					P	P		P
Home occupation		L	L	L				L
Hotels and motels					P			P
Manufactured home parks			C					P
Multi-family dwellings/units				C	C			C
Multi-family dwellings/units (four or more units)			C					P
Nursing or convalescent homes		C	P					P
Offices				C	P	P		P
Parking garages and lots					P			P
Personal services				C	P	P		P
Printing and related trades					P			P
Professional offices			C					P
Public uses, such as public parks, public schools, etc.		C	P					P
Repair shops				C	P	P		P
Residential care facilities, providing there are no more than 12 residents		C						P
Residential care facility			P					P
Restaurants					P	P		P
Retail sales				C	P	P		P
Semi-public uses such as places of worship, private schools, etc.		C	P					P
Short-term rentals			P	P				P

Single family dwellings	P	P	P	C	P*	P*		P
Two-family dwellings/units		C	P	C	P*	P*		P
Wholesaling and warehousing					C		P	P
Agricultural Uses								
Agricultural buildings and structures	P							
Agricultural use	P							
<u>Cannabis cultivation, indoor</u>	<u>P</u>			<u>P</u>				
Cannabis cultivation, outdoor	<u>P</u>							
City Council approved commercial uses	C					C		P
Recreational vehicle parks and camping areas	C							
Retail sale of agricultural products produced on premises	C							
Single family dwellings	P	P	P	C	P*	P*		P
*in Existence Prior to July 1, 2003								
P = Permitted Use								
C = Conditional Use								
L = License required								
Blank = Not Permitted								

603.3 Zoning Districts. The City of Plainview, Minnesota is hereby divided into eight (8) classes of districts as follows:

AG: Agricultural District
R-1: Residential District
R-2: Residential District
T: Transition District
C-1: Central Business District
C-2: Service Commercial District
I: Industrial District
MU: Mixed Use District

In addition to the eight zoning districts, the City of Plainview also has one overlay zoning district. The DWM, Drinking Water Management Overlay District, is applied to and superimposed upon all other zoning districts. The regulations and requirements imposed by this district are in addition to those established by this ordinance. See Section 603.16 for district development standards.

603.4 Boundaries. The boundaries of these districts are indicated upon the District Boundary Map of the City of Plainview, Minnesota, which map is made part of this ordinance by reference. The said District Boundary Map and all the notations, references, and other matters shown thereon shall be as much a part of this ordinance as if the notations, references, and other matters set forth by said map were all fully described herein, the original of which is properly attested and is on file in the office of the City Clerk of the City of Plainview.

603.5 Boundary Lines. The district boundaries are either lot lines or the centerlines of streets and alleys,

unless otherwise shown; and where the districts designated are bounded approximately by street, alley, or lot lines and are not dimensioned otherwise, the lot line or centerlines of streets and alleys shall be construed to be the boundary of the districts.

603.6 Annexation. All territory which may hereafter be annexed to the City of Plainview shall be considered as being in the “AG” Agricultural District until otherwise changed by ordinance.

603.7 AG, Agricultural District

603.7.1 Intent and Purpose

The AG Agricultural District is established to protect and allow for the continuance of agricultural activities on the peripheral areas of the community.

603.7.2 Permitted Uses

1. Single family dwellings, and
2. Agricultural use and the usual agricultural buildings and structures.

603.7.3 Conditional Uses

1. Retail sale of agricultural products produced on premises,
2. Recreational vehicle parks and camping areas. In the application for a conditional use permit for a recreational vehicle park and camping area, all parks will be required to meet Chapter 327, §327.10 - §327.28 of the State of Minnesota manufactured Home Park and Recreational Camping Area Law, and
3. Any additional commercial uses the City Council deems appropriate for the area and community welfare of Plainview.

603.8 R-1, Residential District

603.8.1 Intent and Purpose

The R-1 Residential District is established to identify and protect both existing and future residential areas, where the single-family dwelling shall be the major use activity. Over all other criteria, the protection and enhancement of the single-family dwelling shall be considered. Other use activities may be allowed to the extent they will not detract from the single-family residential character of the district.

603.8.2 Permitted Uses

1. Single-family dwellings.

603.8.3 Conditional Uses

1. Public uses, such as public parks, public schools, etc.
2. Semi-public uses such as places of worship, private schools, etc.
3. Cemeteries, funeral parlors,
4. Two-family dwellings/units,
5. Nursing or convalescent homes,
6. Residential care facilities, providing there are no more than 12 residents,

7. Home occupation, and
8. Day Care.

603.8.4 Exceptions to Lot Frontage

Residential lots in cul-de-sacs shall be allowed if the lot frontage is at least 50 feet, so long as the lot frontage is 60 feet at the front setback line (25 ft past the property line). Zero-lot line two family dwellings have a minimum lot frontage of 50 feet per lot (100 feet for both lots).

603.8.5 Parking

Two off-street parking spaces shall be provided for each dwelling unit.

603.9 R-2, Residential District

603.9.1 Intent and Purpose

The R-2 Residential District is established to identify and promote the construction and reconstruction of multi-family residential areas.

603.9.2 Permitted Uses

1. Single-family dwellings,
2. Two-family dwellings/units,
3. Public uses such as public parks, public schools, etc.,
4. Semi-public uses such as private schools, places of worship, etc.,
5. Cemeteries, funeral parlors,
6. Nursing or convalescent homes,
7. Residential care facility, and
8. Short-term rentals.

603.9.3 Conditional Uses

1. Multi-family dwellings/units (four or more units),
2. Professional offices,
3. Manufactured home parks,
4. Home occupations, and
5. Day Care.

603.9.4 Exceptions to Lot Frontage

Residential lots in cul-de-sacs shall be allowed if the lot frontage is at least 50 feet, so long as the lot frontage is 60 feet at the front setback line (25 ft past the property line). Zero-lot line two family dwellings have no minimum lot frontage, but in no case may any structure come closer than 10 feet to the side lot lines.

603.9.5 Manufactured Home Parks

In the application for a conditional use permit for a manufactured home park, all parks will be required to comply with Section 602.7, Conditional and Interim Use Permits.

603.10 T, Transition District

603.10.1 Intent and Purpose

There are some areas of the community that, by their very nature and location, are destined to be underutilized if placed in a traditional dominant use district. The T Transition District has been established to accommodate these areas where there exist conflicting uses, and the continuance of the use mixture is desirable for the community welfare. By their very nature, uses allowed in this district will have both positive and negative impacts on one another. It is the purpose of this District to minimize or eliminate those conflicts.

603.10.2 Permitted Uses

1. Any accessory use of an existing conforming and/or approved conditional use, and
2. Short-term rentals.

603.10.3 Conditional Uses

1. Single family dwellings,
2. Two family dwellings/units,
3. Multi-family dwellings/units,
4. Automotive sales, service, and storage,
5. Retail sales,
6. Personal services,
7. Home improvement services and trades,
8. Repair shops,
9. Offices,
10. Home occupations, and
11. Any permitted or conditional use allowed in a district if that district has an adjoining boundary line with the Transitional District. (For example, if a C-2 District is adjacent to the Transitional District, offices (which are a permitted use in the C-2 District) could be considered under this Conditional Use definition.

603.10.4 Requirements Reduced

Where the proposed use involves the utilization of an existing structure built prior to the adoption of this ordinance, the City Council may reduce the lot area, frontage, and yard requirements, but new additions or new construction are to comply with this provision.

603.11 C-1, Central Business District

603.11.1 Intent and Purpose

The C-1 Central Business District is established to promote and encourage development and redevelopment of the core commercial area of the community and to enhance its position as a regional rural service center.

603.11.2 Permitted Uses

1. Retail sales,
2. Restaurants,
3. Automotive sales and service,
4. Entertainment,
5. Home improvement trades,
6. Printing and related trades,

7. Parking garages and lots,
8. Appliance sales and service,
9. Repair shops,
10. Banks and savings & loans,
11. Offices,
12. Personal services,
13. Hotels and motels,~~and~~
14. Single Family and Two-Family Dwellings in Existence Prior to July 1, 2003 (Amended July 14, 2003),
15. Lower-potency hemp edible retailers, and
16. Cannabis retailers.

603.11.3 Conditional Uses

1. Animal hospitals and clinics,
2. Automotive storage,
3. Farm equipment, sales, storage, and repair,
4. Food processing,
5. Renewable energy systems,
6. Wholesaling and warehousing, and
7. Multi-family dwellings/units~~, and~~
8. Lower-potency hemp edible manufacturers.

603.12 C-2, Service Commercial District

603.12.1 Intent and Purpose

The C-2 Service Commercial District is established to accommodate commercial development in localized areas of the community outside of the Central Business District.

603.12.2 Permitted Uses

1. Retail sales,
2. Restaurants,
3. Banks and savings & loans,
4. Home improvement trades,
5. Animal hospitals and clinics,
6. Offices,
7. Repair shops,
8. Personal services,
9. Automotive sales and services,~~and~~
10. Single Family and Two-Family Dwellings in Existence Prior to July 1, 2003 (Amended July 14, 2003),
11. Cannabis and lower-potency hemp edible retailers.

603.12.3 Conditional Uses

1. Automotive storage,
2. Farm equipment sales, storage, and repair,
3. Renewable energy systems, ~~and~~
4. Cannabis delivery,

5. Lower-potency hemp edible manufacturers, and
6. Any additional commercial uses the City Council deems appropriate for the area and community welfare of Plainview.

603.12.4 Screening Required

Any lot line adjoining a Residential District shall be screened with a solid fence or shrubbery at least six 6' in height.

603.12.5 Landscaping Required

In the front yard of each lot shall be an area of at least 1,000 sq. ft. landscaped and maintained in an attractive manner. No buildings or parking and drives shall be allowed in this area.

603.13 I, Industrial District

603.13.1 Intent and Purpose

The I Industrial District is established to enhance and promote Plainview as a community for industrial development and still maintain its quality environment.

603.13.2 Permitted Uses

1. Wholesaling and warehousing,
2. Manufacturing,
3. Food productions and processing,
4. Agriculture related uses, such as grain elevators,
5. Farm equipment sales, storage, and repair,
6. Contractor's storage yard, ~~and~~
7. Land consumptive business necessitating outdoor storage₂,
8. Cannabis delivery,
9. Cannabis transporters,
10. Cannabis manufacturers,
11. Cannabis testing facilities,
12. Cannabis wholesalers, and
13. Lower-potency hemp edible manufacturers.

603.13.3 Conditional Uses

1. Any of the above uses where excessive impacts such as pollution, lighting, odor, noise, smoke, etc. may be generated, and
2. Any uses the City Council deems appropriate for the area and the community welfare and growth of Plainview.

603.13.4 Additional Lot Area Required

If the total building floor areas exceed 5,000 sq. ft., additional lot area of 1, 000 sq. ft. shall be required for each additional 1,000 sq. ft. of floor area or fraction thereof.

603.13.5 Screening Required

Same as in the C-2 Commercial District.

603.14 MU, Mixed Use District

603.14.1 Intent and Purpose

A mixed-use zoning district allows for a combination of residential, commercial, and business in the same area. Mixed use zoning districts are intended to promote more diverse and livable neighborhoods, reduce traffic and environmental impacts, and support economic development.

603.14.2 Permitted Uses

1. All uses allowed in all residential zoning districts.
2. All uses allowed in all commercial zoning districts.

603.14.3 Conditional Uses

1. Uses allowed in Transitional Districts
2. All accessory uses allowed in residential and commercial zoning districts.
3. Any of the above uses where excessive impacts such as pollution, lighting, odor, noise, smoke, etc. may be generated, and
4. Any uses the City Council deems appropriate for the area and the community welfare and growth of Plainview.

603.14.4 Screening Required

Same as in the C-2 Commercial District.

603.15 Special Districts

See Section 604.1920 for the Skye View Development Special District

603.16 Drinking Water Supply Management Area (DWSMA) Overlay District

603.16.1 Intent and Purpose

The purpose of this district is to promote proper management and protection of the City's Drinking Water Supply Management Area (DWSMA) and Wellhead Protection Area (WHPA). The intent is to prevent possible contamination of the City's drinking water, which would adversely affect the public health, safety and general welfare. The DWSMA Overlay District, is applied to and superimposed upon all other zoning districts. The limits of the DWSMA Overlay District shall match the most current limits of the City's DWSMA, as established by the Minnesota Department of Health (MDH) and on file with the City Clerk. The regulations and requirements imposed by this district are in addition to those established by the other zoning districts of the Land Management Ordinance.

603.16.2 Permitted and Conditional Uses

Permitted and conditional uses of the underlying zoning district apply within the DWM District, with the following exceptions:

- A. *New Underground Storage Tanks.* No new underground storage tanks (UST) are allowed to be constructed or placed in the DSWMA Overlay District in areas within the DWSMA designated as having high or very high vulnerability. New underground storage tanks (UST) are permitted within the DSWMA Overlay District outside of these areas as an accessory use to a legal, conforming permitted or conditional use, but must meet all state and federal

- requirements for spill containment, spill contingency plans, and leak detection.
- B. *New Aboveground Storage Tanks*. New aboveground storage tanks (ABT) are permitted as an accessory use to a legal, conforming permitted or conditional use, but must meet all state and federal requirements for spill containment, spill contingency plans, and leak detection.
- C. *Stormwater Infiltration Systems*. Stormwater Infiltration Systems are prohibited in certain areas of the DWSMA Overlay District as defined in the Minnesota Pollution Control Agency (MPCA) Construction Stormwater General Permit.
- D. *Prohibited*. The following uses are expressly prohibited:
1. Waste Disposal and/or Storage,
 2. Toxic Chemical Creation, Storage or Disposal,
 3. Fertilizer or Pesticide Creation, Storage, or Disposal,
 4. Salt Storage,
 5. Livestock Waste Storage, and
 6. Salvage or Junk Yards.
- E. *Lot Area, Frontage, Yard Requirements, And Other Standards and Requirements*. Lot area, frontage, screening and landscaping requirements, and other standards and requirements of the underlying zoning district apply within the DWSMA District.

604 STANDARDS

604.1 Lot Area, Frontage, Yard, and Maximum Height Requirements

District	Use	Lot Area	Lot Frontage	Rear Yard	Front Yard	Any Side	Sum of Both Sides	Maximum Height
AG	Dwelling	2 Acres	150 ft.	50 ft.	50 ft.	15 ft.	35 ft	50 ft.
R-1	Single-family dwelling	7,500 sq. ft.	60 ft.	5 ft.	25 ft.	5 ft.	N/A	30 ft.
	Two-family dwelling/units	9,000 sq. ft.	80 ft.	5 ft.	25 ft.	10 ft.		
	Non-residential	1 acre	100 ft.	25 ft.	25 ft.	10 ft.		
	Public Uses	12,000 sq. ft.	100 ft.	25 ft.	25 ft.	10 ft.		
R-2	Single-family dwelling	6000 sq. ft.	60 ft.	15 ft.	25 ft.	5 ft.	N/A	30 ft.
	Two-family dwelling/units	8000 sq. ft.	60 ft.	15 ft.	25 ft.	10 ft.		
	Multi-family dwellings/units	3000 sq. ft./ dwelling unit	80 ft.	15 ft.	25 ft.	10 ft.		
	Non-residential	1 acre	100 ft.	25 ft.	25 ft.	10 ft.		
	Public Uses	12,000 sq. ft.	100 ft.	25 ft.	25 ft.	10 ft.		
T	Single-family dwelling	6,000 sq. ft.	60 ft.	15 ft.	15 ft.	5 ft.	N/A	35 ft.
	Two-family dwelling/units	8,000 sq. ft.	60 ft.	15 ft.	15 ft.	5 ft.		
	Multi-family dwellings/units	3,000 sq. ft.	60 ft.	15 ft.	15 ft.	5 ft.		

	Non-residential	7,500 sq. ft.	60 ft.	15 ft.	15 ft.	10 ft.		
C-1	Multi-family dwellings	3,000 sq. ft./unit	80 ft.	15 ft./10 ft. from furthest extension	25 ft.	10 ft.	N/A	None
C-2	All uses	10,000 sq. ft.	100 ft.	10 ft. from the furthest extension	30 ft.	10 ft.	N/A	35 ft.
I	All uses	½ acre	75 ft.	20 ft.	35 ft.	40 ft.	N/A	None
MU	All uses	3,000 sq. ft.	50 ft.	10 ft. from the furthest extension	0 ft.	10 ft.	N/A	None

604.2 Subdivision Design Standards

604.2.1 General.

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

604.2.2 Street Design.

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

- A. The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas or conform to a plan approved by the City Council where topographic or other conditions make continuance or conformation to existing streets impracticable.
- B. Collector streets shall be properly related to major streets and designed in a manner so as to supplement the major street system but not to serve in lieu thereof.
- C. Local streets shall be designed to benefit the topography, to discourage through traffic, and to provide the streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear and cul-de-sac streets is allowed, where necessary.
- D. When a subdivision abuts upon or contains an existing or proposed highway, major thoroughfare, or railroad right-of-way, the City Council may require reverse frontage lots with appropriate screen plantings in the non-access reservation strip, or the provision of suitable access roads parallel to and on either side of said highway, major thoroughfare, or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.
- E. Streets designed and laid out so as to have one end permanently closed shall not exceed five hundred (500) feet in length, except where the City Council has approved additional length due to property limitations, topographic constraints, or large lot size.
- F. Turnarounds shall be provided at the permanently closed end of all streets and shall have a cul-de-sac turnaround with a minimum pavement radius of 48 feet and a minimum right-of-way

radius of 60 feet unless otherwise approved by City Council.

- G. All subdivisions abutting a public lake, river, or stream shall provide public access at least eighty (80) feet wide to the low water elevation so that there will be public access at not more than one quarter (1/4) mile interval as measured along the lake, river, or stream shoreline.
- H. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets so that parcels will not be land-locked. When a new subdivision adjoins developable land, then the new streets shall be carried to the boundaries of such unsubdivided land.
- I. Where new streets extend to existing adjoining streets, their projection shall be at the same or greater width, but in no case less than the minimum required width.
- J. The City Council shall issue street names; names shall not duplicate the names of other streets. All street names shall be in conformance with the current system of assigning numerical names, i.e. 7th Street NE.
- K. A tangent of at least 150 feet shall be introduced between reverse curves on collector streets and 100 feet on lesser streets.
- L. When connecting street lines deflect from each other at one point by more than 10 degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of no less than 500 feet for arterials, 300 feet for collectors, 100 feet for all other streets.
- M. Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted.
- N. Private streets shall be prohibited.
- O. Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.
- P. Each subdivision shall have at least two points of access onto the existing public street network or a planned future public street network. Exceptions to this requirement may be made in cases where the subdivision consists of a single cul-de-sac street.
- Q. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided.
- R. The Planning Commission may recommend, and the City Council may require the provision of pedestrian or bike ways in proximity to public service areas such as parks, schools, shopping facilities or in other appropriate locations of a similar nature. The design of the pedestrian or bike ways shall be considered in their relation to existing and planned pedestrian or bike ways, to reasonable circulation of traffic, to topographic conditions, to run-off of storm water and to the proposed uses of the area to be served.
- S. All subdivision street stubs and underlying public utilities designed in a final plat shall be constructed at the same time as the other streets in the final plat.

604.2.3 Intersections.

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

604.2.4 Cul-De-Sacs.

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

604.2.5 Blocks.

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

604.2.6 Table #1 Minimum Street Design Standards

	Arterial	Collector Street	Local Street	Frontage Road or Service Access Street	Alley
Rights-of-Way	as specified by city engineer	66'	60'	40'	20'
Surface Width	as specified by city engineer (Min. 44 feet)	as specified by city engineer (Min. 44 feet)	as specified by city engineer (Min. 36 feet)	as specified by city engineer (Min. 26 feet)	as specified by city engineer (Min. 20 feet)
Minimum Horizontal Curve Radii*	250'	250'	250'	100'	100'
Minimum Tangent Between Curves	100'	100'	100'	50'	50'
Minimum Grade	0.4%	0.4%	0.4%	0.4%	0.4%
Maximum Grade	6%	8%	10%	10%	10%
Pavement Specifications	as specified by city engineer	as specified by city engineer	as specified by city engineer	as specified by city engineer	as specified by city engineer

*As measured from the centerline of the street.

Pedestrian ways (sidewalks) shall have a minimum paved width of 5-feet. Bicycle ways shall have a preferred paved width of 10-feet and a minimum paved width of 8-feet. Pedestrian and bicycle way design shall conform to current Minnesota Department of Transportation (MnDOT) standards.

604.2.7 Lots.

- A. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and the type of use contemplated. All lots shall comply with the minimum lot frontage and area requirements specified in the Zoning and Land Management Ordinance.
- B. Every lot shall abut on a public street to assure access for fire protection, utilities, and other services.

- C. Lot remnants which are less than the minimum lot size shall be added to adjacent lots.
- D. Side lot lines shall be as near to right angles with streets having straight lines or radial to adjacent streets having curved lines as possible.
- E. Residential lots fronting freeways, expressways, and major streets, where deemed appropriate by the City Council, shall be separated there from by the use of frontage roads, parallel streets, service drives, or alleys in order to eliminate direct access to the major street.
- F. In the subdividing of any land, due regard, as determined by the City Council, shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.
- G. Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back on, or are adjacent to, an arterial or collector street.

604.2.8 Drainage and Utility Easements.

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

604.2.9 Water Courses.

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

604.2.10 Parks, Open Space, And Public Use.

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

- A. In areas zoned:
 - 1. R-1: 5% of the total land area within the boundary of the plat, not excepting streets, alleys, waterways, pedestrian or bike ways or other public ways.
 - 2. R-2: 8% of the total land area within the boundary of the plat, not excepting streets, alleys, waterways, pedestrian or bike ways or other public ways.
- B. No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved for the purpose to which they are to be dedicated. The parkland shall be graded to the contours set forth in the preliminary plat. The developer shall provide a minimum of three

inches of black dirt over the entire park area and the area shall be seeded with a type of seed approved by the city. The financial guarantees by the developer to the city shall be in effect at least until such time that the parkland is graded and seeded.

- C. The land dedicated for parks, open space or public use shall be suitable for active recreation use. Active recreation meaning organized playground activities such as softball, football, etc. These areas to be used for organized playground activities shall have a slope of less than 2% grade and be largely clear of forest vegetation. Some of the areas to be dedicated may be forested and may have steeper slopes, if allowed by the City Council.
- D. When the subdivision is small or does not include a park or public area shown on the comprehensive plan, or if in the judgment of the Council the area proposed to be dedicated is not suitable or desirable for park/playground purposes because of location, size or other reason, the Council may require, in lieu of land dedication, a payment to the municipality of a sum equal to the percentage listed above of the undeveloped value of the land to be subdivided. The undeveloped land value shall be the value of the land when ready to be platted but not including utility costs; the estimated cost of grading and seeding the land shall be included in the land value. The City Council and/or its agents shall have the authority to make the final determination of the value of the land for purposes of park dedication. If requested, the City Council shall provide the developer or landowner with the methodology used to calculate the value of the land.
- E. Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the City by deed or by plat. Money given to the City in lieu of land shall be used by the City only for acquiring or developing public parkland.
- F. All parkland dedicated to the City shall be clearly marked and signed as a public park. The City shall not accept or maintain a park or parkland if its a private park in character or for use by only the surrounding and/or adjacent residents of the parkland. Public parks shall have adequate parking available for public occupancy when using the park.

604.2.11 Hardship To Adjoining Properties.

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

604.2.12 Public Subsidies.

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

604.2.13 Environmental Assessment Worksheet Or Environmental Impact Statement.

If a proposed development is of sufficient size to trigger a mandatory EAW or EIS, the required reports must be completed before the City Council can approve or deny the proposed development. The EAW/EIS must be made available as required by MN Administrative Rule 4410.4300 and 4400.

604.2.14 Previous Work Or Commitments.

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

604.2.15 Variances.

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

604.2.16 Zero Lot Line Development.

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

- A. The property and structure must be able to be easily split into two (2) substantially equal portions. The structure must meet current building code standards for fire wall separation. This shall also apply to existing structures.
- B. Deed restrictions shall be recorded with the property requirements that the structure shall have a uniform exterior appearance in terms of color, design, and maintenance. In addition, if one unit is burned or destroyed, then the development shall be reconstructed in a uniform appearance.
- C. Separate utility services must be provided (see also Article III §§21). If the property is already provided with a single one inch or larger water service, this water service shall be separated at the property line by installing a wye and two additional curb stops and boxes on the home side of the existing curb stop and box. If, however, in the opinion of the City, it is feasible to make a second water service connection to the existing main, the existing water service shall not be split at the property line. If the existing water service is smaller than one inch diameter, a separate service connection shall be made to the City watermain. If a lot is intended to be used for a two-family dwelling unit under separate ownership and the public water system is under construction, reconstruction, or if the street is under reconstruction making access to the water system feasibility, separate services shall be extended to the lot at that time. Separate sanitary sewer service shall be provided by splitting an existing sanitary sewer service at the property line with a wye and two clean-outs. However, if conditions exist as stated above for water services making extension of separate services from the City sewer system feasible, such extension shall be made.
- D. Zero lot line development is permitted in R1 and R2 zoning districts. However, they shall also be allowed in Transition Districts if the Transition District abuts either an R1 or R2 zoning district. The lot width for each of the new parcels of the zero-lot line development in an R1 Zone shall be a minimum of at least 50 feet, as opposed to the 60 feet normally required. There shall be no minimum lot width for zero lot line development in an R2 zoning district. The newly created lots shall each be in compliance with the setback requirements of the Zoning Ordinance, with the exception of the side setback along the common party wall.
- E. Townhouses and condominiums may reduce side yard setback to zero on common walls. The applicant shall record a covenant and deed restriction on all property which will abut the common lot line. Said covenant and deed restriction shall contain the following conditions:
 - 1. Provide access to the abutting property for the adjacent property owner and/or his agent,

- employee or representative for the purpose of construction, reconstruction, repair, and maintenance of either side of the total property;
2. Provide easements for necessary encroachments for footings, eaves, and provide for mutual perpetual easements in the event of encroachment by the party wall;
 3. Provide for restrictions to limit changes of color, construction material, and design of the dwelling as to compatible with the attached unit;
 4. Provide for furnishing separate services to each dwelling unit for sanitary sewer and water.

604.2.17 Cluster Development.

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

- A. The intent of the cluster development is to centralize structures in one portion of a tract of land while leaving a significant portion (25-50%) of the property undeveloped, thus creating meaningful open space. If a proposed development has structures spread throughout the tract of land, it will not create meaningful open space and thus shall not qualify as a bona fide cluster development.
- B. The tract shall be a development of land under unified control at the time of application is to be planned and scheduled to be developed as a whole. No authorization or permits shall be granted for such development unless the applicant has acquired actual ownership of or executed a binding sales contract for all the property comprising such tract.
- C. The minimum total lot area of the development shall be no less than five acres. The total lot area requirement can include street and park land that will be dedicated to the public.
- D. The total number of dwelling units allowed in a development shall be determined by the area standards of the zoning district in which the proposed development is to be located. For example, if 30 single family homes are planned for cluster development in an R-1, the total area must be at least 225,000 square feet (7,500 square feet times 30). The minimum total area for development must be at least 5 acres in size. There is no minimum lot width for individual lots within a cluster development, so long as all other conditions set forth in this ordinance are met.
- E. All structures must conform to setback regulations from property lines.
- F. No building permits shall be granted for any building or structure which does not conform to the approved final plan or final plat.
- G. Proposed dwelling units for a cluster development must conform to permitted or conditional uses (if approved) in its zoning district.
- H. Common area in a cluster development must be maintained by either a landlord or a landowners or homeowners association. If a landowners/homeowner's association is established, the following conditions must apply:
 1. Membership must be mandatory for each owner and any successive buyer,
 2. The Association must be responsible for liability insurance for common areas and for the reasonable maintenance of exterior, residential, and other facilities,
 3. Any restrictions on open space must be permanent, not for a given period of time.

604.2.18 Non-Residential Subdivisions.

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

604.2.19 Concurrency.

Building Permits for lots in new developments will be issued once all local, state, and federal code requirements are met.

604.2.20 Model Homes.

In order to permit model homes prior to finishing all subdivision improvements, an application for a model home must provide proof of availability of public infrastructure to the lot(s). A certificate of occupancy for a model home may not be issued until the structure is connected to utilities and infrastructure needed for the structure to function, as well as have graded access to the lot and proposed structure.

604.2.21 Wetlands.

All wetlands within the limits of a subdivision must be properly delineated in accordance with State and Federal Laws and any impacts shall be properly permitted through the Wetland Conservation Act of Minnesota and Section 404 of the Clean Water Act. All wetlands remaining after appropriate permitting shall be platted within outlots. The size of the outlots shall be large enough to allow for a protective buffer strip of natural vegetation at least 20-feet in width around the wetland.

604.3 Required Improvements and Payment

604.3.1 Overall Specifications.

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.

604.3.2 Monuments.

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

604.3.3 Street Grading.

Streets shall be graded to the full width of the right-of-way in accordance with the plans and specifications approved by the City Engineer. Gravel base construction shall be undertaken after completion of the installation of underground utilities in accordance with the plans and specifications approved by the City Engineer.

604.3.4 Street Surfacing.

Following the City's approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the plans and specifications approved by the City Engineer.

604.3.5 Driveways.

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

604.3.6 Sidewalks.

Sidewalks shall be provided in accordance with the City's specifications in all new subdivisions, unless otherwise indicated in the City's Pedestrian and Sidewalk Plan.

604.3.7 Utility Installation.

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

604.3.8 Sanitary Sewer Utilities.

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

604.3.9 Wastewater Treatment.

No new dwelling shall be constructed that will not be connected to the Plainview wastewater treatment system.

604.3.10 Water Supply.

Water distribution facilities adequate to serve the subdivision shall be installed in accordance with the plans and specifications approved by the City Engineer and shall meet the requirements of the master plan for water main extensions of the City. All new construction shall be connected to this municipal water system and pay a water access fee, as determined by the City Council. The developer is responsible for constructing water mains and laterals to the lot line, water

hydrants, and water main shutoffs in accordance with city standards.

604.3.11 Storm Sewer.

Storm sewer and/or other stormwater management facilities shall be installed in accordance with the plans and specifications approved by the City Engineer. All subdivisions and developments shall conform to the city's stormwater management requirements.

604.3.12 Other Utilities.

The subdivider shall cause gas, electrical power, and communications facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or communications service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier. The subdivider shall cause streetlights to be installed in accordance with a plan approved by the City.

604.3.13 Electric Utility Extensions.

Any developer of a new subdivision in the City of Plainview shall pay the cost of placement and erection of electric utility poles or the extension of underground electric lines used for the transmission of electrical energy to streetlights within the subdivision. All such poles or underground electric utilities shall be of a material, size, and weight, and shall be constructed so as to meet or exceed all specifications promulgated by both the city and the city's electrical franchisee. Said utility extensions shall be paid for and erected within 90 days of the issuance of the first building permit by the city for the new subdivision. If the utility extension is not completed by that time, no further building permits shall be issued until the utility extension has been completed.

604.3.14 Installation Of Required Improvements.

Prior to the installation of any required improvements and prior to approval of the plat, the subdivider shall enter into a contract in writing with the city requiring the subdivider to furnish and construct said improvements in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the City Engineer. The time for completion of the work and the several parts thereof shall be determined by the City upon recommendation of the engineer after consultation with the subdivider. What is a reasonable time shall depend upon the work to be done, the seasons of the year, and proper correlation with construction activities in the plat and subdivision.

604.3.15 Public Improvements.

Final plans for required public improvements shall be prepared in accordance with City standards, shall be in compliance with all codes, and shall be approved by the City Engineer and Public Works Director. All costs of required improvements shall be allocated as outlined in the City's Public Improvement Policy.

604.3.16 General Benefit To The Community.

The required improvements as listed in this ordinance are to be furnished and installed at the sole expense of the subdivider. However, by the judgment of the City Council, if any improvement

installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same. In such a situation, the City Council may require that the subdivider be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision. For benefiting properties beyond subdivisions, a deferred assessment or hook-up charge can be enacted by ordinance, collectible upon development of the property.

604.3.17 City Acceptance Of Private Infrastructure.

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

604.4 Dwelling, Single Family

A detached residential dwelling unit designed for and occupied by one family only shall meet the following specifications:

- A. Meets the standards and specifications of the Uniform Building Code as adopted in Minnesota or Minnesota Statutes §327.31 et. seq. and State Building Code, including Minnesota Rules 1350 for Manufactured Homes, 1360 for Prefabricated Buildings, 1361 for Industrialized/Modular Buildings, and 1370 for Manufactured Home Parks.
- B. Has such architectural design, color, roof, and exterior material which are not so inconsistent with surrounding buildings and areas as to constitute a blight or devalue surrounding property, or otherwise impair the health, safety, and welfare of the community.

604.5 Private Garages

No lot, residence, or business shall have more than three accessory structures exceeding 120 sf. Any garage, be it attached or detached, shall count as one accessory structure towards the maximum limit of three. The total square footage of all buildings (primary and accessory) shall not exceed 60% coverage of gross lot square footage (lot square footage inside property lines, including easements).

604.5.1 Securely Affixed.

All accessory buildings, whether permanent or temporary, shall be securely affixed to the ground in a manner that will resist movement from storms or vandalism.

604.5.2 Setback Requirements.

All accessory buildings, whether permanent or temporary, shall meet the setback requirements.

604.5.3 Height Limit.

No accessory buildings, whether permanent or temporary, shall exceed the height of the principal building. In no event may an accessory building exceed 20 feet in height.

604.5.4 Residence.

No accessory buildings shall be used as a residence or a place of habitation on a permanent or temporary basis, unless it is permitted as an accessory dwelling.

604.5.5 Compatible.

The architectural style, color, and facing material of permanent accessory structures shall be compatible with the dwelling unit.

604.6 Townhouses; Water/Sewer Lines.

In order to obtain a building permit for a townhouse development in the City of Plainview, the following is required:

- A. A developer will be required to provide plans for construction indicating that separate water lines and separate sewer lines will be constructed from the city's water and sewer mains to each unit of a townhouse development.
- B. Final approval of each unit of a townhouse development will be granted by the city's building inspector only after the developer demonstrates to the building inspector that separate water lines and separate sewer lines have been constructed from the city's mains to each unit of the townhouse development and that a separate water meter has been installed for each unit of the development.

604.7 Manufactured Home Parks

Manufactured home parks shall comply with all statutes of the State of Minnesota, including but not limited to statutes §327.14 to 5327.28, 5327.31 through 5327.35, and 5327C.01 to 5327C.15 and the regulations of the State Board of Health and the regulations of the Building Code. When this ordinance is more restrictive than the state statutes, the provisions of this ordinance will control over the provisions of the state statutes.

604.7.1 Permit Required.

It shall be unlawful for any person to maintain or operate a manufactured home park or facility within the city limits of the City of Plainview unless such person procures a conditional use permit in accordance with this ordinance. The City Council is hereby authorized to revoke any license or permit as provided in this ordinance upon receipt or proof of non-compliance with any part of this ordinance:

- A. *Permit Application:* Application for a manufactured home park permit shall be filed with the City Clerk and shall contain the following information and as prescribed on the application:
 - 1. All requirements of a conditional use application;
 - 2. Name and address of the applicant;
 - 3. Location and general description of the manufactured home park;
 - 4. Plans showing all facilities in said manufactured home park, together with all streets and lots therein, approved by the Dept. of Public Health of the State of Minnesota.
- B. *Transfer of Permit.* Any application for transfer of the permit or expansion alterations of the park shall be treated in the same manner as an original application for permit.
- C. *Approval Required.* Prior to application for a permit, said applicant shall first have obtained

approval of said manufactured home park from the State Board of Health.

604.7.2 Lot Size And Specifications.

- A. A manufactured home lot shall consist of a minimum of 4,000 square feet, with a minimum width of street frontage of 35 feet.
- B. A manufactured home shall not be placed closer than 15 feet from any private street or alley within the manufactured home park or be located nearer than 20 feet from the line of adjacent private property.
- C. Manufactured homes located in said park shall be located so that there shall be at least 15 feet of lateral clearance between any two manufactured homes or any mobile home and adjacent building.
- D. All manufactured homes shall be anchored to the ground surface at four points to afford protection from wind damage as specified by city building code.
- E. All manufactured homes must be skirted within 90 days of location on a lot in a manufactured home park.

604.7.3 Driveways.

All lots shall be provided with an all-weather surface driveway that shall be a minimum of 12 feet in width.

604.7.4 Public Utilities.

A municipal sanitary sewer and water system shall be installed at each home site in accordance with city specifications and the State Board of Health.

604.7.5 Community Storm Shelter Facilities.

There shall be provided within each manufactured home park that has 10 units or more suitable storm shelter facilities constructed to meet Minnesota state building codes, Minnesota State Board of Health rules and regulations, rules of the Commissioner of Administration and the City of Plainview building codes. The shelter space must accommodate room for the number of people as defined in the following formula:

Minimum shelter space = number of trailer units times 2.5 people per trailer unit.

604.7.6 Recreation Area.

A recreation area consisting of 150 square feet per manufactured home site shall be provided, but in no instance shall there be less than a total of 4,500 square feet provided for recreational purposes in each manufactured home park.

604.7.7 Private Streets And Street Construction In Manufactured Home Park.

Minimum width of street surface within a manufactured home park shall be 30 feet, and shall include an asphalt or concrete surface, and concrete curb and gutter. The pavement section shall be as designed and specified by a Licensed Professional Engineer. Stormwater management shall conform with the City's requirements.

604.7.8 Responsible Attendant.

Each park is required to have a responsible attendant or caretaker on duty or on call at all times. The name and phone number of said caretaker or attendant shall be filed with the City Clerk. His chief duty is to maintain the park with its facilities and equipment in a clean, orderly, and sanitary condition. The caretaker is answerable with the licensee for any violations of this ordinance.

604.7.9 Construction Requirements.

All plumbing, electrical, building, and other work on or at any park licensed under this ordinance shall be in accordance with the ordinances of the City of Plainview and the statutes of the State of Minnesota. Licenses and permits granted under this ordinance in no way grant the right to erect or repair any structure in said manufactured home park.

604.7.10 Additional Requirements.

In addition to the foregoing, the City of Plainview may impose such other procedures, conditions, requirements, or limitations concerning the design, development, and operation of such manufactured home park as it may deem necessary for the protection of adjacent properties and the public interest.

604.8 Setbacks

For the purpose of computing front yard dimensions, measurements shall be taken from the nearest point of the front wall of the building to the lot line, subject to the following qualifications.

604.8.1 Cornices, Canopies, or Eaves.

Cornices, canopies, or eaves may extend into the required yard a distance not exceeding two feet, six inches. Cornices, canopies, or eaves may extend a distance not exceeding two feet, six inches without affecting the footprint or square footage requirements of a structure. Any portion of cornices, canopies, or eaves that exceeds two feet six inches shall be included into the footprint and square footage requirements. The first two feet six inches will not be counted in the footprint calculation.

604.8.2 Fire Escapes.

Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches.

604.8.3 Landing Place or Porch.

A landing place or uncovered porch may extend six feet if the landing place or porch has its floor no higher than the entrance floor of the building.

604.8.4 Handicap Accessibility Ramp.

A ramp built for the sole purpose of assisting with handicap accessibility may extend up to ten feet into the required front yard setback, provided the handicap ramp will not negatively affect

traffic safety by restricting visibility.

604.8.5 Side and Rear Yard Exceptions

The above-enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace, or outside stairway, shall extend more than three feet into any side yard and then, in the case of an outside stairway, only if it is unroofed and unenclosed above and below the steps. In no case shall a porch, stair landing, or any other architectural feature extend closer than four feet to the side property line.

604.8.6 Pavement Setbacks

Setbacks do not apply to the pavements of parking or driving surfaces.

604.8.7 Unlawful Improvements

It shall be unlawful for any person to erect or to permit another person working on their behalf to erect any building or structure of any kind or alter existing drainage within the required setback area or within the right of way or an easement on any parcel of land within the City. A violation of this ordinance shall be deemed a misdemeanor offense.

604.8.8 Front Yard.

There shall be a minimum front yard in any "R" district, as stated in the yard requirements for that particular district; but in no case shall the front yard depth be less than the average front yard depth of all structures facing the same street in the same block.

604.9 Fences

604.9.1

Fences may be constructed on adjoining property lines. The following shall apply to all fences constructed in Plainview:

- A. Fences shall have no setback requirements, unless to protect sight lines and sight visibility triangles near intersections, along curves, and along pedestrian ways to protect public safety;
- B. Fences cannot exceed seven feet in height;
- C. Any fence having only one finished side shall be required to have the finished side facing out away from the property upon which the fence is constructed; and
- D. Fences shall be maintained by the property owner erecting the structure.

604.9.2

Fences shall be allowed in utility easements provided that the fence(s) has no permanent foundation and that the fence is constructed or raised off the ground so as not to impede the flow of stormwater. All fences in easements shall be constructed at the property owner's risk, and if any public utility (including the city) needs to access the easement, then the fence shall be removed at the owner's cost. If possible, the property owner may be given some advance notice in order to be allowed to remove the fence him/herself. In addition, the property owner will hold all public utilities, including the City, harmless from any damages for the cost to rebuild the fence or return the property to the previous condition shall be borne solely by the property owner.

604.10 Home Occupation

604.10.1 Home Occupation.

The City of Plainview has zoned several large areas of the city for residential use. Generally, people living in residential areas expect the residential character of their neighborhood to be protected from intrusion by commercial businesses. However, under certain circumstances, the City of Plainview allows some small-scale business to be carried out in residential areas. The regulation of Home Occupation (businesses operated at a person's home) within residential structures is intended to ensure that the use is clearly accessory or secondary to the principal dwelling, and that compatibility with the surrounding residential uses is maintained. As home occupations are anticipated to have little or some impact on residents of the neighborhood. Home Occupations shall be approved administratively with a license per 604.10.10.

604.10.2 Home Occupation Determination.

A person has a home occupation if they meet any of the following criteria:

- A. Meetings with customers occur on the premises;
- B. Mail or packages or materials for the business are delivered to the premises,
- C. The business lists its mailing address as being on the premises;
- D. Goods or services are sold to customers on the premises;
- E. Materials used in the creation of products or services are stored on the premises; and
- F. Money is accepted from customers in return for goods or services on the premises.

604.10.3 Minimum Requirements for Home Occupation.

A home occupation may only employ members of the residence plus one non- resident at any one time. At least one member of the residence must be an employee of the home occupation.

- A. Activity must be limited between the hours of 8:00 am and 8:00 pm.
- B. The home occupation must be contained entirely within the primary residence or a detached garage and no more than 35% of the floor area of the primary residence may be used for the home occupation.
- C. The home occupation must not be inconsistent with the neighborhood so as to constitute a blight or devalue surrounding property or otherwise impair the health, safety, environment, or welfare of that neighborhood.
- D. Must provide off-street parking for non-resident employees.
- E. Must provide sufficient off-street parking to meet the needs of the anticipated visiting customers, if any. If less than one customer per every two hours of operation is anticipated, then no off-street parking is required.
- F. Must have interior storage for all equipment and inventory used for the business.
- G. The primary purpose of the residence must be for residential use; the business use must be clearly incidental to the residential use. If residential use is discontinued, then the Home Occupation must also discontinue.
- H. Shall not create a significant increase in pedestrian, automobile, or truck traffic beyond the typical amount in the area.
- I. Shall not create a significant amount of noise or dust beyond the normal amount in the area.

604.10.4 Inspection.

The City reserves the right to inspect the premises in which the home occupation is being conducted to ensure compliance with the City Code upon request and during reasonable hours.

604.10.5 Signage.

Residents are allowed to display signs advertising a home occupation as long as the sign is not illuminated and does not exceed four (4) square feet and is located on the principal structure.

604.10.6 Bed and Breakfast.

Bed and breakfasts, and similar home occupation may be licensed as a home occupation as long as they have four or fewer rooms for rent. Small functions of less than 10 people (such as receptions or business meetings) shall be permitted on site. There must be at least one (1) off street parking spot per rental room.

604.10.7 Short Term Vacation Rental.

Any home, cabin, condominium or similar building that is advertised as, or held out to be, a place where sleeping quarters are furnished to the public on a nightly, weekly, or less than a 30-day basis for compensation and is not a Bed and Breakfast. The short-term vacation does not apply to non-residential property.

604.10.8 Day Care.

Day cares that have a valid state or county license are not required to have a Home Occupation license. However, day cares must still abide by the City's nuisance ordinances.

604.10.9 Uses Not Permitted as Home Occupation.

Certain uses shall not be permitted as a home occupation. This is not intended to be a complete list of uses incompatible with home occupation.

A. Restaurants.

B. Cannabis businesses.

C. Hemp businesses.

604.10.10 Application Process.

Those wishing to apply for a home occupation must fill out an application. The application will be approved administratively with a license and either approved or rejected. If rejected, a code reference to code requirement will be provided. Appeals of the administrative decision shall be per 602.3.2A, with the Board of Adjustments.

604.10.11 Fee.

The fees shall be those currently adopted by the city.

604.10.12 Non-Conforming Use.

Existing home occupations lawfully existing prior to January 1, 1978, may continue as non-conforming uses.

604.10.13 Denial or Conditions.

The City administration may deny an application if it is deemed that there is a potential to be a nuisance or be a danger to the general health, safety, and welfare of the area. It shall be unlawful for any person to operate a home occupation who does not own or lease the property and who does not actually reside on the property. It shall be unlawful for any operator of a home occupation to employ more than one (1) person who does not reside on the property.

604.10.14 Duration of Application.

The home occupation operator may only operate the business as long as the operator continues to reside on the property. In the event the operator moves from the property to another residentially zoned property in the City, the operator must reapply for approval to pursue the home occupation at the new residence location and receive such approval in order to operate the home occupation at the new location. In addition, once the operator of a home occupation moves from the original approved home occupation site, the authorization to conduct that home occupation at the original approved site ceases and is not transferable to a subsequent owner or tenant of the site. It shall be unlawful for a subsequent owner or tenant to operate the home occupation without submitting an application for a home occupation.

604.10.15 Enforcement.

Any Home Occupation that received three (3) verified violations shall not qualify for renewal and the license shall be revoked. Verified violations are those that are confirmed by law enforcement.

604.11 Parking

In all districts except "C-1" in connection with every industrial, business, institutional, recreational, or dwelling use and for similar uses, space for off-street parking and storage of vehicles shall be provided of sufficient area to care for the normal parking demands of the building involved. In no case shall the parking area provided be less than that shown on the following schedule:

Automobile services	3 spaces per service bay
Bowling alley	4 spaces per line
Clinics	1 space per 200 square feet
Furniture/Appliance stores	1 space per 600 square feet
Offices, banks, etc.	1 space per 400 square feet
Restaurants	1 space per 200 square feet
Industrial	1 space per 1.5 employees of largest shift
Single Family Detached Dwellings	2 spaces per dwelling unit
Multi-Family Attached Dwellings	1.5 per dwelling unit
Public uses	1 space per employee
All other commercial	1 space per 300 square feet

604.11.1 ADA.

In addition, all businesses, non-profit organizations, as well as all state and local government must provide accessible parking spaces complying with the Americans with Disabilities Act (ADA) as specified in the 2010 ADA Standards for Accessible Design or latest version adopted by the Federal US department of Justice (ADA.gov).

The chart below shows the number of accessible spaces required by the 2010 ADA Standards for Accessible Design, but projects must comply with the latest version of the federal standards.

Total Number of Parking Spaces Provided in a Parking Lot or Facility	Minimum Number of Accessible Parking Spaces Permitted
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000
At least one of every six spaces must be van accessible.	

604.11.2

Required off-street parking areas for automobiles shall be so designated, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case and in accordance with all ordinance and regulations of the city.

604.12 Communication Towers

All commercial wireless telecommunication towers or antennas erected, constructed or located within the City shall comply with the following requirements.

604.12.1 New Tower or Antennas.

- A. A proposal for a new tower or antennas shall not be approved unless the City finds that the telecommunications equipment planned for the proposed structure cannot be accommodated on an existing or approved tower or structure within a two (2) mile search radius of the proposed tower due to one or more of the following reasons:
 1. The planned equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a qualified and licensed professional engineer, and

- the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost;
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or structure as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;
 3. Existing or approved towers and structures within the search radius that are 60 feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;
 4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or structure.
- B. Any proposed tower shall be designed (structurally, electrically and in all other respects) to accommodate both the applicant antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height, or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

604.12.2 Signs and Advertising.

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

604.12.3 Tower Lighting.

A tower shall not be illuminated by artificial means and shall not have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers or other illuminating device, except as required by the Federal Aviation Administration, Federal Communications Commission or any state agency. Strobe lights will not be permitted for nighttime tower lighting. The applicant shall choose from alternative lighting standards supplied by the Federal Aviation Administration, Federal Communications Commission or state agency. The applicant shall submit with their application the required lighting standards specified by these agencies. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

604.12.4 Abandoned or Unused Towers.

Abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the zoning administrator. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal may be assessed against the property.

604.13 Outdoor Solid Fuel Burners

604.13.1 Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Plainview by regulating the air pollution and fire hazards of outdoor solid fuel burners.

604.13.2 Applicability.

This ordinance applies to all outdoor solid fuel burners within the City of Plainview.

- A. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in appliances intended for cooking or grilling other than outdoor solid fuel burners.
- B. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- D. This ordinance does not apply to campfires which are small outdoor fires on the ground using clean wood intended for recreation or cooking. However, it shall be unlawful for any person to create a campfire intended for disposal of waste wood, garbage, or refuse.

604.13.3 Definitions.

Construction and demolition debris means building waste materials, including but not limited to waste shingles, insulation, tar paper, wall board, treated wood, painted wood, wiring, plastics, packaging, and rubble of other similar smoke producing materials that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

Outdoor solid fuel burner means a fired burner, stove or furnace that is not located within a building intended for habitation by humans or domestic animals. An outdoor solid fuel burner may also be referred to as an outdoor wood burner, wood boiler, or an outdoor wood fired hydronic heater.

Refuse means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

Garbage means any of the following materials: food wastes, food wraps, cardboard, newspaper or other product with ink or dye, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes, asphalt and products containing asphalt, treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives, any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers, rubber including tires and synthetic rubber-like products.

Clean Wood means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.

604.13.4 Operation of Outdoor Solid Fuel Burners.

No outdoor wood-burning stoves or solid fuel-fired heating devices designed and intended, and/or used, for the purpose of heating the principal structure or another accessory structure on the premises are allowed to be installed within the City of Plainview.

604.13.5 Non-Conforming Use.

- A. The lawful use of any existing outdoor wood-burning unit or outdoor solid fuel- fired heating device existing at the time of the effective date of this ordinance may be continued, although

such use may not conform to the provision of this ordinance.

- B. No pre-existing, non-conforming outdoor wood-burning unit or outdoor solid fuel-fired heating device shall hereafter be replaced, extended, enlarged, or expanded.
- C. At such time as the useful life of an outdoor non-conforming wood-burning unit or outdoor solid fuel-fired heating device has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used, and removed from the property immediately.
- D. All outdoor wood burning or solid fuel burners in existence prior to the date that this ordinance was adopted must be registered and recorded at City Hall. Owner must supply the following information to City Hall: date the solid fuel burner was installed, manufacturer name, model number, and a photocopy of the manufactures' recommendations and operating instructions, and the last time the owner maintained the device per manufactures recommendations. The City may also require inspections of the devices.

604.13.6 Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

604.13.7 Liability.

A person utilizing or maintaining an outdoor solid fuel burner shall be responsible for all fire suppression costs incurred by the City or its authorized agents and any other liability resulting from damage caused by the fire.

604.13.8 Penalty.

Any person convicted or violating a provision of the ordinance is guilty of a misdemeanor punishable by a fine of up to \$1000 or up to 90 days in jail or both.

604.14 Accessory Dwelling Units

604.14.1 Authority and Purpose.

The purpose of this section of code is to provide guidelines and minimum standards to facilitate both the construction of new Accessory Dwelling Units (ADUs), also known as "second units," "mother-in-law apartments," or "granny flats," and to guide legalization of unpermitted ADUs.

The reasons the city is allowing ADUs are:

- A. To expand the supply of affordable housing for both owners and renters in the community;
- B. To expand the supply of accessible housing for Senior Citizens and persons with disabilities;
- C. To provide a means for homeowners, particularly the elderly, to obtain extra income, security, companionship, and service;
- D. To make more efficient use of existing housing stock and infrastructure; and
- E. To provide a mix of housing that responds to changing family needs, smaller households, and increasing housing costs.

604.14.2 Definitions.

- A. **Accessory Dwelling Unit (ADU).** Accessory Dwelling Unit means either an interior dwelling unit within the primary family dwelling unit, or an attached dwelling unit or a detached dwelling unit in a R1, R2 or Transition zone. The ADU provides complete independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation, and is located on the same parcel as a single-family dwelling.
1. **Cooking Facility.** A cooking facility means an area containing a refrigeration appliance; and a kitchen sink and cooking appliance, each having a clear working space of not less than 30 inches. “Cooking appliance” includes any appliance capable of cooking food, including a range, stove, oven, microwave, or hot plate, but not including a toaster or electric kettle.
 2. **Living Area.** The term living area has the meaning, “The interior habitable area of a dwelling unit including basements and attics and does not include a garage or any accessory structure.”
 3. **Sanitation Facilities.** Sanitation facilities means a toilet, sink, and bathtub or shower.
 4. **Sleeping Facilities.** Sleeping facilities means an area dedicated to sleeping that meets building code requirements for habitability.
- B. **Accessory Dwelling Unit, Interior.** An interior Accessory Dwelling Unit means an ADU in a R1, R2 or Transition zone that is located entirely within the existing and legally created space of a single-family home (primary dwelling unit) or accessory structure. The Interior Accessory Dwelling Unit must be fully separated from the single-family dwelling unit or accessory building by means of a wall or floor, with or without a door.
- C. **Accessory Dwelling Unit, Attached.** An attached Accessory Dwelling Unit means ADU in a R1, R2 or Transition zone, which is constructed as a vertical or horizontal addition to a single-family home (primary dwelling unit), and must be fully separated from the single family dwelling unit by a wall, with or without a door.
- D. **Accessory Dwelling Unit, Detached.** A detached Accessory Dwelling Unit means an ADU in a R1, R2 or Transition zone, which is constructed as an independent structure, surrounded by open space and on the same lot as the primary dwelling unit. A detached ADU can be attached to an accessory structure (e.g., garage), or it can be created by converting all or part of an existing independent structure into living area.
- E. **Owner Occupied.** Owner occupied means the owner currently resides on the property.
- F. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.
- G. **Short-term Rentals** – Short-term rentals means rentals for less than 30 days.

604.14.3 Development Standards.

- A. General Provisions. The following provisions apply to all Accessory Dwelling Units:
1. **Number.** The lot must contain an existing single-family home and no other dwelling units. No more than one Accessory Dwelling Unit may be added on any lot either by converting

- an existing accessory building or constructing a new dwelling unit that conforms to ADU code.
2. **Zoning District.** The project site must be zoned for residential use in either a R-1, R-2 or Transition Districts.
 3. **Ownership.** Accessory Dwelling Units may not be subdivided and may not be otherwise separated in ownership from the associated single-family dwelling unit.
 - a. The creation of an Accessory Dwelling Unit shall not create a separate tax parcel.
 - b. At the time of application, the property owner must acknowledge in writing the restrictions in subsections B(i.) through B(iii.) regarding sale, owner occupancy, and short-term rentals of Accessory Dwelling Units.
 - i. The Accessory Dwelling Unit may not be sold separately from the existing single-family home.
 - ii. Either the single-family home or the Accessory Dwelling Unit must be owner-occupied if the home and Accessory Dwelling Unit are occupied by different families.
 - iii. Neither the Accessory Dwelling Unit nor the single-family home may be used for short-term residential rentals.
 - c. Before issuance of a building permit for the Accessory Dwelling Unit, the owner must record a covenant in a form approved by the City Attorney to notify future owners of the restrictions in subsections B(i.) through B(iii.) regarding sale, owner occupancy, and short-term rentals of Accessory Dwelling Units.
 4. **Occupancy.** The property owner of record shall occupy either the principal dwelling unit or the Accessory Dwelling Unit as their permanent and principal residency.
 5. **Accessory Dwelling Unit Occupancy.** Occupancy is limited to two adult persons or a maximum of three people.
 6. **Building Code Compliance.** The Accessory Dwelling Unit shall conform to all applicable state and local building code requirements.
 7. **Density/Zoning Compliance** - An Accessory Dwelling Unit conforming to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which the unit is located and shall be deemed to be a residential use consistent with the existing general plan and zoning designations for the lot.
 8. **Size** - An Accessory Dwelling Unit must include no less than the minimum floor area identified for an efficiency unit (320 sq. ft.). The Accessory Dwelling Unit must not exceed maximum sizes: internal ADU - 864 sq. ft. or size of ground floor; attached ADU: 864 sq. ft.; and detached ADU – 1,000 sq. ft. unless it is created by converting a garage. ADUs that are converted garages may not exceed the square footage of the ground floor of the primary dwelling unit or 768 sq. ft., whichever is larger
 9. **Utilities** – Accessory Dwelling Units must be served by municipal sewer and water. Separate utility metering for the ADU is prohibited.
 10. **Bedrooms** – No more than two bedrooms are permitted in the Accessory Dwelling Unit.

11. **Parking** - One additional off-street parking space is required for the Accessory Dwelling Unit. If the Accessory Dwelling Unit replaces an existing garage, carport or covered parking structure, replacement spaces must be provided equal to the number of spaces removed. Replacement spaces may be provided as covered or uncovered spaces. Parking space must be paved.
12. **Density** - An Accessory Dwelling Unit conforming to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which the unit is located and shall be deemed to be a residential use consistent with the existing general plan and zoning designations for the lot.
13. **Appearance** – Accessory Dwelling Units and their associated single-family dwelling units must clearly be designed and constructed to maintain the outward appearance of one single family dwelling.
 - i. **Exterior finish materials** – Exterior finish materials must visually match in type, size and placement, the exterior finish materials of the primary dwelling.
 - ii. **Roof pitch** – The roof pitch must be the same as the predominant roof pitch of the primary dwelling
 - iii. **Windows** – If the street-facing façade of the ADU is visible from the street, its windows must match in proportion and orientation, the windows of the primary dwelling
 - iv. **Eaves** – If the primary dwelling has eaves, the ADU must have eaves that project the same distance from the building. If the primary dwelling does not have eaves, no eaves are required of the ADU.
 - v. **Exemptions** – Detached Accessory Dwelling Units may be exempt from *Section 609.22.3 - a) General Provisions 14A.-D.* if the size is under 864 sq. ft. and the height is under 24’
 - vi. **Single Family Dwelling Code Compliance** - Accessory Dwelling Units in combination with their associated single-family dwelling unit must conform to all City Code requirements for single-family dwellings, including but not limited to setback, height, impervious surface, motor vehicle, recreational vehicle, and accessory structure standards.
14. **Access and Entrances** - The creation of an Accessory Dwelling Unit shall not result in additional entrances facing the public street on the primary structure. Only one entrance may be located on the façade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the Accessory Dwelling Unit was created. An exception is entrances that do not have access from the ground such as entrances from balconies or decks.
 - i. A walkway shall be provided from an abutting public street to the primary entrance of the attached or detached Accessory Dwelling Unit
15. **Conversion to Primary Dwelling Unit**
 - i. An Accessory Dwelling Unit shall become the primary dwelling unit on a site if the original primary dwelling unit is demolished or determined to be uninhabitable, and

is not replaced or made habitable within one year of its demolition or the determination that it is uninhabitable.

- ii. If an Accessory Dwelling Unit becomes the primary dwelling unit, it shall remain so, and be considered a nonconforming but lawful structure if it fails to comply with any zoning standards applicable to a primary dwelling unit in the zoning district where it is located, until such time as a new structure compliant with all zoning standards applicable to a primary dwelling unit in the zoning district where it is located, is lawfully constructed or otherwise created on the site.

16. **Vacant Lots.**

- iii. A building permit applicant for a vacant site may propose construction of both a single-family dwelling unit and an Accessory Dwelling Unit concurrently. However, the primary dwelling unit must pass final inspection prior to final inspection of the associated Accessory Dwelling Unit. Nothing in this section shall be construed to supersede or in any way alter or lessen the effect of any other zoning provision requiring issuance of a discretionary permit for construction of the primary dwelling unit prior to issuance of a building permit.
- iv. The discretionary review of the primary dwelling unit must not include consideration of the Accessory Dwelling Unit use.

17. **Passageways** - A passageway between the primary dwelling unit and detached ADU may not be required in conjunction with the construction of an Accessory Dwelling Unit.

18. **ADU Approval** - An Accessory Dwelling Unit conforming to the provisions of this section shall be approved administratively

604.14.4 Interior Accessory Dwelling Units

Interior Accessory Dwelling Units. The following provisions also apply to interior Accessory Dwelling Units:

- A. The Accessory Dwelling Unit must be constructed entirely within the existing and legally created space of a single-family home or accessory structure in an R-1, R-2 or Transition Districts.
- B. The zoning standards of the underlying zoning district (e.g., setbacks, height, floor area ratio, etc.) do not apply to interior Accessory Dwelling Units.
- C. Interior Accessory Dwelling Unit size is 864 sq. ft. or size of ground floor, whichever is larger.
- D. Internal ADUs within the principal structure shall have interior stairway access to the primary entrance of the unit. Secondary stairways required for fire safety may be located on the exterior of the side or rear of the building, but shall not be allowed on the front of the building.
 - 1. Exterior stairways shall be built of durable materials that match the finish of the principal structure or accessory building to which they are attached. Raw or unfinished lumber shall not be permitted.
- E. If the primary structure is on a single level, the minimum floor area must be 1,000 sq. ft. and Accessory Dwelling Unit shall not exceed one-third of total floor area of structure. If the primary structure is multi-story, the maximum floor area of the Accessory Dwelling Unit may

be equal to the first floor of the primary residence or can be less than or equal to 50% of the total floor area of the structure.

604.14.5 Interior Accessory Dwelling Units

Attached Accessory Dwelling Units. The following provisions shall also apply to all attached Accessory Dwelling Units:

- A. Except as modified by this section, an ADU attached to the primary dwelling unit shall conform to all requirements of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions, including height, setback, floor area ratio.
- B. The increased floor area of an ADU attached to the existing single-family home shall not exceed 50% of the floor area of the existing single-family home or 864 square feet whichever is less.
- C. An attached ADU must comply with the following design standards:
 1. The ADU must be constructed with compatible/complementary facade materials, generally the same color palette, and similar in texture and appearance to the primary dwelling, including but not limited to roofing, siding, windows, and doors.
 2. The ADU roof height cannot exceed the height of the primary residence and the ADU roof pitch/form must be compatible with the roof pitch/form of the primary dwelling.
 3. No less than 10% of the entire elevation facing an alley or public street shall be windows.
 4. Rooftop decks are prohibited
 5. Balconies shall not face an interior side lot line

604.14.6 Interior Accessory Dwelling Units

Detached Accessory Dwelling Units. The following provisions shall also apply to all detached Accessory Dwelling Units:

- A. Except as modified by this section, a detached ADU must conform to all requirements of the underlying residential zoning district, any applicable overlay district, and all other applicable zoning provisions, including height, setback, floor area ratio, and historic preservation requirements.
- B. Setbacks.
 1. A detached Accessory Dwelling Unit must be located no less than five feet from the primary dwelling unit on site.
 2. The minimum side setbacks for a detached ADU is five feet from interior side lot lines and twenty-five feet from street side lot lines of corner lots.
 3. On reverse corner lots, a detached ADU may not project beyond the inner line of the front yard required on the adjacent lot to the rear, nor be located less than five feet from the side lot line of such adjacent lot.
 4. The minimum rear yard setback for a detached ADU is five feet.
 5. Notwithstanding subsections (A) through (D), the minimum setbacks for an ADU that is constructed above an existing garage is five feet from the rear and side property lines (including street side corner lots and reverse corner lots).

C. Height.

1. A one story detached ADU may be up to 15 feet in height.
2. A detached ADU constructed over a garage or other accessory structure where the ADU would be five feet from the rear or side lot line may be up to 17 feet in height when such unit has a flat roof.
3. A detached ADU constructed over a garage or other accessory structure where the ADU would be five feet from the rear or side lot line may be up to 20 feet in height when such unit has a pitched roof.
4. A detached ADU constructed over a garage or other accessory structure where the ADU would meet the side and rear yard setbacks of the underlying zoning district may be up to 20 feet in height when such unit has a flat roof.
5. A detached ADU constructed over a garage or other accessory structure where the ADU would meet the side and rear yard setbacks of the underlying zoning district may be up to 24 feet in height when such unit has a pitched roof
6. The maximum floor area of a detached ADU is 1,000 sq. ft. unless it is created by converting a garage. ADUs that are converted garages may not exceed the square footage of the ground floor of the primary dwelling unit or 768 sq. ft., whichever is larger.
7. A detached ADU must comply with the following design standards:
 - i. The ADU must comply with Minnesota Uniformed Building Code if the new construction includes:
 - a. ground floor plate height exceeds 12 feet or roof height exceeds 18 feet (as measured from finished grade); or
 - b. creates or expands an upper floor.
 - ii. The ADU must be constructed with compatible/complementary facade materials, generally the same color palette, and similar in texture and appearance to the primary dwelling, including but not limited to roofing, siding, windows, and doors.
 - iii. The ADU roof pitch/form must be compatible with the roof pitch/form of the primary dwelling.

604.15 Cannabis and Hemp Businesses

604.15.1 Purpose

The purpose of this section of code is to provide guidelines and appropriate and lawful land use regulations for cannabis and hemp businesses in the City of Plainview. The provisions of this section of code are in the public interest and authorized under Chapter 342 of Minnesota State Statutes.

604.15.2 Applicability

This ordinance applies to all cannabis and hemp businesses within the City of Plainview, including cannabis retailers and lower-potency hemp retailers registered with Wabasha County.

604.15.3 Minimum Buffer Requirements

The following provisions shall apply to all cannabis businesses unless otherwise specified:

- A. No cannabis business shall operate within 1,000 feet of a school.
- B. No cannabis business shall operate within 500 feet of a residential treatment facility
- C. No cannabis business shall operate within 500 feet of a day care.
- D. No cannabis business shall operate within 500 feet of a public park that is regularly used by minors, including a playground or athletic field.
- E. No cannabis retailer shall operate within 500 feet of another cannabis retailer.

604.15.4 Cannabis Retailer Registration Required

All cannabis retailers and lower-potency hemp edible retailers must validly register with Wabasha County before making retail sales to consumers in the City of Plainview.

604.15.5 Cannabis Retailer Hours of Operation

All cannabis retailers are limited to the sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 8am and 1am, Monday through Saturday, and 10am to 1am on Sunday.

604.15.6 Temporary Cannabis Events

Any person intending to organize and operate a temporary cannabis event must 1) obtain a cannabis event organizer license issued by the Office of Cannabis Management pursuant to Minnesota Statutes, Chapter 342, and 2) obtain all necessary approvals, permits, and licenses required by the City of Plainview under section 509 of the City Code. Temporary cannabis events must comply with Minnesota Statutes, Section 342.40 and all applicable state rules.

604.15.7 Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

604.15.8 Penalty

Any person convicted or violating a provision of the ordinance is guilty of a misdemeanor punishable by a fine of up to \$1000 or up to 90 days in jail or both.

604.16 Blighted Properties

604.16.1 Purpose.

It is hereby determined that the timely completion of building construction, maintenance of adequate exterior finishes on buildings, and proper maintenance of exterior property areas is necessary to avoid the creation of blighted, unsafe and unsanitary conditions within the City of Plainview. The purpose of this Ordinance is to protect the public health, safety and welfare of the citizens of Plainview, and to protect the character and stability of the properties within the city.

604.1516.2 Completion of Construction.

All building construction for which a valid zoning and/or building permit is required and has been

issued, shall be completed in accordance with Section 602.9.

604.16.3 Exterior of Structures.

The exterior of all buildings and structures, including detached garages, shall be maintained in a workmanlike state of maintenance and repair, and shall comply with the following:

- A. Every exterior wall shall be substantially free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco, substantial amounts of peeling paint, or any other condition which might admit rain or dampness-to the interior of the building;
- B. All exterior wood surfaces, other than naturally decay resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other approved protective covering or treatment, which shall be maintained in a neat and attractive manner. Unprotected or uncovered building paper shall not be considered an approved protective covering or treatment.
- C. Every roof shall be structurally sound, tight, and have no defects which might admit rain or dampness;
- D. All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes.

604.16.4 Exterior Property Areas.

All exterior property areas and vacant areas shall comply with the following minimum standards:

- A. Be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage, and free from any hazard or dangerous condition;
- B. Be graded and maintained to prevent the accumulation of stagnant water thereon, and within 10 feet of any building or structure located thereon-,
- C. Be kept free from species of weeds or plant growth, rodents, vermin or other pests which are noxious or detrimental to public health.

604.16.5 Vacated Structures and Vacant Properties.

Any dwelling determined to be unfit for human habitation by the Enforcement Officer which has been vacant for a period of sixty (60) days or more, shall be made safe and secure by the property owner, so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Any such structure open at the doors and windows, if unsecured, shall be deemed to be a hazard to the health, safety and welfare of the public, and a public nuisance. The owner of vacant lands shall make said lands safe and secure by barricading or fencing the property or the like, or by placing said lands in their natural unimproved condition and removing all dangerous conditions. Upon failure of the owner to comply, the City may have such structure or vacant property made safe and secure, or remove the dangerous condition, and assess the cost to the owner in accordance with the procedures of MN Statutes 463.15 - 463.261.

604.17 Stormwater Management

604.17.1 Purpose.

The purpose of this ordinance is to promote, preserve and enhance the physical development and natural resources within the City of Plainview and protect them from adverse effects impacts or incompatible activities by regulating land use and by requiring detailed review standards and

procedures for development to achieving a balance between growth and natural resources.

604.17.2 Definitions.

For the purposes of this section, the following terms, phrases, words, and their derivatives shall have the meaning as defined in Minnesota State Statute and Rule and as stated below. When not inconsistent with the definition stated below, the state statute or rule will prevail and when not inconsistent with context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” and “must” are always mandatory and not merely directive.

MPCA. Minnesota Pollution Control Agency

Peak Discharge Rate. Means the maximum rate of flow or runoff in cubic feet per second (CFS) during a storm event.

Runoff. Means the draining away of water from the surface of an area of land, buildings, or structures.

Stabilized. Is exposed ground surface after it has been covered by sod, erosion control blanket, riprap, or other material that prevents erosion from occurring. Simply sowing grass seed is not considered stabilization.

Storm Event. Means a rainfall or snowmelt event that results in surface water runoff.

Stormwater. Means precipitation run-off, stormwater run-off, snow melt run-off, and any other surface run-off and drainage.

Stormwater Management Facility. Means a permanent natural or man-made facility that serves the purpose of temporarily detaining/retaining, infiltrating, and/or treating stormwater runoff.

Stormwater Pollution Prevention Plan (SWPPP). Means a plan for stormwater discharge that includes all required content under the MPCA Construction Stormwater (CSW) Permit that describes the erosion prevention, sediment control and waste control BMPs and permanent stormwater treatment systems.

604.17.3 Scope and Effect.

- A. *Applicability.* Every applicant for a building permit, subdivision approval, or a permit to allow land-disturbing activities must comply with the requirements of the MPCA Construction Stormwater (CSW) Permit, if applicable, and this ordinance. The MPCA CSW Permit applies for construction activity that results in land disturbance of equal to or greater than 1-acre or if a project is a part of a common plan of development or sale, as defined in the MPCA CSW Permit, that ultimately will disturb greater than 1-acre.
- B. *Exemptions.* The provisions of this ordinance, except Section 604.1617.8 do not apply to:
 - 1. Minor land disturbance activities such as home gardens and an individual’s home landscaping, repairs, and maintenance work, not associated with the initial construction of the home;
 - 2. Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops;
 - 3. Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have required an MPCA Construction Stormwater Permit, except for the emergency. If such a permit would have been required, then the Stormwater

Pollution Prevention Plan (SWPPP) associated with the permit shall be updated within 5 working days from the emergency repair occurrence and the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible.

604.17.4 Stormwater Pollution Prevention Plan (SWPPP) and Grading Plan Submittal. When land disturbance activity requiring a MPCA Construction Stormwater (CSW) Permit occurs, the applicant shall submit evidence of MPCA CSW permit coverage and copies of the Stormwater Pollution Prevention Plan (SWPPP) and Grading Plan to the City Clerk in electronic (pdf) and hard copy format (two copies on 11x17 size paper).

604.17.5 Stormwater Run-off Rates.

Stormwater run-off rates associated with new development or redevelopment projects must not increase over the predevelopment two (2) year, ten (10) year, and one hundred (100) year storm event peak discharge rates, based on the last ten (10) years of how that land was used. Also, accelerated channel erosion must not occur as a result of the proposed activity and shall comply with all SWPPP requirements, if applicable. Exemptions to this requirement may be made for projects with construction activity involving less than 1-acre of land disturbance that are not part of a common plan of development or sale, as defined in the MPCA CSW Permit, that ultimately will disturb greater than 1-acre, provided that increased stormwater runoff rates will not cause downstream impacts and that there is appropriately sized downstream infrastructure to accommodate the increased runoff rates, as determined by the City Engineer.

- A. *Methodologies/Computations.* Hydrologic models and design methodologies used for determining runoff characteristics and analyzing stormwater management facilities must be approved by the City Engineer. Plans, specifications, and computations for stormwater management facilities submitted for review must be certified by a licensed professional engineer. All computations must appear in the plans or report submitted for review, unless otherwise approved by the City Engineer.

604.17.6 Abandonment of Stormwater Management Facilities.

Should the City of Plainview construct a regional stormwater management facility within the watershed of an individual development stormwater management facility, the individual development stormwater management facility can be abandoned upon approval of the City Council.

The current owner of the individual stormwater management facility shall be responsible for all costs to abandon the individual stormwater management facility, including filling the facility in and restoring to original conditions.

604.17.7 Minimum Protection for Natural Wetlands.

Wetlands must not be drained or filled, wholly or partially, unless all applicable local, state, and federal permits have been obtained. Run-off must not be discharged directly into wetlands without appropriate water quality treatment and rate and volume control, depending on the individual wetland's vegetation sensitivity.

604.17.8 Lawn Fertilizer Regulations.

- A. *Use of Impervious Surfaces.* No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within stormwater drainage systems, natural drainage ways, or within wetland buffer areas.
- B. *Unimproved Land Areas.* Except for driveways, sidewalks, patios, areas occupied by structures or areas which have been improved by landscaping, all areas shall be covered by plants or vegetative growth.
- C. *Fertilizer Content.* Except for the first growing season for newly established turf areas, no person shall apply liquid fertilizer which contains more than one-half percent by weight of phosphorus, or granular fertilizer which contains more than three percent by weight of phosphorus, unless the single application is less than or equal to one-tenth pound of phosphorus per one thousand square feet. Annual application amount shall not exceed one-half pound of phosphorus per one thousand square feet of lawn area.
- D. *Buffer Zone.* Fertilizer applications shall not be made within 20 feet of any wetland or water resource.

604.17.9 Penalty.

Any person, firm, or corporation violating any provisions of this ordinance can warrant a civil penalty. Any violation of this ordinance is a misdemeanor. Each day that violation is committed or permitted to exist shall constitute a separate offense. The city may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this ordinance; and the city may pursue, by appropriate actions or proceedings, any or all additional other remedies.

604.17.10 Other Controls.

In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control or shoreland protection ordinance adopted by the City Council, the more restrictive standard prevails.

604.17.11 Severability.

The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

604.18 Flood Prone Area Regulations

Land subject to flooding and deemed by the City Engineer and/or the Planning Commission to be uninhabitable shall not be platted as lots or structures built on as it may increase danger to health, life or property, or aggravate the flood hazard.

All flood prone areas shall be clearly shown on concept plans, future development plans and preliminary plats as defined by the owner and/or applicant and obtain all necessary permits as found in Section 604.17.

604.18.1 Permit Requirements

- A. No person may erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person,
- B. No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations, may be commenced until a separate permit has been obtained from the designated responsible person for each change.
- C. No manufactured home may be placed on improved or unimproved real estate without first obtaining a separate permit for each manufactured home from the designated responsible person.

604.18.2 Permit Application.

To obtain a permit, the applicant must first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person with a fee as designated by City Council before a permit will be issued.

604.18.3 Duties of the City Clerk.

- A. The City Clerk, hereinafter referred to as the responsible person, is appointed as the “person” responsible for receiving applications and examining the plans and specifications for the proposed construction or development.
- B. After reviewing the application, the responsible person may require any additional measures which are necessary to meet the minimum requirements of this ordinance.
- C. The responsible person must review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- D. The responsible person must review and maintain all permit applications to ensure that any development activities are consistent with criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations.

604.18.4 Review of Permit Application.

The responsible person must review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

- A. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- B. Constructed with materials and utility equipment resistant to flood damage,
- C. Constructed by methods and practices that minimize flood damage, and
- D. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

604.18.5 Review of Subdivision Proposals.

The responsible person must review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

- A. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- C. Adequate drainage is provided to reduce exposure of flood hazard.

604.18.6 Water Supply System.

The responsible person must require within flood prone areas, new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

604.18.7 Sanitary Sewage and Waste Disposal Systems.

The responsible person must require within flood prone areas:

- A. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
- B. On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

604.18.8 Annexations and Extraterritorial Jurisdiction.

The City of Plainview may not approve any development located in a Special Flood Hazard Area (SFHA) outside the corporate limits unless such development or plat is in accordance with the following:

- A. A floodplain ordinance legally adopted by the City of Plainview that meets the minimum federal (44 CFR 60.3), state (Minnesota Regulation Parts 6120.5000 through 6120.6200), and local requirements for development within a Special Flood Hazard Area.
- B. The SFHA's of those parts of unincorporated Wabasha County that are within the extraterritorial jurisdiction of the City of Plainview or that may be annexed into the City of Plainview are generally identified as such on the Flood Insurance Rate Map (FIRM) dated and prepared by the Federal Emergency Management Agency (FEMA).

604.18.9 Definitions.

Development. Any man-made change to real estate, including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls, or fences, drilling, mining, filling, dredging, and storage of materials.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. or "Flood Prone Area" Any land area susceptible to being inundated by water from any source (see Flood).

604.18.10 Penalty.

Any person who violates this ordinance shall upon conviction thereof be fined not less than twenty-five dollars (\$25.00) nor more than two-hundred dollars (\$200.00). A separate offense will be deemed committed upon each day during or on which a violation occurs or continues.

604.18.11 Abrogation and Greater Restriction.

- A. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction.
- B. Where this Ordinance and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions will prevail.

604.18.12 Warning and Disclaimer of Liability.

This ordinance does not imply that land uses permitted within the City will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Plainview or any officer or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.

604.18.13 Severability.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

604.19 Nonconformities

- A. Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - 1. The nonconformity or occupancy is discontinued for a period of more than one year; or;
 - 2. Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
- B. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit a municipality from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

- C. Notwithstanding paragraph (A), a municipality shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.
- D. Paragraphs (D) to (J) apply to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A municipality shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas according to paragraphs (D) to (J).
- E. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - 1. All structure setback distance requirements can be met;
 - 2. The lot is connected to a public sewer; and
 - 3. The impervious surface coverage does not exceed 25 percent of the lot.
- F. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - 1. The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - 2. The lot must be connected to a public sewer;
 - 3. Impervious surface coverage must not exceed 25 percent of each lot; and
 - 4. Development of the lot must be consistent with an adopted comprehensive plan.
- G. A lot subject to paragraph (f) not meeting the requirements of paragraph (f) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- H. Notwithstanding paragraph (f), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are connected to a public sewer.
- I. In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewer and water utility availability, and other conservation-designed actions.
- J. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

604.20 Skye View Development Special District.

604.20.1 Conditions

Approval of this special district ordinance is made with the following conditions:

- 1. Public roadway connection to Highway 42 shall be required as a part of the first phase of the proposed development.
- 2. Formal MnDOT approval for Highway 42 access shall be required prior to final plat approval.

3. Preliminary and final plat submittals shall show that access to Parcel No.'s 14.00110.00 and 14.00109.06 is maintained through the special district property during construction of the improvements and after the improvements are made.
4. The preliminary and final plat shall properly identify MnDOT right-of-way for Highway 42.

604.20.2 Timeline

After two years from the date of approval of the Special District, the Council may, following a public hearing, rescind approval of this Special District upon finding that the conditions in Subd. 1 have not been met, or that no progress has been made in the construction of the development.

604.20.3 Purpose.

The purpose of this Special District is to provide for zoning regulations that will be administered in the Skye View Development Special District. The following is the special regulations of the Skye View Development Special District.

604.20.4 Skye View Boundary.

This ordinance shall apply to the following described property located within the City of Plainview, County of Wabasha, State of Minnesota: Parcel 1 (PID: 26.00116.24):

A part of the North Half of the Southwest Quarter of Section 17, Township 108 North, Range 11 West, Wabasha County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 17; thence along the north line of said Southwest Quarter for a distance of 861.3 feet; thence, southerly, parallel with the north line of said Southwest Quarter, for a distance of 577.5 feet (35 rods); thence westerly, parallel with the north line of said Southwest Quarter, for a distance of 693.00 feet; thence northerly for a distance of 577.5 feet to the POINT OF BEGINNING. Containing 9.19 acres, more or less.

Above parcel includes the right of access over the following described easement:

A non-exclusive easement for driveway purposes, 8.25 feet on each side of the following described line: That part of the Southwest Quarter of Section 17, Township 108, Range 11, Wabasha County, Minnesota, beginning at a point on the West line of said Southwest Quarter 206.25 feet southerly from the northwest corner of said Southwest Quarter of Section 17 (for purposes of this description bearing of said West line is assumed South 0 degrees 42 minutes 00 seconds East), thence North 90 degrees 00 seconds East, a distance of 495.00 feet and there terminating.

AND ALSO 33 feet on each side of a line beginning at the aforesaid point of termination, thence South 89 degrees 40 minutes 29 seconds East, 365.00 feet; thence South 6 degrees 10 minutes 45 seconds East, 102.65 feet; thence South 23 degrees 43 minutes 42 seconds East, 278.00 feet; thence South 26 degrees 49 minutes 24 seconds East, 88.54 feet; thence South 38 degrees 50 minutes 59 seconds East, 89.28 feet; thence South 61 degrees 40

minutes 43 seconds East, 119.27 feet; thence South 69 degrees 33 minutes 06 seconds East, 93.77 feet; thence South 66 degrees 40 minutes 33 seconds East, 151.09 feet and the re terminating

604.20.5 Legislative Intent and Findings.

- A. Skye View Development provides a compelling alternative to single-use zones by offering a dramatically different mixed-use and environmentally, socially, economically, and aesthetically advanced development design.
- B. This Special District is established to foster the development of a comprehensively planned, mixed income and mixed-use neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design. The sites unique location, with the TH 42 along the north boundary and adjacent to Piper Hills Golf Course on the South, makes this an ideal place to create a district that avoids the negative impacts of suburban sprawl with an efficient, compact, mixed-use land plan.
- C. This type of development is consistent with the goals and policies of the City's 2019 Comprehensive Plan, which encourages creating mixed-use, and higher density residential neighborhoods.

604.20.6 Establishment of Skye View Development

- A. City Council approved a special zoning district to be known as the Skye View Development Special District (SD-SK). The Special District shall be an overlay-zoning district designed to encourage the attractive and innovative development on the Site. As a part of this Special District, the property will be divided into four different use districts (see Exhibit A). The regulations and guidelines set forth in this Special District shall prevail over the regulations of the noted underlying zoning district.
- B. The determination of the need for the creation of this Special District is based upon the following findings or Land Use Principles:

This Special District is established to foster the development of a comprehensively planned, mixed-use neighborhood. This is accomplished by promoting a variety of land uses, housing types, and densities, and by requiring skillful architectural and landscape design in creating buildings, on an infill site. The Site's unique location, adjacent to TH42 and the Piper Hills Golf Course, makes this an ideal place to create a neighborhood that avoids the negative impacts of suburban sprawl with an efficient, mixed use land plan.

- 1. The location of Skye View Development fits within the City's Urban Services Area boundary.
- 2. A mix of uses within the development creates opportunities for people to walk and interact. That combined with strong urban and landscape design creates a sense of place. The size and shape of Skye View Development ensures that all destinations

are within an easy walk and that the development functions as a mixed-use infill neighborhood.

3. A range of housing types serves people with different income levels and housing needs while contributing to the vitality of the streetscape.

604.20.7 Underlying Development Standards

Except where otherwise specified, standards for the development of this district will be based upon the following City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.

- A. No conditional uses are permitted.
- B. Residential District- Section 613 – R-1 Low Density Residential District.
- C. Medium Density Residential district – (Single family attached Row House Style Townhomes, zero lot line.) Section 614 – R-2 Residential District (Multifamily, Condominiums, Apartments).
- D. Commercial Business District Section 616 C-1 Central Business District
- E. Mixed-use District- Residential (Quads, live over work, apartments, row style townhomes)

604.20.8 Definitions

- A. Zero Lot Lines: A lot designed for either one dwelling unit of an attached one-family dwelling unit or a detached one-family dwelling unit with one side yard reduced or eliminated.
- B. Townhouse: An arrangement of single-family dwellings separate or joined by common walls on not more than two sides with the uppermost story being a portion of the same dwelling location directly beneath at the grade or first floor level and having exclusive individual ownership and occupant rights of each dwelling unit including but not limited to the land area directly beneath the dwelling.
- C. Row House Style Townhomes: An attached dwelling joined to at least three others in a row by common walls on not more than two sides. Row houses are generally urban housing style, usually on their own lots.
- D. Single Family Attached: A lot designed to accommodate two individual units that share a common wall on a common lot line.

604.20.9 Subdistrict Regulations.

- A. There are four subdistricts established in this Special District. They are: “Low Density Residential”, “Medium Density Residential”, “Commercial Business District”, and “Mixed Use District”.
- B. The following regulations apply within the area identified as “Low Density Residential” on the Skye View Land Use Plan. This District consists of four land uses: “Single-family”, “Single-family attached”, and “Zero lot line”, and “Row House Style Townhomes”.

Low Density Residential

1. Unless otherwise specified in this special district, the regulations of the R-1 District shall apply within the Low-Density District.
2. Permitted uses shall include the following

- a. Single family detached
 - b. Single family attached
 - c. Row House Style Townhouse
 - d. Zero lot line
3. Lot Development Standards.
 - a. Setback and lot criteria:
 - The minimum setback and lot criteria for this District is listed in Table A

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Single Family Detached	8,000 SF	70	25	25	8	16
Single Family Attached	6800 SF	60	20	15	8	16
Row House Style Townhouses	3500 SF	18 ⁽¹⁾ 26 ⁽²⁾	20	15	8	16
Zero Lot Line	3000 SF	38	20	15	8/0	8

- (1) Interior Unit
 - (2) Exterior Unit
- b. The only exemption from the front, and rear setback standards will be eaves and stoops.
- c. The driveway curb cuts will be no greater than 16' width for a 2-car garage and 12' for Row House Style Townhomes to the garage.
- d. Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets
- e. The maximum height of any structure is 35 feet measured from the lowest ground elevation adjacent to the structure to the midpoint of the sloped roof.
- f. Density and intensity
 - The minimum density and intensity for this District is listed in Table B:
- g. Zero lot line development will require party wall and maintenance agreements.

Table B		
Land Use	Proposed	Approx.

	Density/Intensity	Acres
Low Density Residential District (Single Family Attached/Row Townhouses)	12-18 Units/Acre	1.8

Medium Density District

1. Unless otherwise specified in this special district, the regulations of the R-2 District shall apply within the Medium Density area.
2. Permitted uses shall include all the following
 - a. Condominiums
 - b. Multifamily
 - c. Open space/recreational area
3. Lot development standards:
 - a. Setback and Lot Criteria
 - The minimum setback and lot criteria for this District is listed in Table A:
 -

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria:			
			Front Yard	Rear Yard	Side Yard	Sum
Multifamily	15,000 SF	140 ft	25	15	15	30
Condominium	N/A	N/A	25	15	15	30
Open/Recreational Space	N/A	N/A	N/A	N/A	N/A	N/A

- b. The only exception from the front and rear setback standards will be eaves and stoops
- c. The driveway curb cuts will be no greater than 25 feet in width.
- d. Street trees of a minimum 1-1/2" caliper size are required at approximate 35' intervals in all grass boulevard areas of public streets.
- e. Architectural standards. A building must incorporate architectural styles, building materials and colors used in surrounding buildings. An Architectural Control Committee has been established to review all proposed building plans for consistency in design and appearance standards.
- f. Landscape Plan: Lot landscaping standard requirements for the medium density development shall be provided for each lot consistent with the minimum standards established by the Architectural Control Committee (ARC). The ARC shall review all landscape plans to ensure they are consistent with the minimum standards established by the ARC.
- g. Maximum building height shall be 35 Feet.
- h. Density and intensity

- The minimum density, range of densities (minimum to maximum), and intensity for this District is listed in Table B:

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Medium Density Residential District (Multifamily/Condominiums)	16-21 Units/Acre	1.6

Commercial Business District

1. Unless otherwise specified in the special district, the regulations of the C-1, Central Business District shall apply within the Commercial Business District.
2. Permitted uses shall include the following
 - a. Retail Sales
 - b. Sit-down and drive thru Restaurants
 - c. Entertainment & Drinking
 - d. Home Improvement Trades
 - e. Appliance Sale and Services
 - f. Repair Shops
 - g. Banks/Savings/Loans
 - h. Offices
 - i. Personal Services
 - j. Hotel/Motel
 - k. Animal Hospital/ veterinary clinic
 - l. Convenience Retail – with and without gasoline sales
 - m. Drive-Thru Facilities
 - n. Electric vehicle charging stations
 - o. Coffee
 - p. Shops Over Work
3. Lot Development Standards
 - a. Setback and Lot Criteria
 - i. The Minimum Setback and Lot Criteria for the District is listed in Table A

Table A			
			Setback Criteria (Feet):

Use	Lot Area	Lot Frontage	Front Yard (feet)	Rear Yard	Side Yard	Sum
all uses	6,000 SF	80	25	25	10	20
parking lots (associated with the principal structure)	n/a	n/a	8	8	8	n/a
corner lot	6,600 SF	80	25	25	12	N/A

- a. Maximum building height shall be 35 feet.
- b. Minimum parking standards for commercial uses shall be in accordance with Section 604.11 Parking of the Code of Ordinance for the City of Plainview.
- c. Density and Intensity
 - The maximum density and intensity for this District is listed in Table B:

Table B		
Land Use	Proposed Density/Intensity	Approx. Acres
Commercial District	0.50 FAR ⁽¹⁾	0.56

(1) *Maximum floor area ratio: A sum of the gross horizontal area of the floors of a building measured from the outside faces of wall or the centerline of party walls separating two buildings. This does not include any interior parking spaces, loading spaces, any space where the floor to ceiling height is less than six feet, any space devoted to mechanical equipment, terraces, breezeways, screened porches, basements, other sub-terranean areas not intended for human habitation.*

Example: Two story building with 1,500 S.F. of gross floor area for a total of 3,000 S.F. located on a 6,000 S.F. lot. First floor mechanical room of 30 S.F. and stairwell area of 750 S.F. combined on both floors. $3,000 \text{ S.F.} - (30 \text{ S.F.} + 750 \text{ S.F.}) = 2,220 \text{ S.F.}$ of net floor area. $\text{FAR} = 2,200 \text{ S.F. net floor area} / 6,000 \text{ S.F. gross lot size} = 0.37$.

1. **Site Development Plan and Site Plan Review:** A site Development Plan for all uses in the Commercial Business District shall be prepared and submitted to the City of Plainview for review. The City of Plainview will review the Site Development Plan for consistency with the standards and criteria of the Special District for architecture, signage, parking, and landscaping, including City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.
2. Convenience retail and drinking and entertainment uses shall have hours of operation as follows:
 - a. Convenience Retail: 24 hours
 - b. Drinking and entertainment: 6am - 12 midnight

3. Stacking Requirements for drive-thru facilities shall be reduced to five in-bound and one out-bound space per drive lane.
4. On-street parking in front of the retail uses shall be allowed. On street parking in front or on the side street of the lot shall count toward fulfilling the parking requirements of the ordinance. On street parking spaces must be striped for clarity and be at least 22.5' long. On-Street spaces may not conflict with traffic, sight lines, or pedestrian circulation.
5. Limitation on permitted uses:
 - a. Not more than one convenience retail use that includes sales of automotive fuels may be permitted in the Commercial Business District.
 - b. With the exception of transit accommodation (motel/hotels), restaurant uses and grocery stores, individual businesses shall not exceed 20,000 square of floor area on the ground floor.
6. Lot Development Standards:
 - a. Exterior Trash Receptacles shall be constructed to the size and standards of the typical section on Exhibit G of the Special District.
 - b. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
 - c. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit will be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right of way provided that pedestrian circulation and access to store entrances are not impaired. Revocable permits are for the private use of the public right-of-way, either permanent or temporary. The "revocable" designation means that the City may revoke the permit at any time for any reason.
 - d. Bicycle-locking stands are required in each Commercial Use. One stand, which holds a minimum of six bicycles, shall be provided for every 20,000 square feet of gross leasable space. These stands must harmonize with the architectural of the retail area connect to the ground at two points or more.
 - e. Street trees are required along the public streets of all mixed-use buildings at a minimum spacing of 35' on center.
 - f. Parking
 - i. Minimum parking requirements for the Commercial Business District, shall use business center parking standards of Section 604.11 of the Code of Ordinance for City of Plainview.
 - ii. In commercial or office uses, which have shop fronts adjacent to sidewalks and streets, on-street parking directly in front of the lot shall count toward fulfilling the parking requirement and meet requirements of on-street parking in the Commercial Business District.
 - iii. Parking lot screening
 - a. All parking areas containing more than six spaces (if not screened by the building from public roads) must be screened with a hedgerow (42" minimum height), unless there is a minimum 8 front wide landscape use provided. Hedgerows shall be planted at a maximum of 4'-0" on center

and shall reach a minimum height of 36" and a maximum height of 6'-0".

iv. Parking Lot Landscaping:

- a. Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).
- b. Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation. Planting areas must be distributed throughout the parking areas. They must have a minimum width of at least eight feet and be at least 100 square feet in area.
- c. Each 100 square feet of required landscape area must contain at least one canopy tree or two understory trees (minimum size for canopy trees in 1 ½" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

7. Landscape Plan: Lot landscaping standard requirements to the Commercial development shall be provided for each lot consistent with the minimum standards established by the Architectural Control Committee (ARC). The ARC shall review all landscape plans to ensure they are consistent with the minimum standards established by the ARC.

a. Signs

- i. Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types satisfy these requirements:
 - a. **Blade Sign** - A sign used to attract pedestrians or drivers who cannot see a storefront. Blade signs are usually illuminated both on the front and back with two faces. They can also be non-illuminated with a cut-out design. They are usually hung from ornate brackets.
 - b. **Marquee** - A structure attached to and projecting from a wall of a building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.
 - c. **Neon signs** - sized to not exceed 20 square feet.
 - d. **Free standing sign** - self-supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground
 - e. **Projecting sign** – A sign, other than a wall sign, which attaches to

- and projects from a structure or building facade.
- f. **Graphics sign** – A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.
 - g. **Auxiliary sign** – A sign providing information of a special or general nature which does not include information on names, brands or product lines, such as hours of operation, length of special sales, security warnings, directions for parking or entry or general pricing information (such as gas prices at service stations).
 - h. **Advertising signs (billboards)** - will be prohibited.
 - i. **Wall signage** - A sign mounted parallel to a building facade or other vertical building surface. These signs shall not be mounted more than 18 inches from the wall surface they are attached to and not exceed 10% of the wall surface of the front of the building.
 - ii. Sign standards shall conform with the following criteria:
 - a. Free standing sign – maximum height 20’ feet.
 - b. Projecting sign – maximum area 20 square feet, maximum height – 12 feet.
 - c. Graphics sign – maximum area of 10% of wall.
 - d. Auxiliary sign – maximum height – 6’.
 - e. Advertising signs (billboards) will be prohibited.
 - f. Wall signage - should be uniform in size.
 - g. Signs can be internally lit.
 - iii. Architectural standards.
 - a. Standards for all uses:
 - 1. Each Building shall avoid long, monotonous- uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 feet.
 - 2. Mechanical equipment, electrical and communication transformers, cabinets, and service areas shall be located out of public view where feasible or screened from public view with fences, walls, or landscaping.
 - b. Standards for Convenience Retail Uses
 - 1. Convenience retail uses shall locate automotive fuel service and drive-in service areas away from residences and toward the perimeter streets.
 - 2. Light from lighting fixtures and signage, and sound from sound-producing equipment shall be deflected away from residences. Music from sound producing equipment shall be prohibited on the exterior of the building.
 - 3. Foundation landscaping (4’ minimum planting bed width) and windows shall be provided along all building sides that are open to view from public streets.

4. Perimeter landscaping at least four feet in depth shall be provided along public roads between sidewalks and driveway or parking areas.
5. Pedestrians must be able to safely access the building from public sidewalks on visual prominent crosswalks within drive areas to the building's front door.
6. All sides of the building façade shall be designed to provide architectural and visual interest.
 - i. A minimum of 50% of the building along a street right of way at ground level must be clear or lightly tinted windows, doors, or other treatment that are sufficiently transparent to provide pedestrian views into the building.
 - ii. Awnings, covered walkway, open colonnades, or similar weather protection must be provided by at least 50% of the commercial, retail, service, and office uses that front the right of way.
 - iii. Doorways, windows, and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
 - iv. Exterior materials may include brick, architecturally treated concrete, stone, tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials.
 - v. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. Restaurants shall be permitted to operated outdoor cafes on sidewalks, including area within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not obstructed

Mixed-Use District:

- vi. Drive-thrus:
 - a. Drive-thru facilities shall be permitted in the Commercial Use District
 - b. The Stacking requirements for the drive-thrus are as defined in the Commercial Use District.
 - c. The use of outdoor speaker systems and other audio type equipment shall be limited by the Architectural Control Committee and local noise ordinances.
 - d. The Site Plan for each drive-thru facility shall minimally include the

location of the drive-thru, staging aisle, location of the menu board, and other signage deemed necessary for the operation of the drive-thru.

1. The “Mixed Use District” permitted uses are as follows:
 - a. Multi-family (max. 4 connected units)
 - b. Live Over Work
 - c. Multi-family
 - d. Commercial uses permitted by this special district.
 - e. Row House Style Townhouses
2. Lot Development Standards
 - a. Setback and Lot Criteria
 - The Minimum Setback and Lot Criteria for the District is listed in Table A:

Table A						
Use	Lot Area	Lot Frontage	Setback Criteria (Feet):			
			Front Yard (feet)	Rear Yard	Side Yard	Sum
Multi-family	Variable	120	25	20	8	16
Live - Work	Variable	106	25	20	8	16
Multi-family (max. 4 units)	Variable	80	25	20	8	16
Row House Style Townhouses	3500 SF	18 (1) 26 (2)	20	15	8	16

(1) Interior Unit

(2) Exterior Unit

3. Density and Intensity

- The maximum density, range of densities (minimum to maximum), and intensity for this District is listed in Table B:

Table B

Land Use	Proposed Density/Intensity	Approx. Acres
Mixed Use District (Multi-family/Live-Work/ Multi-family (max. 4 units)/Row House Style Townhomes)	19-42 Multi-family Units	1.5
	3+ Live Over Work	
	Multi-family (max. 4 units attached)/8 units maximum	
	Row House Style Townhomes/8 units maximum	

4. Live Over Work: Office and residential uses are allowed on the upper levels. Two off- street parking stalls per residential unit is required and must bereserved.
5. A site Development Plan for all uses in the Mixed-Use District shall be prepared and submitted to the city of Plainview for review. The City of Plainview will review the Site Development Plan for consistency with the standards and criteria of the Special District for architecture, signage, parking, and landscaping, including City code, when and where applicable, except where the city Special District language modifies the standards of the City Codes.
6. Minimum of two stories above grade is allowed. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface at the next floor above except that the topmost floor shall be that portion of a building included between the upper surface of the topmost floor and ceiling.
7. Maximum size for a restaurant use is 7,000 square feet.
8. Alcohol sales are permitted.
9. The height allowed for a three-story building shall be 35 feet.
10. Lot development Standards:
 - a. Exterior Trash Receptacles shall be constructed to size and standards of the typical section on figure Exhibit F of the Special District.
 - b. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
 - c. Buildings shall be oriented to face the street with entrances and display windows at the street level, except for the storage facilities. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade.
 - d. Street trees are required along the public streets of all mixed-use buildings at a minimum spacing of 35' on center.
11. Parking requirements for the Mixed-Use District shall use standards of Section 609.7 except as follows:
 - Live over work Commercial space 1 stall/ 200 square feet
 - Apartments: 1 stall for 1 bedroom, 1.5 stalls for 2-bedroom, 2 stalls for

3 bedrooms.

a. Parking Lot Screening:

1. All parking areas containing more than six spaces (if not screened by the building from public roads) must be screened with a hedgerow. These landscaped areas but be a minimum of 4'-0" wide. Hedgerows shall be planted at a maximum of 4'-0" on center and shall reach a minimum height of 36" and a maximum height of 6'0".

b. Parking Lot Landscaping:

1. Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles plus driveways).
2. Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation.
3. Each 100 square feet of required landscape area must contain at last one canopy tree or two understory trees (minimum size for canopy trees in 1 – 1/2" caliper and minimum size for understory tree is one inch caliper). The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may contain external standard lighting fixtures.

12. Signs

- a. Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on the sidewalks and vehicles on streets. The following sign types satisfy these requirements.

1. **Blade Sign** - A sign used to attract pedestrians or drivers who cannot see a storefront. Blade signs are usually illuminated both on the front and back with two faces. They can also be non-illuminated with a cut-out design. They are usually hung from ornate brackets.
2. **Marquee** - A structure attached to and projecting from a wall of a building, located above an entrance, which is designed to identify a business or use located on the premises or to advertise present or scheduled events on the premises.

3. **Neon signs** - sized to not exceed 20 square feet.
 4. **Free standing sign** - self-supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground
 5. **Projecting sign** – A sign, other than a wall sign, which attaches to and projects from a structure or building facade.
 6. **Graphics sign** – A sign which is an integral part of the building facade. The sign is painted directly on, carved in or otherwise permanently imbedded in the facade. Signs in shop windows are included unless they qualify as auxiliary signs.
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 8. **Advertising signs (billboards)** - will be prohibited.
 9. **Wall signage** - A sign mounted parallel to a building facade or other vertical building surface. These signs shall not be mounted more than 18 inches from the wall surface they are attached to and not exceed 10% of the wall surface of the front of the building.
 - b. Sign standards shall conform with the following criteria:
 1. **Free standing sign** – maximum height 20’ feet.
 2. **Projecting sign** – maximum area – 20 square feet, maximum height – 12 feet.
 3. **Graphics sign** – maximum area of 10% of wall.
 4. **Auxiliary sign** – maximum height – 6’.
 5. **Advertising signs (billboards)** will be prohibited.
 6. **Wall signage** - should be uniform in size.
 7. Signs can be internally lit.
13. Architectural Standards.
- a. Standards for all uses:
 1. Each building shall avoid long, monotonous-uninterrupted walls or roof planes. The façade of a building should be divided into distinct modules, no longer than 150 feet.
 2. Mechanical equipment, electrical and communication transformers, cabinets, and services areas shall be located out of public view where feasible or screened from public view with fences, walls, or landscaping.
 3. All sides of the building façade shall be designed to provide architectural and visual interest.

- i. Doorways, windows, and other openings in the façade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
- ii. Exterior material may include brick, architectural treated concrete, sone tile, stucco, stucco-like panels and other cultured stone, and similar high quality architectural materials
- iii. Buildings shall be oriented to face the street with entrances and display windows at the street level. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade.

604.20.10 Parkland Dedication Regulations

- A. Section 622.9 of the Code of Ordinances for the City of Plainview titled “Parks, Open Space, and Public Use” contains the current policy for parkland dedication or cash in lieu of dedication provision when a park or public area is not shown on the Comprehensive plan. Parkland Dedication Ordinances are granted pursuant to State Statute 462.358. Section 622.9 of the Code of Ordinances provides for a schedule based on density of the development for R-1 and R-2 residentially zoned districts.
- B. The Skye View Special District Plan contains four distinct land use districts of which three are subject to parkland requirements. They are (1) Low-Density Residential; (2) Medium Density Residential; (3) a portion of the Mixed-Use for Multifamily, or Live-Over work.
- C. The parkland dedication requirement for this Special District will be met via a cash contribution in lieu of land dedication. The cash payment for parkland dedication shall be made prior to recording the Final Plat of each phase of development with land uses that are subject to the parkland dedication per item 3 above.
- D. Calculation of parkland dedication: The amount of cash in lieu of dedication of parkland for each land use designation shall be based on the density of each category as noted in the following table:

Table A	
Land Use	Required Dedication
Low Density Residential	8% of total land area
Medium Density Residential	Refer to Table B
Mixed-Use Density Residential	Refer to Table B

Table B: Density calculation for Medium Density and Mixed-Use Density for residential use. The population density chart is pertinent to the land use that potentially increases demand on parks.

Table B	
Density in Dwelling Units per Gross Acre of Residential Land Area (dwelling units per acre)	Estimated Number of Persons per Dwelling Unit
16-21	2.22
Over 21	1.98

- E. The total land dedication requirement in Table A is calculated based on total land area within the low-density residential zone multiplied by the required dedication percentage. The dedication requirement formula is number of acres within the low-density residential zone x required dedication percentage = Amount of land to be dedicated.

The total land dedication requirement in Table B is calculated based on need for 8 acres per 1,000 residents. The dedication requirement formula is $0.008 \times$ the number of persons per dwelling unit $\times$ number of units = Amount of land to be dedicated.

The formula for Cash in Lieu of land dedication is as follows: Fair market value per acre $\times$ number of acres required to be dedicated = cash payment in Lieu of land dedication.

Table A Example:

10 acres low density residential $\times 0.08 = 0.8$ acres

0.8 acres $\times$ \$10,000 per acre fair market value = \$8,000.00

Table B Example:

$(0.008 \times 2.22 \text{ persons per dwelling unit}) \times 20 \text{ dwelling units} = 0.35 \text{ Acres}$

0.35 acres $\times$ \$10,000 per acre fair market value = \$3,552.00

The fair market value of the land before development to be used in calculations for Tables A and B shall be defined by either (1) appraised or (2) negotiated value between the City and Developer.

604.20.11 General Development Standards

- A. Public street section for Skye View Development shall follow the cross-sections shown in Exhibit C.

604.20.12 Boundaries

- A. The regulations established herein shall apply to the land described in Section 604.20.4 and shall be designated "SD-SV" on the zoning map.

604.20.13 Exhibits

- A. The following documents shall be submitted with the Special District application and included as exhibits of this Ordinance:
1. Special District Boundary and Underlying Zone, Exhibit A
 2. Concept Plan Exhibit B
 3. Street Sections/Utilities, Exhibit C
 4. Pedestrian Circulation, Exhibit D
 5. Building Proto-types Exhibit E
 6. Trash enclosure- Exhibit F

604.20.14 Effects of Regulations

- A. 1. The Special District ordinance and Exhibits A-F including preliminary or final plats together with the conditions and restrictions imposed, if any, shall govern the use and development of the land.

604.20.15 Development Procedures

- A. Except as herein described, development procedures for property within the Special District shall be consistent with the requirements of the Plainview Code of Ordinances. Additional plans and information shall be submitted, as necessary, for development within the Special District, as outlined below. If determined necessary by the Zoning Administrator, additional plans, or information necessary for development approvals shall also be submitted.
- B. Preliminary and Final Plat Application. Preliminary and Final plat applications within the Special District shall include plans and information consistent with the requirements of the Plainview Code of Ordinances. If requested by the Zoning Administrator, additional information needed in order to judge the nature and propriety of the proposal shall also be submitted.
- C. Zoning Certification and Building Permit. Applications for building permits and zoning certificates within the Special District shall include submission of a Skye View Development Architectural Review Committee document. This document must verify a review of sitting and plans for the compliance with this Special District's intent, as outlined in the covenants submitted with the final plat.

(Skye View Exhibits to be added as PDF only)

PLAINVIEW

CITY COUNCIL ACTION



Executive Summary

Planning and Zoning Commission Regular Meeting: December 3, 2024

AGENDA ITEM:	Discussion of Applicants to Fill Vacant Seats on the P&Z Commission	AGENDA SECTION: New Business
PREPARED BY:	David Todd, City Administrator	AGENDA NO. 5.b.
ATTACHMENTS:	Applications for Review	APPROVED BY: DT
RECOMMENDED ACTION: Motion to recommend Applicants to the City Council to Fill Vacancies on the Commission.		

SUMMARY

The Plainview Planning and Zoning Commission is a seven-member commission appointed by the City Council as an advisory board to oversee zoning, development, and City Code related to the same. The Commission has two Council Members who serve on the board and the rest are made up of appointed members to round out the Commission. Currently, there are four open positions on the P&Z Commission that need to be filled. Two of the following are seeking reappointment (Ann Liebenow-Anttila and Scott Kujath), and there is one applicant seeking an initial appointment to the board (Jae Gourley). If all applicants are appointed to the Commission, there will be one open seat remaining. The applicants have submitted their membership applications outlining their skill sets, desire to help the community, and other pertinent information for the Commission and Council to consider when making the appointment. The candidates are:

- Jae Gourley-35 2nd Ave SE. Plainview, MN
- Anne Liebenow-Anttila-325 5th Ave SE. Plainview, MN
- Scott Kujath-465 8th Street SW. Plainview, MN

Two of the applicants have experience either in the trades or have served on a Council or board in the past. The applications are attached for your review.

Respectfully Submitted,

David Todd
City Administrator



CITY BOARD/COMMISSION APPLICATION

Which board(s) would you like to be considered for?

- | | |
|--|---|
| ☐ Economic Development Authority | ☐ Park Board |
| ☐ Plainview-Elgin Sanitary Sewer District Board | ☒ Planning Commission |
| | ☐ Library Board |

Name Jae Gourley

Address 35 2nd Ave SE, Plainview, MN 55964

Phone 612-968-5253

Email jlgourley@johnstons.org

Describe any experience you have that has prepared you for being a member of the board/commission:

15 years of Project Management work for Target Corporation HQ

7 years of experience with independent historical research - reading dry and detailed academic and primary sources, translating the information into plain English, and drawing conclusions.

What skills and/or abilities do you have that would be helpful for the board/commission?

Ability to translate complex jargon or ideas into understandable and approachable language.

Spanish language skills.

With what you know about Plainview, what do you see as the most significant issue(s) the board/commission will have to face in the next two years?

Housing shortage/lack of room for expansion

Budget concerns and prioritization of economic growth initiatives and critical maintenance projects

Can you think of any potential conflicts of interest you would have serving on the board/commission?

No, I can't.

Is there anything else you think we should know that would help us in our decision making?

I am new to the area - I moved from the Twin Cities to Plainview in August 2023.

As such, I am lacking in some historical context of previous decisions and am still learning about Plainview, but I am excited for the opportunity to serve my new community.



CITY BOARD/COMMISSION APPLICATION

Which board(s) would you like to be considered for?

- ☐ Economic Development Authority
☐ Plainview-Elgin Sanitary Sewer District Board

- ☐ Park Board
☒ Planning Commission
☐ Library Board

Name Scott Kujath
Address 465 8th ST SW
Phone 507-251-6725
Email scottkooch@hotmail.com

Describe any experience you have that has prepared you for being a member of the board/commission:

I have been on the Planning and Zoning board for 2 years and have enjoyed it.

What skills and/or abilities do you have that would be helpful for the board/commission?

I have been in the construction industry for over 35 years as a construction electrician/ master electrician.

With what you know about Plainview, what do you see as the most significant issue(s) the board/commission will have to face in the next two years?

Hopefully more residential building development.

Can you think of any potential conflicts of interest you would have serving on the board/commission?

My wife is the City Clerk for the city.

Is there anything else you think we should know that would help us in our decision making?

I have previous experience on the board.



CITY BOARD/COMMISSION APPLICATION

Which board(s) would you like to be considered for?

- ☐ Economic Development Authority
☐ Plainview-Elgin Sanitary Sewer District Board

- ☐ Park Board
☒ Planning Commission
☐ Library Board

Name Ann Liebenow-Anttila

Address 325 5 AVE SE

Phone 507-722-2217

Email mngardengirl@outlook.com

Describe any experience you have that has prepared you for being a member of the board/commission:

I have been a member of this board for several years.

In my job as a Project Engineer at Rochester Public Utilities I review development applications, large and small.

I have worked in the electric and gas distribution utility industry for over 25 years in Iowa and Minnesota.

I was a part of the City of Rochester team reviewing and developing the new Unified Development Code.

What skills and/or abilities do you have that would be helpful for the board/commission?

I have an Agricultural Engineering degree, and a masters degree in General Graduate Studies (Management, Economics, Technology and Social Change).

I am trained to review development applications and am familiar with many codes and regulations associated with development, as well as best practices.

With what you know about Plainview, what do you see as the most significant issue(s) the board/commission will have to face in the next two years?

One issue will be implementing the new 600 Codes, and ensuring that developers and their consultants understand and comply with the updated Codes.

Can you think of any potential conflicts of interest you would have serving on the board/commission?

None

Is there anything else you think we should know that would help us in our decision making?

PLAINVIEW

CITY COUNCIL ACTION



Executive Summary

Planning/Zoning Commission Meeting: December 3, 2024

AGENDA ITEM:	Discuss – 2024 Annual Report to Council	AGENDA SECTION:	Updates/Discussion
PREPARED BY:	Carol Kujath, City Clerk	AGENDA NO.	6.a.
ATTACHMENTS:		APPROVED BY:	
RECOMMENDED ACTION: None.			

Summary:

Planning/Zoning Commission meetings were held on the following dates:

January 10, 2024 – Annual 2023 Report to Council, Select Chair and Vice Chair for 2024. Joint meeting with City Council to discuss building inspection proposals and the 600 Code.

February 6, 2024 – Building Inspection Proposals

December 3, 2024

PLAINVIEW

CITY COUNCIL ACTION



Executive Summary

Planning/Zoning Commission Meeting: December 3, 2024

AGENDA ITEM:	Discuss – January Election of Chair and Vice Chair	AGENDA SECTION: Updates/Discussion
PREPARED BY:	Carol Kujath, City Clerk	AGENDA NO. 6.b.
ATTACHMENTS:		APPROVED BY:
RECOMMENDED ACTION: None.		

Summary:

According to City Code 207.3 The Commission is to elect a chairperson and vice chairperson for a one (1) year term.

PLANNING COMMISSION – CITY CODE

207 PLANNING COMMISSION. A City Planning Commission for the City of Plainview is hereby continued. The commission shall be a City Planning Agency authorized by Minnesota Statutes Section 462.354

207.1 Membership. The City Planning Commission shall consist of seven (7) members. The City Council may select up to two (2) members of the Planning Commission from its own membership. The members shall be appointed and may be removed by the Council.

207.2 Terms, Vacancies, Oath. Each member of the Board shall serve for three (3) years. Appointees shall hold their offices until their successors are appointed and qualified. Every appointed member shall before entering upon the discharge of his duties, take an oath that he will faithfully discharge the duties of his office.

207.3 Organization, Meetings, Etc. The commission shall elect a chairperson and vice chairperson from among its appointed members for a term of one (1) year. The commission may create and fill such other offices as it may determine. The committee shall hold as many regular or special meetings as it deems necessary each year to complete its work. It shall adopt rules for the transaction and findings, which records shall be a public record. On or before

the second regular City Council meeting in January of each year, the commission shall submit a report to the Council of its work during the preceding calendar year. Expenditures shall be within the amount appropriated for the purpose by the City Council.

207.4 Powers and Duties. The Planning Commission shall have the powers and duties given planning agencies generally by law. The commission shall also exercise the duties conferred upon it by the City Code and by the Council. After the commission has prepared and adopted a comprehensive plan, the commission shall periodically, but at least once every three (3) years review the plan, as well as any Ordinances and any capital improvement program the Council has adopted to implement the plan. After such review, it shall to the extent it deems necessary, revise the comprehensive plan, adopt the amendments or the new comprehensive plan and recommend it to the Council in accordance with law. Similarly, after such review, it shall recommend to the Council any amendments it deems desirable to the capital improvement program and any Ordinance implementing the plan.

207.5 Zoning Ordinances, Public Hearings. No Zoning Ordinance or amendment shall be adopted by the Council until a public hearing has been held thereon by the Planning Commission upon notice as provided in Minnesota Statutes Section 462.357 Subdivision 3.

207.6 Approval. Any subdivision plat, conditional use permit, or variance submitted to the Council for approval shall be referred to the Planning Commission for review and recommendation as required by State Statutes.