



City of Kasson
401 Fifth Street S.E.
Kasson, MN 55944-2204
507.634.7071
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www.cityofkasson.com

LAND USE APPLICATION

Applicants check all that apply:

- General Development Plan (\$300 + engineering)
- Preliminary Plat (\$300 + \$20 per lot + engineering)
- Final Plat (\$300 + \$20 per lot + engineering)
- Planned Unit Development – PUD (\$300 + \$20 per lot + engineering)
- Minor Subdivision (\$300)
- Rezone/Zoning Amendment (\$400)
- Conditional Use Permit (\$300)
- Variance (\$300)

\$2,000 for site plan review

Fee Paid \$ _____ Date Filed _____

1. _____
Legal Description of Property

2. _____
Street Address of Property

3. _____
Applicant/Owner's Name Telephone

4. _____
Engineer/Architect Address Telephone

5. _____
*Name of Contact Person Telephone

6. Description of Request _____

7. Present Zoning Classification _____

8. Reason for Request _____

9. Existing Use of Property _____

*The contact person noted above will receive all review comments and requests for materials/revisions from the City. They are responsible to inform all parties involved on the project of pending public hearings and meetings, changes or updates that may occur throughout the process.

The undersigned applicant hereby represents upon all of the penalties of law that all statements herein are true and that all work herein mentioned will be done in accordance with the ordinances of the City of Kasson, the State of Minnesota and any other applicable laws and regulations.

Signature of Applicant _____ Date _____

APPLICATION NOT COMPLETE UNTIL ALL REQUIRED SUBMISSIONS RECEIVED

PLANNED UNIT DEVELOPMENTS

§ 154.335 INTENT AND PURPOSE.

The planned unit development (PUD) provisions are intended to encourage more efficient use of land, public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of certain districts through lot-by-lot development. Although planned unit developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the PUD and its accompanying guidelines are intended to allow flexibility in design in order to promote developments which will be an asset to the city by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations. A PUD is an overlay district in which primary uses are those listed as permitted or conditional in the underlying zoning district where the PUD is located.

(Prior Code, § 24-173) (Ord. 728, passed - -)

§ 154.336 CONDITIONAL USE PERMIT REQUIRED.

Each planned unit development shall require a conditional use permit.

(Prior Code, § 24-174) (Ord. 728, passed - -)

§ 154.337 LAND OWNERSHIP.

The tract of land to be developed as a PUD shall be under the control of:

(A) A single owner; or

(B) A group of landowners, acting through a corporation, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record the covenants, easements and other provisions in the County Recorder's office.

(Prior Code, § 24-175) (Ord. 728, passed - -)

§ 154.338 GENERAL PROVISIONS.

(A) The city may approve the planned unit development only if it finds that the development satisfies all of the following standards in addition to meeting the requirements of conditional use permit provisions:

(1) The planned unit development is consistent with the comprehensive plan of the city;

(2) The planned unit development is an effective and unified treatment of the development plan and provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain and similar areas;

(3) The planned unit development will be developed to harmonize with any existing or proposed development in the areas surrounding the project site;

(4) The proposed primary uses are listed as either permitted or conditional uses in the zoning district in which the proposed development is located; and

(5) Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development.

(B) The primary uses in a PUD shall conform to the permitted or conditional uses of the underlying zoning district or districts in which the land for the development is located and may be a combination of uses when by design, use and restriction, the development will not result in undue adverse effects on surrounding areas and will be compatible with adjacent uses and consistent with the intent of this section and the proposed PUD.

(C) A primary function of the PUD provision is to encourage development which will preserve and enhance the natural terrain characteristics and not force intense development to utilize all portions of a given site in order to arrive at the maximum density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in approving or denying the application.

(D) Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements, or to surrounding developments, will be a primary consideration in the review stage by the Planning and Zoning Commission and the City Council.

(Prior Code, § 24-176) (Ord. 728, passed - -)

§ 154.339 TYPES AND RESTRICTIONS.

The following restrictions shall apply.

(A) A PUD in which more than 50% of the development is residential in nature shall be known as a PUD residential development and shall be subject to the following in addition to other regulations of this chapter which apply.

(1) In open land areas or areas surrounded to a major extent by developed land, no PUD residential development project area shall be less than the minimum lot size required in the zoning district in which the land is located.

(2) A minimum of 30% of the PUD, residential development is recommended to be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards or paved areas should be considered in calculating the green space.

(B) A PUD in which more than 50% of the development is commercial in nature shall be known as a PUD commercial development and shall be subject to the following in addition to other regulations of this chapter which apply.

(1) In open land areas or areas surrounded to a major extent by developed land, no PUD commercial development shall be less than the minimum lot size required in the zoning district in which the land is located.

(2) A minimum of 15% of the PUD commercial development is recommended be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards or paved areas shall be included in calculating the green space.

(C) A PUD in which more than 50% of the development is industrial in nature shall be known as a PUD industrial development and shall be subject to the following in addition to other regulations of this chapter which apply.

(1) In open land areas and areas surrounded to a major extent by developed land, no PUD industrial development shall be less than the minimum lot size required in the zoning district in which the land is located.

(2) A minimum of 10% of the PUD, industrial development is recommended be maintained in green space consisting of vegetative plantings such as grass, trees, shrubs or flowers. No portion of sidewalks, boulevards or paved areas shall be included in calculating the green space.

(Prior Code, § 24-177) (Ord. 728, passed - -)

§ 154.340 PROCEDURE.

The procedures and requirements to establish a PUD district shall be as herein specified.

(A) Pre-application meeting. Prior to the submission of any plan to the and Zoning Commission, the applicant shall meet with the Zoning Administrator, and if necessary with the Planning and Zoning Commission, to discuss the contemplated project relative to community development objectives for the area in question and learn the procedural steps for a conditional use permit. The applicant shall submit a sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the planning staff to facilitate the review of the sketch plan and development procedure.

(B) Preliminary development plan. Following the pre-application meeting, the applicant shall submit a preliminary plan, official application and all required information to the city. The Zoning Administrator shall review the application and within ten business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required. The city shall take action to approve or deny the application within 60 days of receiving a completed application. If the city cannot take action to approve or deny the application within 60 days of receiving the completed application, the city may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing. The preliminary plan shall be reviewed by the Planning and Zoning Commission and the Commission shall address concerns and make recommendations, if necessary, to make the development more compatible or desirable. The preliminary plan submitted for review shall include:

- (1) A certified survey of the land to be included in the PUD;
- (2) Existing zoning and land use;
- (3) Location of any existing structures, easements, streets, parking, public or private drives and natural features;
- (4) Existing topography illustrating existing and proposed drainage;
- (5) Existing and proposed private and public ownership boundaries including proposed private lots for sale as well as common ownership areas;
- (6) Proposed land use as identified on the comprehensive plan;
- (7) A plan with locations of all structures including placement, size and type with topography showing two-foot contour intervals;
- (8) All common open spaces shall be labeled as such and their intent or design and functions;

- (9) Proposed street locations, names and the location of other public or private drives and generalized parking areas;
- (10) Approximate density, number, types, location of structures, open spaces and parking areas;
- (11) Proposed use of land and buildings;
- (12) Proposed design of buildings, locations of signs and lighting;
- (13) Generalized landscaping; and
- (14) Form of organization proposed to own and maintain public or private open space.

(C) Final development plan. Following review and tentative approval of the plan by the Planning and Zoning Commission, the applicant shall prepare and submit a final development plan to the city within one year of tentative approval of the Planning and Zoning Commission. The final plan shall be reviewed by the Planning and Zoning Commission who shall make recommendation to the City Council to either approve, approve with conditions or deny the application. The City Council shall then take action on the application and inform the applicant in writing. If conditional approval is granted, the applicant shall be notified in writing of the conditions attached to the approval. The following information shall be submitted with the final development plan:

(1) The final development plan shall conform to the preliminary development plan and include information required for a final plan and any required changes by the Planning and Zoning Commission to the preliminary development plan;

(2) Detailed grading and drainage plan at two-foot contour intervals;

(3) Landscape plan;

(4) Deed restrictions, covenants, agreements, bylaws of proposed owners association and other documents controlling the use of property, type of construction or development the activities of future tenants or residents;

(5) If land is being platted or required to be platted as a condition of the conditional use permit, a public hearing for the preliminary plat may be held in conjunction with the public hearing for the conditional use permit (at final development stage). Preliminary plat requirements shall be as identified in Chapter 152 of this code. If the petitioner chooses to hold the hearings at the same time, the preliminary plat must be submitted to the city at least 15 days prior to the date of the public hearing;

(6) A public hearing shall be held by the Planning and Zoning Commission, the Commission shall make a recommendation to the City Council to either approve, approve with conditions or deny the petition. The City Council shall take action on the petition.

(D) Amendments. To amend a final plan which was approved, the applicant shall submit to the city an application and plans showing all proposed changes. A public hearing shall be held by the Planning and Zoning Commission following proper notice procedures for public hearings. The Planning and Zoning Commission shall make recommendation to the City Council to either approve, approve with conditions or deny the request to amend the final plan. The City Council shall then take action on the request. Any changes approved by the City Council shall be by resolution as an amendment to the final plan.

§ 153.133 CONDITIONAL USES.

The City Planning and Zoning Commission shall hear and decide applications for conditional uses permissible under this chapter. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning and Zoning Commission for consideration.

(A) Hearings. Upon filing with the Planning and Zoning Commission an application for a conditional use permit, the Planning and Zoning Commission shall submit by mail to the Commissioner of natural resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten-days' notice of the hearing.

(B) Decisions. The City Council shall arrive at a decision on a conditional use within 30 days. In granting a conditional use permit, the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in division (F) of this section, which are in conformity with the purposes of this chapter. Violations of the conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this chapter punishable under § 153.999. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten days of the action.

(C) Procedures to be followed by the City Council in passing on conditional use permit applications within all floodplain districts.

(1) Require the applicant to furnish such of the following information and additional information as deemed necessary by the City Council for determining the suitability of the particular site for the proposed use:

(a) Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of lot, existing or proposed structures, fill, storage of materials, floodproofing measures and the relationship of the above to the location of the stream channel; and

(b) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(2) Transmit one copy of the information described in division (C)(1) above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.

(3) Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

(D) Factors upon which the decision of the City Council shall be based. In passing upon conditional use applications, the City Council shall consider all relevant factors specified in other sections of this chapter, and:

(1) The danger to life and property due to increased flood the velocities caused by encroachments;

(2) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures;

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;
- (5) The importance of the services provided by the proposed facility to the community;
- (6) The requirements of the facility for a waterfront location;
- (7) The availability of alternative locations not subject to flooding for the proposed use;
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- (10) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (12) Other factors which are relevant to the purposes of this chapter.

(E) Time for acting on application. The City Council shall act on an application in the manner described above within 30 days from receiving the application, except that where additional information is required pursuant to division (D) of this section. The City Council shall render a written decision within 30 days from the receipt of the additional information.

(F) Conditions attached to conditional use permits. Upon consideration of the factors listed above and the purpose of this chapter, the City Council shall attach the conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this chapter. The conditions may include, but are not limited to, the following:

- (1) Modification of waste treatment and water supply facilities;
- (2) Limitations on period of use, occupancy and operation;
- (3) Imposition of operational controls, sureties and deed restrictions;
- (4) Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures; and
- (5) Floodproofing measures, in accordance with the State Building Code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(Prior Code, § 9.1-35) (Ord. 642, passed - -)

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- (1) Modification of waste treatment and water supply facilities;
- (2) Limitations on period of use, occupancy and operation;
- (3) Imposition of operational controls, sureties and deed restrictions;
- (4) Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures; and
- (5) Floodproofing measures, in accordance with the State Building Code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(Prior Code, § 9.1-35) (Ord. 642, passed - -)

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.

(3) Notwithstanding a finding that practical difficulties exist, the City Council may not permit as a variance any use that is not permitted under the provisions of the code for property in the zone where the land for which the variance is sought is located.

(4) In its consideration of a variance request, the Planning Commission shall consider the following questions:

(a) Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land that results in practical difficulties for the owner?

(b) Whether or not the variance requested will alter the essential character of the locality?

(c) Whether or not granting the variance requested will:

(1) Impair an adequate supply of light and air to adjacent property?

(2) Substantially increase congestion in adjacent public streets?

(3) Endanger the public safety?

(4) Substantially diminish or impair property values within the vicinity?

(d) Whether the variance requested is the minimum variance that would alleviate the practical difficulties?

(e) Whether or not the variance requested is consistent with the intent of this chapter and the city's comprehensive plan?

(f) Whether or not the variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?

(5) In granting the variance, the City Council may impose additional conditions to ensure compliance with its decision and to protect adjacent properties. Such conditions must be directly related to and bear a rough proportionality to the impact created by the variance.

(B) Required exhibits for variances. The following exhibits shall be required:

(1) A completed application form;

(2) An accurate boundary description;

(3) Evidence of ownership or enforceable option on the property; and

(4) An accurate drawing, at scale, showing property lines, location of existing buildings and proposed project.

(C) Procedures. The procedure for obtaining a variance from the regulations of this chapter are as follows.

(1) The property owner or his or her agent shall meet with the Zoning Administrator to explain his or her situation, learn the procedures and obtain an application.

(2) The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.

(3) The Zoning Administrator shall review the application and within ten business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.

(4) The city shall take action to approve or deny the application within 60 days of receiving a completed application. If the city cannot take action to approve or deny the application within 60 days of receiving the completed application, the city may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing.

(5) When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall have notice of the hearing published at least once in the legal newspaper, not less than ten days, nor more than 30 days, prior to the hearing.

(6) The Zoning Administrator shall transmit the application to the Planning and Zoning Commission for review and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive the notification shall not invalidate the proceedings.

(7) The Planning and Zoning Commission shall hold the public hearing, and may table the application for further investigation if necessary, or the Commission shall recommend to the Council one of the three actions: approval, conditional approval or denial.

(8) The City Council shall act upon the application within 30 days after receiving the recommendation of the Planning and Zoning Commission.

(9) No application for a variance shall be considered by the city within a one-year period following a denial of the request, except that the Zoning Administrator may permit a new application if new evidence or a change in circumstances warrant it.

(Prior Code, § 24-19) (Ord. 728, passed - -; Am. Ord. 843, passed 8-24-2011)

VARIANCES

§ 152.035 GENERALLY.

Where the Planning and Zoning Commission finds that extraordinary hardship may result from strict compliance with the provisions of this chapter, it may recommend the variance of the regulations to the extent that substantial justice may be done and the public interest secured; provided that, the variation may be granted without detriment to the public interest and will not have the effect of nullifying the intent and purpose of this chapter. Variance procedures shall conform to § 154.030.

(Prior Code, § 20.1-17) (Ord. 524, passed - -; Ord. 694, passed - -; Ord. 772, passed - -)

§ 152.036 LARGE SCALE DEVELOPMENTS.

The standards and requirements of this chapter may be modified by the City Council in the case of a subdivision of ten acres or more which is to be developed in accordance with the comprehensive development plan safeguarded by appropriate restrictions and which makes adequate provisions for necessary community facilities. No variance shall be granted which shall have the effect of nullifying the intent and purpose of this chapter.

(Prior Code, § 20.1-18) (Ord. 524, passed - -; Ord. 772, passed - -)

§ 152.037 CONDITIONS.

In the granting of variances, the City Council shall weigh the benefits or hardships against the general standards and objectives of this chapter, and may require such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Prior Code, § 20.1-19) (Ord. 524, passed - -; Ord. 772, passed - -)

§ 152.020 GENERALLY.

The following improvements will be required for all new subdivisions within the corporate limits of the municipality and to the specifications as adopted by the City Council.

(A) Soil erosion and sedimentation control. Where the provisions of state law or other city regulation or ordinance set higher standards than those of this subchapter, the provisions of the laws, regulations or ordinances shall apply.

(1) General standards. The following management practices shall be applied to all development and earth moving activities.

(a) All development shall conform to the natural limitations presented by the topography and soil in order to create the best potential for preventing soil erosion.

(b) Best management practices for erosion control and sediment control shall be applied to each development/construction site.

(c) Slopes over 18% in grade shall not be developed.

(d) Development on slopes with a grade between 12% and 18% shall be carefully reviewed to ensure that adequate measures have been taken to prevent erosion, sedimentation and structural damage.

(e) Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(f) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of lands shall be exposed at any one period of time and no exposure shall exceed 60 days unless extended by the Council.

(g) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The topsoil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.

(h) The natural drainage system shall be used, as far as feasible for storage and flow of runoff except that no storm water drainage shall be discharged to marshlands, swamps or wetlands. Storm water drainage shall be discharged to retention basins or other treatment facilities. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage and construction cost.

(i) Public and private properties adjacent to the development site shall be protected from the effects of sedimentation. Any violations of this provision must be corrected by the owner to the satisfaction of the city within five days of receiving notification of such. If the violation is not remedied within the time period specified, the city may correct the problem and assess the costs incurred to the property owner.

(2) Exposed slopes. The following control measures shall be taken to control erosion during construction.

(a) No exposed slopes should be steeper in grade than four feet horizontal to one foot vertical.

(b) At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.

(c) Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind the berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. The measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron, a gravel energy dissipater should be installed to prevent erosion at the discharge end.

(d) Exposed slopes shall be protected by means which will effectively prevent erosion considering the degree of the slope, soils material and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedlings of annual grasses. Mulch shall consist of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch must be anchored to slopes with liquid asphalt or stakes and netting, or be worked into soil to achieve additional slope stability.

(e) Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

(B) Preservation of natural drainageways.

(1) Waterways.

(a) Every effort shall be made to retain the natural drainage systems in the city including existing wetlands and ponds. Aboveground runoff disposal waterways may be constructed to augment the natural drainage system.

(b) The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten-year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

(c) No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

(d) The banks of the waterway shall be protected with permanent vegetation.

(e) The banks of the waterway shall not exceed four feet horizontal to one foot vertical in gradient.

(f) The gradient of the waterway bed shall not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

(g) The bend of the waterway shall be protected with turf, sod or concrete. If turf or sod will not function properly, riprap may be used. Riprap shall consist of quarried limestone, fieldstone (if random riprap is used) or construction materials of concrete. The riprap shall be no smaller than two inches square nor no larger than two feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.

(h) If the flow velocity in the waterway is such that erosion of the turf side wall will occur and the velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or riprap would be allowed to prevent erosion at these points.

(2) Sediment control of waterways.

(a) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.

(b) Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. The structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a 25-year storm.

(c) Permanent impervious sediment control structures consist of sediment basins (debris basins, de-silting basins or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

(Prior Code, § 20.1-13) (Ord. 524, passed - -; Ord. 772, passed - -)

§ 152.050 GENERAL DEVELOPMENT PLAN.

(A) The general development plan shall be a drawing at any reasonable scale. Basically, it shall establish the desired street pattern and general lot layout together with a land use plan.

(B) (1) This plan need not be drawn by a registered surveyor or engineer.

(2) The plan must include the entire parcel of land and must demonstrate compliance with the land use plan, official street map and comprehensive plan.

(Prior Code, § 20.1-20) (Ord. 524, passed - -; Ord. 772, passed - -)

§ 152.051 PREPLAT INVESTIGATION.

(A) The subdivider shall submit ten copies of a general development plan to the Planning and Zoning Commission Secretary at least ten days before the next regularly scheduled meeting of the Planning and Zoning Commission.

(B) The Planning and Zoning Commission Secretary shall send a copy of the plan to the Zoning Administrator and other appropriate reviewing agencies who shall make written comments and recommendations before the aforesaid regular meeting of the Planning and Zoning Commission.

(C) Within ten days following the same regularly scheduled meeting, the Planning and Zoning Commission shall inform the subdivider, in writing, that the plan as submitted, or as modified does or does not meet the objectives of this chapter, except that action may be tabled for 45 days pending further investigation.

(D) Required specifications for general development plan:

- (1) Scale and north point;
- (2) Proposed subdivision name;
- (3) Name and address of property owner;
- (4) Name and address of subdivider;
- (5) Zoning classification of proposal and adjacent lands;
- (6) Names of existing streets;
- (7) General street design;
- (8) General lot layout; and
- (9) Boundaries of entire parcel of land.

(Prior Code, § 20.1-21) (Ord. 524, passed - -; Ord. 772, passed - -)

Upon completing the preplat investigation, the subdivider shall prepare a preliminary plat together with improvement plans and other supplemental material as may be specified by the Planning and Zoning Commission and its reviewing agencies.

(A) The preliminary plat shall be reviewed by Planning and Zoning Commission and approved by the City Council before the final plat can be reviewed by the Planning and Zoning Commission. A subdivision application shall be preliminarily approved or disapproved by the municipality within 120 days following acceptance of the application completed in compliance with this chapter, unless an extension of the review period has been agreed to by the applicant.

(B) The preliminary plat shall be drawn to currently acceptable engineering design standards with a scale not greater than one inch equals 100 feet unless another suitable scale is approved by the Municipal Engineer and/or Planning and Zoning Commission. (Example: One inch equals 200 feet would be unacceptable.) Legible reproduction of the drawing shall be submitted to the Planning and Zoning Commission for the purposes of receiving approval.

(C) Ten copies of the preliminary plat and supplementary material shall be submitted to the Planning and Zoning Commission Secretary at least ten days before the Planning and Zoning Commission's next regularly scheduled meeting. The Planning and Zoning Commission Secretary shall send copies to the appropriate reviewing agencies which shall review and submit written comments and recommendations before the next regular meeting of the Planning and Zoning Commission. A public hearing shall be held on all subdivision applications prior to preliminary approval. The hearing shall be called by the Planning and Zoning Commission Secretary and held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations.

(D) Following review of the preliminary plat and supplementary materials submitted in conformity with this chapter, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the Planning and Zoning Commission shall recommend approval or disapproval of the preliminary plat as submitted or modified and, if the Planning and Zoning Commission recommends approval, it shall express its recommendation for approval and state the conditions of its recommendation for approval, if any, or, if the Planning and Zoning Commission recommends disapproval, it shall express its recommendation for disapproval and its reasons therefor. Any plan given a conditional recommendation for approval shall be revised to meet the requirements of the conditions and ten copies shall be resubmitted to the Planning and Zoning Commission. The Planning and Zoning Commission shall make its recommendation for approval or disapproval of the preliminary plat to the City Council within 45 days of receipt of the preliminary plat by the Planning and Zoning Commission.

(E) The action of the Planning and Zoning Commission shall be noted on four copies of the approved preliminary plat. One shall be returned to the surveyor, one copy to the County Zoning Administrator, one copy to the City Council and the other retained by the Planning and Zoning Commission.

(F) Approval of a preliminary plat shall not constitute approval of the final plat. Approval of a preliminary plat is limited to a period of 12 months, after which time the subdivider is required to resubmit a preliminary plat to give the Planning and Zoning Commission an opportunity to assess any changes in the general area or any regulation, ordinance or statute changes that may be applicable.

(G) Specifications for preliminary plat are as follows:

(1) Date, scale, north point;

- (2) Proposed subdivision name and all intended street names according to the municipality's street naming and numbering system;
- (3) Name of the subdivider, surveyor and engineer preparing plat;
- (4) Topographic map of the area showing two-foot contour intervals. All areas of the subdivision to be platted with a slope greater than 25% must be clearly indicated;
- (5) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land;
- (6) Zoning classification of lands to be subdivided and all adjacent lands;
- (7) Location, widths and names of all existing, platted or dedicated streets, cul-de-sac names (i.e., place or circle), easements, railroad and utility rights-of-way, sidewalks, parks, watercourses, drainage ditches, front side and rear yard dimensions for all permanent buildings and structures;
- (8) Location, size and depth of all existing and/or proposed sanitary sewer, storm sewers, water mains, hydrants and catch basins. Location and proposed design of storm water retention areas when required;
- (9) Other data within 300 feet of the exterior boundaries of the area being subdivided as may be required by the Planning and Zoning Commission;
- (10) Identification and location of existing or potential wetlands. Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum;
- (11) When the subdivision borders a lake, river or stream the contour line above the indicated flood fringe boundary of the lake, river or stream shall be shown on the plat;
- (12) The layout and width of all new streets, sidewalks, rights-of-way and easements and the approximate angles of street intersections;
- (13) Length and bearings of the exterior boundaries of the land being subdivided;
- (14) Dimensions of all lots to the nearest foot;
- (15) Square footage of all lots;
- (16) All lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another and one lot plats should have both a lot and block number;
- (17) Approximate radii of all curves and lengths of all tangents;
- (18) Approximate location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of the conditions of the dedication or reservation; and
- (19) Other information as the Planning and Zoning Commission and City Engineer may determine is necessary.

(Prior Code, § 20.1-22) (Ord. 524, passed - -; Ord. 529, passed - -; Ord. 772, passed - -)

FINAL PLAT

The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at this time; provided, however, that, the portion conforms to all requirements of this chapter.

(A) Application for approval of the final plat shall be submitted in writing to the Planning and Zoning Commission Secretary at least ten days prior to the meeting at which it is to be considered.

(B) Ten copies of the final plat and other supplemental data required for approval shall be prepared and submitted to the Planning and Zoning Commission within 12 months after approval of a preliminary plat, and at least ten days before its next regularly scheduled meeting. These ten copies shall be paper prints and are not required to be signed in accordance with divisions (C)(16) through (19) of this section. However, the map to be filed must contain the signature of the authorized representatives of the applicable governmental agencies.

(C) Specifications for final plat as follows:

(1) Date, scale, north point;

(2) Subdivision name and all street names;

(3) Location of the plat by quarter section, section, town and range;

(4) Location and names of adjacent subdivisions;

(5) Exact location, widths and names of all existing platted or dedicated streets, cul-de-sac names (i.e., place or circle), sidewalks, easements, railroad and utility rights-of-way, parks, watercourses and drainage ditches within the boundaries of the land to be subdivided;

(6) Identification and location of existing or potential wetlands. Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum;

(7) When the subdivision borders a lake, river or stream the contour line above the indicated flood fringe boundary of the lake, river or stream shall be shown on the plat;

(8) Exact location and width of all new streets, their angle of intersection, length of arcs, radii, points of curvature and tangent bearings;

(9) Exact location and width of all easements, and a statement of easement rights;

(10) Exact length and bearings or angles of the exterior boundaries of the land being subdivided;

(11) Exact dimensions of all lots;

(12) All lots shall be numbered by beginning the numbering with number one and numbering each lot progressively, through the block in which they are situated. All blocks shall be numbered progressively, by beginning the numbering with the number one and numbering each block progressively through each plat. Consecutive lot or block numbering shall not be continued from one plat into another and one lot plats should have both a lot and block number;

(13) Exact location and area of all land to be dedicated for public use or reserved by deed covenant for common use of all property owners with the purpose indicated thereon. All lands dedicated for public use, other than streets, shall be marked "Dedicated to the Public";

(14) Accurate location and material of all permanent reference monuments including lot corners which shall be marked in accordance with current surveying standards;

(15) Certificate of the registered land surveyor preparing the plat, that the plat as presented, fully complies with the requirements of this chapter, and the platting laws of the state relative to the surveying, dividing and mapping of land; that the plat is a correct representation of all exterior boundaries of the land surveyed; that the plat represents a survey made by the surveyor and that all monuments indicated thereon exist and their location, size and material are correctly shown;

(16) A certificate issued by the authorized county officials stating that there are no unpaid taxes or special assessments on any of the lands included in the plat;

(17) A certificate by the owner or owners dedicating to the public for full public use all street and street rights-of-way and other lands designated as "Dedicated to the Public" and the granting of utility easements as shown on the plat;

(18) A certificate of Planning and Zoning Commission approval signed by the Planning and Zoning Commission Chair; and

(19) A certificate of approval by the City Council signed by the Mayor and Administrator.

(D) A public hearing shall be held on all final plat applications prior to final plat approval. The hearing shall be (called by the Planning and Zoning Commission Secretary and) held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. Following a public hearing and prior to presentment to the City Council, the final plat shall be reviewed and endorsed as approved by the Planning and Zoning Commission to determine its conformance with the approved preliminary plat and amendments dictated by the Planning and Zoning Commission and/or City Council.

(1) The final plat, upon its submission to the City Council, shall be accompanied by a written title opinion by an attorney at law naming therein the fee owners and other persons or entities having legal or equitable interest in the real estate affected, that necessary parties have joined in the plat, and that the title thereto is good and marketable.

(2) It shall be the developer's responsibility after the final plat, upon being accepted by resolution by the City Council shall thereafter be forthwith tendered to the County Recorder along with a copy of the resolution for its permanent entry upon the records of the county.

(3) Following final plat approval, the applicant may request final approval by the municipality and, upon the request, a municipality shall certify final approval within 60 days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If final approval is not certified within 60 days by the City Council, final approval shall be deemed granted and the subdivision plat may be recorded.

(E) The final plat for recording after approval by the Planning and Zoning Commission and City Council shall be drawn at current acceptable engineering design standards with a scale. The final plat shall measure 30 inches in length and 20 inches in width with a border line of two inches provided on the left side of the 30-inch length and a border of one-half inch provided on the other three sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets (i.e., two of three). The final plat shall be drawn to a scale not greater than 100 feet to the inch. (Example: one inch equals 200 feet would be unacceptable.)

(F) It shall be the developer's responsibility to ensure that the final plat is recorded within 12 months from the date of approval by the City Council. Failure to record within 12 months from date of approval necessitates resubmitting the subdivision for approval by both the Planning and Zoning Commission and the City Council.

(Prior Code, § 20.1-23) (Ord. 524, passed - -; Ord. 529, passed - -; Ord. 772, passed - -)

MINOR SUBDIVISION

(A) No subdivision of land involving a portion of a recorded subdivision plat, which is regulated by M.S. § 462.358, as may be amended from time to time, shall be made unless it complies with this chapter.

(B) This section is intended to provide for an expedited procedure for the subdivision of land by use of a certificate of survey when it is proposed to subdivide land in a recorded subdivision plat.

(C) The subdivider shall file with the Planning and Zoning Commission Secretary ten copies of the certificate of survey and the letter of application at least 20 days prior to the meeting of the Planning and Zoning Commission at which action is desired. A cash filing fee payable to the city shall accompany the subdivision application. This fee shall be in the amount set by resolution by the City Council and will be used for public expense and/or development fees in connection with the subdivision's consideration by the Planning and Zoning Commission and City Council.

(D) The Planning and Zoning Commission Secretary shall call a public hearing and transmit copies of the certificate of survey and letter of application and to the Planning and Zoning Commission, all affected city boards, commissions and departments for their review and recommendations concerning the matter within their jurisdiction. Comments shall be transmitted to the Planning and Zoning Commission within eight days from the date the certificate of survey and letter of application are received. Failure to comment, by those notified, within the allotted eight days shall be construed as approval of the subdivision activities.

(E) After the public hearing and review, the Planning and Zoning Commission shall make a recommendation to the City Council to approve, approve with conditions or not approve the subdivision activities.

(F) The City Council shall, within 120 days, after receiving recommendations from the Planning and Zoning Commission approve, approve with conditions or not approve the subdivision activities.

(G) (1) No subdivision of land shall result in the creation of a substandard (non-buildable) lot, according to the current zoning classification, with the exception of existing outlots.

(2) Land to be subdivided as a minor subdivision shall be a lot (or lots) of record in a recorded subdivision plat. The subdivision of land that is not part of a recorded plat requires the land to be platted or re-platted.

(3) The maximum number of parcels or building sites to be created from one platted lot shall not exceed three; and the maximum number of parcels or building sites to be created from two platted lots shall not exceed three,

(4) Any affected lot or outlot shall not be allowed to be subdivided by use of a certificate of survey more than one time.

(5) The need for general utility easements or drainage easements or improvements shall be resolved prior to the approval of the subdivision.

(6) The dedication of land to the public for a street or street right-of-way shall not be allowed by use of a certificate of survey.

(7) Assessments shall be paid in full prior to the approval of the subdivision.

(H) The certificate of survey for filing or recording shall be drawn at current acceptable engineering design standards with a scale. The certificate of survey shall measure no less than eight and one-half inches by 11 inches. The certificate of survey shall be drawn to a scale not greater than 100 feet to the inch unless another suitable scale is approved by the City Engineer and/or Planning and Zoning Commission. (Example: one inch equals 200 feet would be unacceptable.)

(I) Upon approval of a minor subdivision:

(1) The city shall file and record the certificate of survey with attached legal descriptions within 30 days from the date of approval by the City Council. One copy shall be filed with the City Administrator, and one copy shall be recorded with the County Recorder. All fees for filing or recording shall be paid by the subdivider.

(2) The City Administrator shall file the certificate of survey and attached legal descriptions with the original subdivision plat map in the Administrator's office within 30 days from the date of approval by the City Council.

(J) No building permits shall be issued prior to filing and recording the certificate of survey, and legal descriptions, with the required city and county officials.

(Prior Code, § 20.1-24) (Ord. 711, passed - -; Ord. 762, passed - -; Ord. 772, passed - -)

REZONE

(A) Generally. The 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 a district line. The 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 or changes in conditions in the city.

(B) Kinds of amendments.

- (1) A change in a district's boundary (rezoning);
- (2) A change in a district's regulations; and
- (3) A change in any other provision of this chapter.

(C) Initiation of proceedings. Proceedings for amending this chapter shall be initiated by at least one of the following three methods:

- (1) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed;
- (2) By recommendation of the Planning and Zoning Commission; and/or
- (3) By action of the Council.

(D) Required exhibits. The following exhibits shall be required for rezoning or district regulation changes initiated by property owners.

- (1) A completed application form;
- (2) A preliminary building and site development plan; if necessary the Planning and Zoning Commission or Council may also require a boundary survey of the property;
- (3) Evidence of ownership or enforceable option on the property; and
- (4) Other items as may be required by the city.

(E) Procedure. The procedure for a property owner to initiate a rezoning or district regulation change applying to this property is as follows.

- (1) The property owner or his or her agent shall meet with the Zoning Administrator to explain the situation, learn the procedures and obtain an application form.
- (2) The applicant shall file the completed application form together with required exhibits with the Zoning Administrator and shall pay a filing fee as established by the Council.
- (3) The Zoning Administrator shall review the application and, within ten business days after receiving the application, shall notify the applicant in writing if the application is not complete and what additional information is required.

(4) The city shall take action to approve or deny the application within 60 days of receiving a completed application. If the city cannot take action to approve or deny the application within 60 days of receiving the completed application, the city may extend the timeline for taking action before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification shall state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant in writing.

(5) When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall have notices of the hearing published in the legal newspaper at least once, not less than ten days and not more than 30 days prior to the hearing. The Council may waive the mailed notice requirements for a city-wide amendment to this chapter initiated by the Planning and Zoning Commission or City Council.

(6) The Zoning Administrator shall transmit the application and required exhibits to the Planning and Zoning Commission and shall notify all property owners within the affected zone and within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive the notification shall not invalidate the proceedings.

(7) The Planning and Zoning Commission shall hold the public hearing, and may table the application for further investigation if necessary, or the Commission shall recommend to the Council one of the three actions: approval, conditional approval or denial.

(8) The Council shall act upon the application within 30 days after receiving the recommendation of the Planning and Zoning Commission.

(9) No application of a property owner for an amendment to the text of this chapter or the zoning map shall be considered by the Planning and Zoning Commission within the one-year period following a denial of the request, except the Planning and Zoning Commission may permit a new application, if, in the opinion of the Planning and Zoning Commission, new evidence or a change of circumstances warrant it.

(Prior Code, § 24-17) (Ord. 728, passed - -)

FOR OFFICE USE ONLY

	SUBMISSION DEADLINE	ACTION	MEETING DATE/TIME
		Public hearing notice published	
		Public hearing notices mailed	
		Technical Review	
		Preliminary Plat Public Hearing	
		Preliminary Plat review	
		Final Plat Public Hearing	
		Final Plat review	

Recommended _____ Denied _____ by the Planning Commission on _____.
Approved _____ Denied _____ by the City Council on _____.

If approved, the following conditions were prescribed:

1. _____
2. _____
3. _____
4. _____

If denied, denial was for the following reason(s)

1. _____
2. _____
3. _____
4. _____