

**PLANNING COMMISSION**

**OCTOBER 9, 2017**

**6:30 O'CLOCK P.M.**

**AGENDA**

- 1. Call to Order**
- 2. Minutes of the Previous Meetings – September 11, 2017**
- 3. Ordinance Revision Discussion – definitions**
- 4. Golf Cart Ordinance Discussion**
- 5. Comp Plan Workgroup Update**
- 6. Other Business**
- 7. ADJOURN**



**Kasson Comprehensive Plan  
Working Group Meeting #3 –  
October 4, 2017 – Kasson Public Works  
Building**

## **Agenda**

The following are the topics we will cover for the Comprehensive Plan Working Group Meeting # 3 with an estimate of time. We will start and end promptly on time.

- 5:30 p.m.      Where we are at in the process/schedule: We will give an update of what tasks have been completed, what ones we are working on now, and our next steps.
- 5:35 p.m.      Review of key community engagement takeaways: As of September 29, we have closed the online and in person engagement for phase one. We are in the process of preparing a full summary report and will present the key takeaways and findings from the in summary form at the meeting. We will follow up with a full report of the phase one engagement outcomes.
- 5:45 p.m.      Review of draft vision and guiding principles: Task three in our work plan involves drafting a vision statement and set of guiding principles. The vision and the guiding principles will serve as a framework and provide overarching guidance to the development of the plan. They will also serve as an evaluation mechanism to help converge on preferred plan.
- A draft vision and set of guiding principles is attached for review and discussion at the meeting.
- 6:00 p.m.      Review, discuss, and refine planning level concepts: We are in the process of developing land use and system planning concepts and alternatives. We would like to roll up our sleeves and engage you in a working session to validate and refine concepts related to future growth (residential, commercial, business, civic, etc.), transportation (road connections, character, function), park and open space patterns, trails and sidewalk connections, and infrastructure (utility, sewer, water). We will also strategize implementation mechanism with the varying concepts and ideas.
- 6:55 p.m.      Discuss format and approach to Phase 2 public engagement: The next step is to roll out the vision and guiding principles and the various land use and system planning options for community discussion and evaluation. An in person community workshop is set for November 1. Additional engagement will include on-line activities and focus group discussions.
- 7:00 p.m.      Adjourn!

## Vision

Establishing a clear vision for Kasson's future is a critical step in the comprehensive planning process. While rooted in the reality of the community's past and present, the vision seeks to describe how the community will look, feel, and function over the next 20 years. The 2040 vision for Kasson is as follows:

*In 2040 Kasson will be a welcoming community that builds upon and preserves the positive elements that have contributed to its small town identity while at the same time continuing to look towards the future: innovating, collaborating, revitalizing and redeveloping, growing responsibly, adapting to change, and building a sustainable vibrant community.*

## Guiding Principles

Supporting the vision, the following guiding principles define the character, values, and priorities of the Kasson community by acting as an ongoing measurement tool for the appropriateness and effectiveness of future initiatives and results. The 2040 guiding principles for Kasson are as follows:

### 1. Small Town Identity

One of the qualities of greatest importance to the Kasson community is its small town identity. By preserving and enhancing the elements that portray the desired characteristics of a small town, Kasson can continue to grow while maintaining its small town identity. Elements to be preserved and enhanced that contribute to small town identity may include:

- Ease of travel for all modes
- Friendliness
- Compact, walkable neighborhoods
- A human-scale Main Street

- An open and accessible government
- The ability to make a difference in community
- Safety and family-friendliness
- Abundance of small, local businesses
- Parks, community gardens, and other gathering places
- A collaborative partnership with the school district and other local agencies, philanthropy groups, and social clubs.

### 2. Prosperous

Prosperity is promoted by investments that create economic competitiveness. Kasson's prosperity was originally built upon the railroad and the people that it brought. Today, and into the future, Kasson's rich local history and culture, its proximity to Rochester and the Mayo Clinic, and the surrounding fertile agricultural land will all contribute to future economic success. Strategically investing in and protecting its existing community assets, maintaining quality infrastructure to align with future growth, and allowing for a balanced mix of housing, business, and commercial resources will ensure that Kasson remains prosperous.

### 3. Welcoming

Kasson's friendly and welcoming environment is strengthened through its public spaces and buildings, housing availability and options, community groups, high quality schools, attractive corridors and community entrances. Kasson's residents, civic leaders, businesses, and civic organizations share in the responsibility to promote the community's image through high quality service and hospitality. A welcoming community is also one that embraces the community of today, and the community of the future.

### 4. Vibrant

Kasson is gifted with many features that make it unique and interesting. Features such as a distinct main street and historic structures, a beautiful natural landscape, quality and sought after schools, actively programmed

parks and cultural amenities, and a thriving business environment contribute to a vibrant Kasson and should continue to be enhanced and preserved. As Kasson continues to grow, special emphasis will be given to creating unique places where people can gather, connect, socialize, conduct business, entertain and be entertained.

## 5. Healthy

Supported by a growing parks and trails system, collaborations with the school district for public athletic facility use, and an increasing amount of fitness-related businesses, Kasson is striving for a physically healthy and active lifestyle. Ensuring high quality and unique health and recreational facilities as well as a connected active transportation network will not only provide an important amenity for Kasson, but also promote Kasson's identity as a place that values active and healthy living.

A healthy community also means environmental stewardship that protects the natural amenities that support Kasson's quality of life and ensures that Kasson does its best to protect water quality and clean air for its future.

Lastly, a healthy community also means financial health. The delivery of services and the provision of utilities and infrastructure (both private and public) is greatly affected by how we grow and develop. Kasson is a fiscally responsible and economically sustainable community.

## 6. Innovative

Innovation comes from ideas, inspiration, and perseverance from inside the community. Kasson continues to be a community that values innovation. This is apparent by its emphasis on the school system's educational excellence, the use of environmentally friendly sources of energy, and the community's ability to look at old and underutilized structures as opportunities to creatively enhance the city and provide new opportunities. As Kasson continues to grow, avenues for community members to make a difference in the city should be encouraged and various synergies that lead to an efficient and effective

government should be sought after. Innovation is a key to opening new opportunities for economic development.

## 7. Connected

Many choose to live, work, and play in Kasson because of its various mix of connections. These connections include a connection between City of Kasson civic organizations and its citizens, the close-knit connection among residents, recreational connections across the city and to the regional trail network, and telecommunication connections that allow residents to be virtually anywhere an internet connection exists. Embracing technological advances enables Kasson to be a part of the global economic picture. The most visible connection that Kasson benefits from is its physical connection to Rochester due to its location on Highway 14. Supporting and strengthening all of these connections will continue to make Kasson a great place to live, work, and play.

**Current Ordinance:**

**§ 71.25 TIMES OF OPERATION.**

Motorized golf carts shall only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(Ord. 830, passed 8-27-2008) Penalty, see § 71.99

**Suggested change:**

**§ 71.25 TIMES OF OPERATION.**

Motorized golf carts not equipped with headlights or tail lights shall only be operated on designated roadways from sunrise to sunset. Motorized golf carts with operational, manufacturer installed or commercially available retrofitted headlights and tail lights shall be permitted to operate on designated roadways between the hours of 7:00 a.m. and 10:00 p.m, Sunday through Thursday, and during the hours of 7:00 a.m. and midnight, Friday and Saturday. They shall not be operated in ~~inclement~~ weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light or visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(Ord. 830, passed 8-27-2008) Penalty, see § 71.99

## **CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION**

### *General Provisions*

#### **§ 150.07 BUILDING RECORDS RETRIEVAL AND COPYING CHARGES.**

A fee in an amount to be determined by the City Council shall be charged to persons requesting building records to defray the cost of retrieval and copying of same. The term **BUILDING RECORDS** shall include, but not be limited to, such items as new construction permits; new construction building inspection records; building permits for the alteration or remodeling of structures; inspection records for the alteration or remodeling of structures; and building permit and inspection records for the repair of damaged structures. The fee for the retrieval and copying of the building records shall be payable to the City Administrator. The fee for the retrieval and copying of building records may be revised from time to time and set by resolution of the City Council.

### *Small Buildings and the Like*

#### **§ 150.20 DEFINITIONS.**

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

~~—————**BUILDING** or **STRUCTURE**. Any building or structure having a gross area of more than 200 square feet or a cubical dimension of less than 3,000 cubic feet. Also, shacks and quonsets of dimensions hereinbefore stated, converted box cars, cooks cars, trailers, semi-trailers or other movable vehicles or structures used for residence purposes within the city. The word **BUILDING** shall include the word **STRUCTURE**.~~

### *Trailers*

#### **§ 150.35 DEFINITION.**

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

~~—————**AUTOMOBILE TRAILER**. Any vehicle or structure designed and constructed in a manner as will permit the use or occupancy thereof as sleeping or living quarters for one or more persons, and so designed or constructed that it is or may be mounted on wheels and used as a conveyance on highways and streets, whether propelled or drawn by its own or other motive power. It includes a **TRAILER COACH** or **TRAILER**.~~

## **CHAPTER 151: MOBILE HOMES**

None

## CHAPTER 152: SUBDIVISIONS

### *General Provisions*

#### § 152.011 DEFINITIONS.

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

**BLOCK.** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to continuity of development.

~~**BUILDABLE AREA.** The area of a lot remaining after the minimum yard and open space requirements of Chapter 154 have been met.~~

**CERTIFICATE OF SURVEY.** A correct representation of a survey, showing all distances correctly and the placement of all monuments and boundaries correctly, which is prepared and signed by a registered land surveyor under the laws of the state.

**COMPREHENSIVE DEVELOPMENT PLAN.** A compilation of policy statements, goals, standards and maps for ending 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, official street map, a transportation plan and recommendations for plan execution. The **COMPREHENSIVE PLAN** represents a compilation of recommendations for future development of the municipality, from the municipality's constituents and appointed commissions, which are adopted by the Planning and Zoning Commission and the City Council.

**EASEMENT.** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

**GENERAL DEVELOPMENT PLAN.** A map or drawing showing property boundaries with proposed streets and lot layouts and all other specifications required by this chapter.

~~**LOT.** A piece or parcel of land occupied or to be occupied by building, or use, or by other activity permitted thereon and including the open spaces required under Chapter 154. A **LOT** need not be a lot of existing record.~~

**MINOR SUBDIVISION.** Buildable subdivisions created and recorded by the dividing of a subdivision of record. ~~**MINOR SUBDIVISIONS** must meet the requirements as outlined within Chapter 154.~~

**MONUMENT.** Concrete and/or metal markers utilized to establish survey points and lot boundaries. All **MONUMENTS** must be set by a licensed land surveyor.

**OFFICIAL MAP.** An ordinance in map form adopted by the governing body that conclusively shows the location and width of proposed streets, public facilities, public areas and drainage rights-of-way.

**OPEN SPACE.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment; ~~or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring the OPEN SPACE.~~

**PARKS.** Areas of public land developed and maintained ~~primarily as pleasurable landscaped areas providing~~ for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, play fields and special purpose areas.

**PEDESTRIAN WALKWAY.** A right-of-way or easement dedicated to public use, ~~ten feet or more in width~~, which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.

**PERSON.** A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state and all political subdivisions of a state or any agency or instrumentality thereof.

**PLANNING AND ZONING COMMISSION.** A governmental agency appointed by the governing body according to M.S. § 394.30, as may be amended from time to time.

**PLAT.**

(1) A map representing a tract of land showing the boundaries and location of individual properties and streets; and

(2) A map of a subdivision or site plan.

**PLAT, FINAL.** A map of all or a portion of a subdivision or site plan that is presented to the approving authority of final approval.

**PLAT, PRELIMINARY.** ~~A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval. The PRELIMINARY PLAT shall mean~~ All required maps, information and documents as set forth in the subdivision regulations and as required by the Planning and Zoning Commission **for preliminary approval.**

**RE-PLAT.** A change in a recorded subdivision if the change affects any street layout, affects any area reserved for public use or diminishes the size of any lot.

**REVIEWING AGENCIES.** Reviewing agencies may include, but are not limited to, the **City** Engineer, School Board, utility companies, Park Board, County Surveyor, Department of Natural Resources, Planning and Zoning Commission, **MN DOT, Dodge County Highway Department,** City Attorney, City Council and any additional government agencies city, state or federal, as dictated by statute.

**~~STREETS.~~**

(1) **ALLEYS.** A service roadway, dedicated to the public, providing a secondary means of public access to abutting property and not intended for general traffic circulation.

(2) **ARTERIAL.** Streets carrying large volumes of local traffic between widely separated areas of the community and which may be designated as county state aid highways.

(3) **COLLECTOR.** Streets which carry traffic from minor streets to arterial streets and highways, including the principal entrance streets of a residential subdivision and streets used for circulation within the developments.

(4) **CUL-DE-SAC.** A short street having one end open to traffic and the opposite end permanently terminated by a circular turn-around for vehicles. ~~(North/south streets shall be called "court" and east/west streets shall be called "place".)~~ (Move to 94.081)

(5) **FRONTAGE.** Streets which are adjacent and parallel to highways or arterial streets and provide access to abutting properties.

(6) **HIGHWAYS.** Streets carrying large volumes of relatively fast moving traffic and are designated as either interstate, federal, state, county or municipal state aid highways.

(7) **LOCAL.** Streets which are used principally for access to abutting properties, especially residential properties.

(8) **RIGHT-OF-WAY (ROW).**

(a) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission, oil or gas pipeline, water line, sanitary/storm sewer and other similar uses; and

(b) Generally, the right of one to pass over the property of another.

**SUBDIVIDER.** Any person having an interest in land that is the subject of an application for subdivision.

**SUBDIVISION.** The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

~~**VARIANCE.** Permission to depart from the literal requirements of this chapter.~~

### ***Required Improvements***

#### ~~**§ 152.023 OPEN SPACE RESERVATIONS.**~~

~~(C) "Park land" defined. For purposes of this section, the term **COMMUNITY PARK OR PARK LAND** shall mean a public recreation facility, designed to give residents of the community the opportunity for the enjoyment of open space, and which may also provide for the use of the residents playground equipment, picnic areas and areas suitable for such uses as ball fields, tennis and basketball courts and skating rinks. Trail corridors providing access from residential areas to neighborhood park facilities may be considered part of the community park system.~~

### ***Design Standards***

**§ 152.080 TRAILS; LINEAR PARKS.**

A dedicated right-of-way and/or park right-of-way that can be made up of various design types for recreational use. **Trail corridors providing access from residential areas to neighborhood park facilities may be considered part of the community park system.**

# CHAPTER 153: FLOODPLAIN MANAGEMENT

## *General Provisions*

### ~~§ 153.011 DEFINITIONS.~~

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

~~**ACCESSORY USE or STRUCTURE.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.~~

~~**BASEMENT.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.~~

**CONDITIONAL USE.** A specific type of structure or land use listed in the **Land Use Ordinance** that may be allowed, ~~but only~~ after an in-depth review procedure and with appropriate conditions or restrictions as provided in the ~~official zoning controls or building codes and upon a finding that:~~ **Land Use Ordinance.**

~~(1) Certain conditions as detailed in Chapter 154 exist; and~~

~~(2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.~~

**EQUAL DEGREE OF ENCROACHMENT.** A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**FLOOD.** A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

**FLOOD FREQUENCY.** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

**FLOOD FRINGE.** The portion of the floodplain outside of the floodway. **FLOOD FRINGE** is synonymous with the term **FLOODWAY FRINGE** used in the Flood Insurance Study for the city.

**FLOODPLAIN.** The beds proper and the areas adjoining wetlands, lakes or watercourses which have been or hereafter may be covered by the regional flood.

**FLOODPROOFING.** A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

**FLOODWAY.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

**OBSTRUCTION.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodplain which may impede, retard or

change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water.

**PRINCIPAL USE** or **STRUCTURE**. All uses or structures that are ~~not accessory uses or structures~~. **Principal to the permitted or conditional use.**

**REACH**. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or human-made obstruction. ~~In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a REACH.~~

**REGIONAL FLOOD**. A flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term **BASE FLOOD** used in the Flood Insurance Study.

**REGULATORY FLOOD PROTECTION ELEVATION**. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

**STRUCTURE**. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in § 153.102 and other similar items.

**VARIANCE**. A modification of a specific permitted development standard required in an ~~official control~~ **Land Use Ordinance**, including this chapter, to allow an alternative development standard not stated as acceptable in the ~~official control~~ **Land Use Ordinance**, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance, as defined and elaborated upon in ~~a community's respective planning and zoning enabling legislation~~ **the Land Use Ordinance**.

## CHAPTER 154: ZONING

### *General Provisions*

#### **§ 154.007 DEFINITIONS.**

~~———— (A) The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:~~

~~———— (1) The singular number includes the plural and plural the singular;~~

~~———— (2) The present tense includes the past and the future tenses and the future the present;~~

~~———— (3) The word "shall" is mandatory while the word "may" is permissive; and~~

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

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

**ACCESSORY BUILDING.** A structure detached from the principal structure located on the same lot and customarily incidental and subordinate to the principal building or use.

**ACCESSORY STRUCTURE.** A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

**ACCESSORY USE.** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

~~**ALLEY.** A service roadway, dedicated to the public, providing a secondary means of public access to abutting property and not intended for general traffic circulation.~~

**ALTERATION.** Any change or rearrangement in the supporting members of any existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or demolition of a building or a structure, whether horizontally or vertically, or the moving of a building or a structure from one location or another.

**AMENITY.** A natural or created feature that enhances the aesthetic quality, visual appeal or makes more attractive or satisfying a particular property, place or area (such as flowers, trees, architecture, cleanliness or paint).

**ANNEXATION.** The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

**APPURTENANCES.** The visible, functional or ornamental objects accessory to and part of buildings.

**AUTOMOBILE REPAIR-MAJOR.** General repair, rebuilding or reconditioning engines, motor vehicles or trailers, collision service, including body, frame or fender straightening or repair, overall painting or paint job; vehicle steam cleaning.

***AUTOMOBILE REPAIR-MINOR.*** Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding 9,000 pounds gross weight, but not including any operation specified under "automotive repair-major".

***AUTOMOBILE SERVICE STATION.*** The retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories.

***AVERAGE SETBACK.*** The mean setback from a street right-of-way of buildings on both sides of a lot.

***BAR.*** Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

~~***BASEMENT.*** The portion of a building which is wholly or one-half or more below the average grade of the ground level adjoining the building. If the height from the average grade level to the first tier of floor beams or joists is five feet or more, the ***BASEMENT*** shall be considered a story.~~

***BED AND BREAKFAST (GUEST HOUSE or TOURIST HOME).*** Any dwelling providing certain rooms in excess of those used by members of the family, as herein provided, which are rented primarily to the traveling public, on a short term basis, customarily overnight or for a weekend.

~~***BLOCK.*** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.~~

***BOARD OF ADJUSTMENTS AND APPEALS.*** The Board of Adjustments and Appeals shall be composed of the members of the City Council as authorized by M.S. § 462.354, Subd. 2, as may be amended from time to time.

***BOARDING HOUSE.*** A dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well.

***BOARDING KENNEL.*** A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.

***BUFFERYARD.*** Open spaces, landscaped areas, fences, walls, berms or a combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

***BUILDABLE AREA.*** The area of a lot remaining after the minimum yard and open space requirements of ~~this chapter~~ **the Land Use Ordinance** have been met.

***BUILDING.*** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or chattel of property of any kind. Any portion completely separated from every other part of

a building by division walls from the ground up and without openings, shall be deemed as a separate building.

**BUILDING COVERAGE.** The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

**BUILDING LINE.** A line parallel to the street line touching that part of a building closest to the street.

**BUILDING OFFICIAL.** The authorized representative of the city, licensed by the state, to enforce the State Building Code.

**BUILDING SETBACK LINE.** The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

**BUSINESS SERVICES.** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services, equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

~~**CARPORT.** A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed, for the purpose of storage of motor vehicles.~~

~~**CELLAR.** A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and one-half feet.~~

**CHILD.** An individual 12 years of age or younger.

**CHILD CARE FACILITY.** A place (or building) other than the child's dwelling in which care, supervision and guidance of a child unaccompanied by parents, guardian or custodian is provided on a regular basis for a period of less than 24 hours a day, whether operated for profit or nonprofit.

**CHURCH.** A building with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**CLINIC.** A public or proprietary institution providing diagnostic, therapeutic or preventive treatment of humans by either doctors, physicians, dentists, other medical personnel, psychologists or social workers or a combination thereof, acting in concert and in the same building, where patients are not usually lodged overnight.

**COLUMBARIUM.** A vault with niches for urns containing ashes of cremated bodies.

**COMMERCIAL USE.** Activity involving the sale of goods or services carried out for profit.

**CONDITIONAL USE.** A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in ~~this chapter and authorized by the approving agency~~ **Land Use Ordinance.**

**CONDITIONAL USE PERMIT.** A permit issued by the approving agency stating that the conditional use meets all conditions set forth in ~~local~~ **the Land Use Ordinances.**

**CONDOMINIUM.** A building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

~~**CONTIGUOUS.** Next to, abutting or touching and having a boundary, or portion thereof, that is coterminous.~~

**CONVENIENCE STORE.** Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

~~**COURT.** An open unoccupied space on a lot bounded by two or more sides by the exterior walls of a dwelling or other building or buildings.~~

**DAY CARE HOME.** Restricted to a family dwelling in which foster care, supervision and training for children of school or pre-school age out of their own home is provided during part of the day, which is less than 24 hours with no overnight accommodations or facilities and children are delivered and removed daily and for which all licenses shall be obtained.

**DECK LINE.** The intersection of two roof surfaces of a mansard roof forming the highest horizontal line of the steeper roof slope.

**DISTRIBUTION CENTER.** An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle.

**DOUBLE FRONTAGE LOT.** A lot fronting more than one public street right-of-way.

~~**DWELLING.** A structure or portion thereof that is used exclusively for human habitation.~~

**DWELLING, ATTACHED.** A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot, sometimes referred to as zero lot line development.

**DWELLING, DETACHED.** A dwelling that is not attached to any other dwelling by any means.

**DWELLING, MULTI-FAMILY.** A building containing three or more dwelling units, including units that are located one over the other.

**DWELLING, QUADRUPLEX.** Four attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining units.

**DWELLING, TOWNHOUSE.** A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

**DWELLING, TRIPLEX.** A building containing three dwelling units, each of which has direct access to the outside or to a common hall.

**DWELLING, TWO-FAMILY.** A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**DWELLING UNIT.** One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

~~**EASEMENT.** A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.~~

~~**EGRESS.** An exit.~~

**ELECTROMAGNETIC RADIATION.** Any radiation made up of electromagnetic waves; a general term for hertzian waves, gamma rays, X-rays, light, ultra-violet, infra-red (heat) and radio waves. For the purpose of this chapter, this shall include radar and microwaves.

~~**ERECTED.** Assembled, raised, built, constructed, reconstructed, moved upon or any physical operation on the premises required for a building, excavation, fall, drainage and the like.~~

**ESSENTIAL SERVICES.** Services and utilities needed for the health, safety and general welfare of the community, such as underground, surface or overhead electrical, gas, telephone, steam, water, sewerage, communications and including generating switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves and other utilities and the equipment, buildings, structures and appurtenances necessary for the systems to furnish an adequate level of service for the area in which it is located including cable television.

**EXTENDED CARE FACILITY.** A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

~~**FAMILY.** Any number of persons inhabiting a dwelling unit comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees.~~

**FARM.** A parcel of land which is used for agricultural activities including cropping, pasture and raising of livestock or fowl for commercial purposes.

**FLOOR AREA, GROUND.** The area within the exterior walls of the principal building as measured from the outside walls at the ground floor level, not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.

**FRONTAGE.** The side of a lot abutting on a street; the front lot line.

**GARAGE, MUNICIPAL.** A structure owned or operated by a municipality and used primarily for the parking and storing of vehicles owned by the general public.

**GARAGE, PRIVATE RESIDENTIAL.** A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

**GARAGE, PUBLIC.** A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

**GARAGE, REPAIR.** Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**GRADE.**

(a) The average elevation of the land around a building; and

(b) The percent of rise or descent of a sloping surface.

**GREENBELT.** An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

**GREENHOUSE.** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**HEIGHT.** The vertical distance of a structure which, for the purpose of this chapter, will be measured from the lowest elevation of the finished grade surrounding the structure to the highest point of the structure.

**HISTORIC SITE.** A structure or place of outstanding historical and cultural significance and designated as such by state or federal government or agency.

**HOME BUSINESS.** A home occupation or profession conducted within the dwelling unit or an existing accessory structure, solely by the owner and/or residents of the dwelling, which is detectable from off of the premises and is usually characterized by activity not normally present within a residential parcel or neighborhood. A **HOME BUSINESS** shall require a conditional use permit. (Example: **HOME BUSINESSES** may involve the storage of trade inventory

incidental to the service; equipment; repair or assembly service requiring equipment other than customarily found in a dwelling or accessory structure.)

**HOME OCCUPATION.** Any activity carried out for gain in a residents dwelling unit, solely by the owner and/or residents of that unit, that is confined to the interior of that unit so as to be undetectable from what is normally present within a residential dwelling unit and does not qualify as a home business.

**HOSPITAL.** An institution providing primary health services and medical surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

**HOTEL.** A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.

**IMPOUNDING WATER.** The activity of gathering and enclosing water or creating areas of open water.

~~**INCIDENTAL.** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.~~

**INFRASTRUCTURE.** Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

~~**INGRESS.** Access or entry.~~

**INTERMEDIATE CARE FACILITY.** A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require the assistance, but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

~~**JUNK.** Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition.~~

**JUNKYARD.** Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of junk.

**LANDSCAPE.**

- (a) An expanse of natural scenery; and
- (b) Lawns, trees, plants and other natural materials, such as rock and wood chips, and decorative features, including, sculpture, patterned walks, fountains and pools.

**LONG-TERM CARE FACILITY.** An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood or adoption.

**LOT.** A piece or parcel of land occupied or to be occupied by building, or use, or by other activity permitted thereon and including the open

spaces required under ~~this chapter~~ the **Land Use Ordinance**. A **LOT** need not be a lot of existing record.

**LOT AREA.** The total area within the lot lines of a lot, excluding any street rights-of-way.

**LOT, CORNER.** A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

**LOT COVERAGE.** The portion of the lot that is covered by impervious surfaces.

**LOT DEPTH.** The average distance measured from the front lot line to the rear lot line.

**LOT, DOUBLE FRONTAGE.** A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

**LOT FRONTAGE.** The length of the front lot line measured at the street right-of-way line.

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

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

**LOT LINE, FRONT.** The lot line separating a lot from a street right-of-way.

**LOT LINE, REAR.** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

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

**LOT OF RECORD.** A lot that exists as shown or described on a plat or deed in the records of the local Registry of Deeds.

**LOT, SUBSTANDARD.** A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

**LOT WIDTH.** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**MANUFACTURED HOUSING.** Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

**MANUFACTURING.** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquors.

**MAUSOLEUM.** A tomb or a building with vaults for the entombment of a number of bodies.

**MOTEL.** An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**NONCONFORMING LOT.** A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this chapter, but that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING SIGN.** Any sign lawfully existing prior to the effective date of this chapter, or amendment thereto, that does not conform to all the standards and regulations of the adopted or amended ordinance.

**NONCONFORMING STRUCTURE OR BUILDING.** A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to this chapter, but that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USE.** A use or activity that was lawful prior to the adoption, revision or amendment of this chapter, but that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

**NUISANCE.** An interference with the enjoyment and use of property.

**NURSERY.** Land or greenhouses used to raise flowers, shrubs and plants for sale.

**NURSING HOME.** See **INTERMEDIATE CARE FACILITY**, **EXTENDED CARE FACILITY** and **LONG-TERM CARE FACILITY**.

**OFFICE.** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

**OFFICE BUILDING.** A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, and may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand and child care facilities.

**OFFICIAL MAP.** An ordinance in map form adopted by the governing body that conclusively shows the location and width of proposed streets, public facilities, public areas and drainage rights-of-way.

**OFF-SITE PARKING.** Parking provided for a specific use, but located on a site other than the one on which the specific use is located.

**OFF-STREET PARKING SPACE.** A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

**ON-STREET PARKING.** A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

**OPEN SALES LOT.** Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of some prior to sale.

**OPEN SPACE.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring the open space.

**OUTDOOR STORAGE.** The keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles, in the same place for more than 24 hours.

**OVERLAY ZONE.** A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

**PARCEL.** A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

**PARKING AREA.** Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

**PARKING LOT.** A temporary storage area for motor vehicles, not located in an R-1 or R-2 zone.

**PARKING, SHARED.** Joint use of a parking area for more than one use.

**PARKING SPACE.** A space for the parking of a motor vehicle within a public or private parking area.

**PARTY WALL.** A common shared wall between two separate structures, buildings or dwelling units.

**PERFORMANCE STANDARDS.** A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

**PERMIT.** Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without the authorization.

**PERMITTED USE.** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

~~**PERSON.** A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, a state and all political subdivisions of a state or any agency or instrumentality thereof.~~

**PLANNED UNIT DEVELOPMENT.** An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas.

**PLANNING AND ZONING COMMISSION.** The Planning and Zoning Commission of Kasson, appointed by the City Council and established under M.S. § 394.30, as may be amended from time to time.

**PLAT.**

(a) A map representing a tract of land showing the boundaries and location of individual properties and streets; and

(b) A map of a subdivision or site plan.

**PLAT, FINAL.** A map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.

**PLAT, PRELIMINARY.** A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.

**PLAT, SKETCH.** A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

~~**PORCH.** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.~~

**PRELIMINARY APPROVAL.** The conferral of certain rights, prior to final approval, after specific elements of a development have been approved by the approving authority and agreed to by the applicant.

**PRINCIPAL BUILDING.** The primary building in which the main principal permitted use of the lot is conducted or accomplished.

**PRINCIPAL USE.** The primary or predominant use of any lot or parcel.

**PROFESSIONAL OFFICE.** The office of a member of a recognized profession maintained for the conduct of that profession.

**PROHIBITED USE.** A use that is not permitted in a zone district.

**PUBLIC HEARING.** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

**PUBLIC NOTICE.** The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place and nature of the public hearing and where the application and pertinent documents may be inspected.

**PUBLIC UTILITY.** A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

**PUBLIC UTILITY FACILITIES.** See **ESSENTIAL SERVICES.**

~~**QUORUM.** A majority of the full authorized membership of a board or agency.~~

**RECREATION FACILITY.** A place designed and equipped for the conduct of sports and leisure-time activities.

**RECREATIONAL VEHICLE.** A vehicular-type portable structure without permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

**RESIDENTIAL HEALTH CARE FACILITY.** Residences usually occupied by the frail elderly that provide rooms, meals, personal care and health monitoring services under the supervision of a professional nurse and that may provide other services, such as recreational, social and cultural activities, financial services and transportation.

**RESTAURANT.** An establishment where food and drink are prepared, served and consumed primarily within the principal building.

**RETAIL SALES.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods.

**RETAIL SERVICES.** Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

**REZONE.** To change the zoning classification of particular lots or parcels of land.

**RIGHT-OF-WAY.**

(a) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses: and

(b) Generally, the right of one to pass over the property of another.

~~**ROOF.** The outside top covering of a building.~~

**ROOF, FLAT.** A roof that is not pitched and the surface of which is generally parallel to the ground.

**ROOF, GABLE.** A ridged roof forming a gable at both ends of the building.

**ROOF, GAMBREL.** A gabled roof with two slopes on each side, the lower steeper than the upper.

**ROOF, HIP.** A roof with sloping ends and sides.

**ROOF, MANSARD.** A roof with two slopes on each of four sides, the lower steeper than the upper.

**ROOF, SHED.** A roof with one slope.

**SALVAGE YARD.** Any area, lot, land, parcel, building or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, waste, reclaimable material or debris.

**SCREENING.** See **BUFFERYARD**.

**SETBACK.** The distance between the building and any lot line.

**SETBACK LINE.** The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

~~**SIGN.** A publicly displayed message using words, letters, symbols or pictures, bearing information, warning, advertising or other.~~

**SIGN, A-FRAME OR SANDWICH BOARD.** An advertising sign that is normally in the shape of an "A" or some derivation thereof, located on the ground, easily movable, not permanently attached and two sided.

**SIGN, ANIMATED/FLASHING.** A sign that features simulated motion, either illuminated or not illuminated. If illuminated, a sign that has a light source not constant in intensity or color at all times, which creates the illusion of motion through graphic animation, and other motion such as flashing, blinking, revolving or rotating light. Electronic message signs are specifically exempt.

**SIGN, AREA IDENTIFICATION.** A freestanding sign which identifies the name of a neighborhood, a residential subdivision, a multiple-residential complex consisting of three or more structures or ten or more units, a shopping center consisting of three or more separate structures, an industrial area consisting of three or more structures or any combination of the above.

**SIGN, BANNER.** Any sign of fabric or similar material that is mounted to a pole, fence, building or similar structure at one or more edges. National, state or municipal flags shall not be considered a **BANNER**.

**SIGN, BILLBOARD TYPE.** A freestanding sign advertising or containing information which may or may not pertain to the business on the property where the sign is located.

**SIGN, CONSTRUCTION/PROJECT.** A temporary sign erected on the premises prior to or during the period of construction. These signs typically indicate the names of the architects, engineers, landscape architects, contractors or similar artisans, and/or owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project, and rental, sale or lease information.

**SIGN, ELECTRONIC MESSAGE.** Any sign that by electronic means conveys a text message or series of messages, including, but not limited to, time and temperature.

**SIGN, FINDER.** Temporary signs used to direct the reader to a temporary event such as an open house or garage sale, the signs shall not exceed eight square feet and shall only be displayed for up to seven days, during the events.

**SIGN, FREESTANDING.** A self-supporting sign resting on or supported by means of poles, standards of any other type of base anchored to the ground.

**SIGN, GRAPHICS.** 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.

**SIGN, MARQUEE.** A structure attached to and projecting from a wall of 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.

**SIGN, OFFICIAL.** A sign placed by an authorized government body including, but not limited to, street, traffic and highway signs, posted legal notices, parking signs.

**SIGN, PORTABLE.** Any sign temporary in nature, not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; balloons used as signs; umbrellas used for advertising, except that advertising umbrellas may be used in conjunction with the operation of a restaurant; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for normal day-to-day operations of a business. Specifically excluded are A-frame and sandwich board signs.

**SIGN, PROJECTING.** A sign, other than a wall sign, which attaches to and projects from a structure or building facade.

**SIGN, ROOF.** A sign mounted on the roof of a building or which depends upon a parapet wall for support.

**SIGN, WALL.** A sign mounted parallel to a building facade or other vertical building surface (which should not be mounted more than 18 inches from the wall surface they are attached to).

**SIMILAR USE.** A use that has the same characteristics and the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs and clientele.

**SITE PLAN.** The development plan for one or more lots on which is showing the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers and screening devices; surrounding development; and any other information that may be required in order that an informed decision can be made by the approving authority.

**STORY.** The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

**STREET.** Any vehicular way that:

- (a) Is an existing state, county or municipal roadway;

(b) Is shown upon a plat approved pursuant to law;  
(c) Is approved by other official action; or  
(d) Is shown on a plat duly filed and recorded in the office of the County Recorder prior to the appointment of a government body with the power to review plats; includes the land between the street lines, whether improved or unimproved.

~~**STRUCTURE.** A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.~~

**SUBDIVIDER.** Any person having an interest in land that is the subject of an application for subdivision.

**SUBDIVISION.** The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

**SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools; hot tubs; portable and nonportable spas; and fixed-in-place wading pools.

**UTILITY EASEMENT.** The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables and towers.

~~**VARIANCE.** Permission to depart from the literal requirements of a zoning ordinance.~~

**WAREHOUSE.** A building used primarily for the storage of goods and materials.

**WHOLESALE TRADE (WHOLESALE ESTABLISHMENT).** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, individuals or companies.

~~**YARD.** An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward; except, as may be specifically provided in this chapter.~~

**YARD AREA.** The total square footage of the property.

**YARD DEPTH.** The shortest distance between a lot line and a yard line.

**YARD, FRONT.** A space extending the full width of a lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

**YARD, REAR.** A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

**YARD, REQUIRED.** The open space between a lot line and the yard line within which no structure shall be located except as provided in ~~this chapter~~ **the Land Use Ordinance.**

**YARD, SIDE.** A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

**ZERO LOT LINE.** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

**ZONE.** A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing and size of land and buildings.

**ZONING.** The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

**ZONING CERTIFICATE.** A document signed by the Zoning Administrator, as required in this chapter, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that the use, structure or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

**ZONING DISTRICT.** A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

**ZONING MAP.** The map or maps that are a part of the zoning ordinance and delineate the boundaries of zone districts.

### ***Administration and Enforcement***

#### **§ 154.030 VARIANCES.**

(A) *Criteria for granting a variance.*

(1) The City Council, consistent with the authority granted by law, may grant a property owner a variance from compliance with the literal provisions of the zoning code in an instance where strict enforcement would cause practical difficulties to the individual property owner, and when it can be demonstrated that such action will be in keeping with the spirit and intent of the code.

(2) The term **PRACTICAL DIFFICULTIES** means that the:

- (a) Property owner proposes to use the property in a reasonable manner that is not otherwise not permitted; and
- (b) The plight of the property owner is due to circumstances unique to the property, not created by the property owner; and
- (c) The variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute **PRACTICAL DIFFICULTIES**. For the purposes of this section, **PRACTICAL DIFFICULTIES** also means and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

**General Regulations**

**§ 154.063 REFUSE.**

~~In all districts, all waste material, debris, refuse or garbage shall be kept in an enclosed building or property contained in a closed container designed for such purposes, with the exception of crop residue. The owner of vacant land shall be responsible for keeping the land free of refuse. Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding 14 days; **INOPERATIVE** shall mean incapable of movement under their own power and in need of repairs. All exterior storage material not included as a permitted use, accessory use or conditional use, or otherwise permitted by provisions of this chapter, may be considered as refuse. (Prior Code, § 24-42) (Ord. 728, passed —)~~

**General Regulations**

**§ 154.080 OFF-STREET PARKING.**

~~(C) All districts.  
—————(4) For the purpose of this section, **FLOOR AREA**, in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients or tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.~~

**General Regulations**

**§ 154.098 EXTRACTION OF MATERIALS AND MINERALS, OPEN PITS AND IMPOUNDING OF WATER.**

~~(B) Definition. **EXCAVATIONS**, as used in this section, shall mean any artificial excavation of the earth, dug, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavating ancillary to other construction of any installation erected or to be erected, built or placed thereon contemporaneously with or immediately following the excavation and covering or to cover the excavation when completed are excepted, if a permit has been issued for the construction or installation. Excavation not exceeding 50 square feet of surface area or two feet in depth and excavation including impounding of water for agricultural purposes are exempted.~~

**Wireless Communications Facilities**

**§ 154.381 DEFINITIONS.**

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

**ANTENNA.** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include omni-directional antenna, directional antenna or parabolic antenna.

**CO-LOCATION.** The location of more than one antenna or set of antennas on the same wireless communication tower or structure.

**ENGINEER.** Any person practicing as a professional engineer shall be duly licensed and certified under the guidelines stipulated in M.S. Ch. 326, as may be amended from time to time, for their particular field.

~~**FAA. Federal Aviation Administration.**~~

~~**FCC. Federal Communication Commission.**~~

**HEIGHT.** The distance measured from the ground level at the base of the tower or structure to the highest point on a tower or structure.

**TOWER.** Any structure that is deigned and constructed primarily for the purpose of supporting one or more antennas, (e.g., monopoles and similar structures).

**TOWER ACCESSORY STRUCTURE.** Any structure located at the base of a tower for housing receiving or transmitting equipment.

**WIRELESS COMMUNICATION.** Any personal wireless services as defined in the Federal Communications Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), paging and similar services that currently exist or may be developed.

MINUTES OF PLANNING COMMISSION MEETING

September 11, 2017

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 11<sup>th</sup> day of September, 2017 at 6:30 PM

**THE FOLLOWING MEMBERS WERE PRESENT:** Commissioner Ferris, Commission Sannes, Commissioner Tinsley and Commissioner Zelinske, Commissioner Borgstrom, Commissioner Torkelson and Commissioner Burton.

**THE FOLLOWING WERE ABSENT:** None

**THE FOLLOWING WERE ALSO PRESENT:** City Administrator Coleman, City Clerk Rappe. Tim O'Marro, John and Denise Hazuka and David Martin – Massey Surveying

**CALL TO ORDER:** Commissioner Ferris called the meeting to order at 6:30 PM.

**MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: Motion to Approve the August 14, 2017 minutes made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.**

**PUBLIC HEARING MEADOWBROOKE II FINAL PLAT -**

Public Hearing opened – David Martin, Massey Surveying, stated that they plan on abiding by all comments and recommendations made by City staff. Mr. Martin stated that Mr. Bigelow is having discussions with Mr. Meinert and the Paradise brothers regarding the pond. Commissioner Burton stated that drainage from this subdivision is supposed to go to the pond. Mr. Martin stated that this could be a condition to have in place before recording the plat.

Public Hearing closed.

Discussion – none

**Motion to Approve with the condition that the easement for the pond be in place before recording the plat and all comments and recommendations made by City staff are adhered to, made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.**

**PUBLIC HEARING FOR A MINOR SUBDIVISION** – Administrator Coleman stated that the City is acquiring a piece of land that needs to be cut off from the main parcel that the fitness center owns. Commissioner Borgstrom stated that the owner should apply for the minor subdivision. Commissioner Burton agreed and suggested having the owner of Anytime Fitness co-sign the application. Public Hearing opened – Denise Hazuka, Country Pleasures Café, does not understand what is happening with this property and why she got a notice. Commissioner Borgstrom stated the background on this matter and why Ms. Hazuka got the notice.

Public Hearing Closed.

**Motion made by Commissioner Burton to recommend to the Council to Approve pending the application, second by Commissioner Borgstrom with all voting Aye.**

**OTHER BUSINESS - None**

**ADJOURN 6:45PM**

**ATTEST:**

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Linda Rappe  
City Clerk

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Theresa Coleman  
Zoning Administrator/City Administrator