

EXECUTIVE SUMMARY – UPDATES TO KASSON ORDINANCES

Below is a summary of major changes to Chapters 150 – 154 of the Kasson City Code. For details on these changes, please see the redlined draft or clean draft of the ordinances.

CHAPTER 150 DEFINITIONS

This is a new chapter – previous updates to the code had tried to compile all definitions into one section, however, it sat as a section within the Building Regulations; Construction chapter. Now, as its own chapter, these definitions can stand on their own, and apply across the title (chapters 150-154).

- Outdated definitions have been updated with modern language
- Definitions for new uses and other new terms have been added

CHAPTER 151 BUILDING REGULATIONS; CONSTRUCTION

This Chapter's contents have not changed, except for a few minor referenced. The Chapter number has updated to 151, as the new chapter 150, definitions, precedes it.

CHAPTER 152 MANUFACTURED HOMES

This Chapter's contents have not changed, except for the updating of the term "mobile home" to "manufactured home," as is the term used by Minnesota Statute. The Chapter number has updated to 152.

CHAPTER 153 SUBDIVISIONS

The changes to this Chapter were made with the intention of making processes and requirements clearer. Numbering throughout has updated to match the new numbering function, as well to reflect the updated chapter number, 153.

ARTICLE 01 GENERAL PROVISIONS

PART 1 INTRODUCTORY PROVISIONS

There have been no changes to the first three sections of this article: Purpose, Authority, Administration, and Amendments

PART 2 COMMON PROCEDURES AND REQUIREMENTS

The sections within this Part are essentially all new, except for 153.01.23, Fees. These sections are established so that they may be referenced again for specific procedures. For example, the elements of a pre-application meeting are described here, rather than having descriptions for every procedure in the chapter.

PART 3 SUBDIVISION APPROVAL REQUIRED

The sections within this Part are entirely new. They specifically detail what is needed for a Development Agreement, Financial Guarantee, Basic Infrastructure, Warranty/Maintenance Guarantee, and Insurance. This part will need particular review by the City Attorney prior to adoption.

ARTICLE 02 REVIEW PROCESS

The changes within this article have been to make all of the different subdivision procedures formatted in the same way, so they could be easily compared and understood. Existing procedures have not been significantly changed, but the details and descriptions of each procedure have been expanded and standardized. Review Criteria have been added and clarified for each procedure; these criteria should be considered for each application, and used to develop the “findings of fact” for any decision taken by the City Council.

PART 1 MINOR SUBDIVISIONS

No major changes to the intent of Minor Subdivisions; however, wording was majorly updated. In general, minor subdivisions enable areas that have already been platted to be further subdivided, as long as they do not create more than two new lots (three lots in total). This process allows for the applicant to only submit a Certificate of Survey for the new lots, rather than an entire new Plat document. The process does not require a public hearing, but the application still goes before the Planning and Zoning Commission for recommendation, and the City Council for approval.

PART 2 CONCEPT PLAN

The procedure of “Concept Plan” has replaced the “General Development Plan” in the existing ordinance. The term “General Development Plan” was confusing, as it’s commonly used with

Planned Unit Developments, not subdivisions in general. The term “Concept Plan” helps clarify the intention of this procedure: to provide developers a low-cost early opportunity to show City Staff, the Planning and Zoning Commission, and City Council what they are thinking for future development and for those entities to give feedback, including in particular their thoughts as to whether the concept achieves the City’s zoning and subdivision intent. This process does not require a public hearing. There is also no “action” on the part of the Planning and Zoning Commission or City Council; no Concept Plan is “approved,” and does not entitle developers to develop that concept.

PART 3 PRELIMINARY PLAT

Again, this procedure has not had any major changes, but the wording and format of the sections have changed significantly. Preliminary Plats are the most important part of the subdivision process, as its approval entitles developers to develop their property in compliance with the preliminary plat. With that in mind, the specific elements required of submittal have been expanded and clarified, to ensure that the City gets full applications with all required elements to make an informed decision. A Preliminary Plat requires a public hearing with the Planning and Zoning Commission, and approval by the City Council.

PART 4 FINAL PLAT

The Final Plat procedure has not changed significantly. The Final Plat is intended to be a complete, finalized version of the Preliminary Plat that meets the requirements to be recorded. Also important is to note that as long as the Final Plat substantially complies with the Preliminary Plat and meets the Preliminary Plat conditions, the developer is entitled to the Final Plat’s approval. The Final Plat does not have a public hearing, nor does it require Planning and Zoning review; instead, it just goes before City Council for review and approval once City Staff have determined it to be complete. The approval of the Final Plat is also the time that the City Attorney and applicant finalize and record the Development Agreement for the subdivision.

PART 5 VARIANCES

The procedure of subdivision variances has not changed significantly, but the sections have been expanded to fit the format of other procedures.

ARTICLE 03 SUBDIVISION DESIGN STANDARDS

The various design standards within this Article are a combination of existing standards and additional standards that help achieve the City’s goals. For the most part, existing standards have just been reorganized and supplemented with additional standards to help clarify the City’s standards.

PART 1 GENERAL STANDARDS

These sections have generally been added, to provide further information to applicants as a best practice.

PART 2 BLOCKS AND LOTS

Addition addressing Outlots, which are not buildable.

PART 3 EASEMENTS & UTILITIES

Minor changes based off of City Engineer comments.

PART 4 STREET DESIGN

These sections have mostly been reorganized to make the standards easier to understand. Minor updates based off of City Engineer comments

PART 5 STORMWATER, SURFACE WATER, DRAINAGE, WATER QUALITY, AND EROSION CONTROL

The sections within this part are a combination of existing standards and additional standards. Issues of stormwater management, especially during the subdivision process, were highlighted at the beginning of this project as a priority for the City. The City Engineer has substantially revised the language within this section to help the City meet its goals.

ARTICLE 04 LAND DEDICATION

PART 1 GENERAL STANDARDS

The sections regarding Land Dedication have been moved to their own Article, as they do not really fit under any of the other Articles. Few changes were made to this section.

CHAPTER 154 ZONING

The Zoning Chapter of the code saw significant changes throughout. The intention of these changes was to:

1. Establish clear procedures that would be easy for City Staff to administer and for the public to understand
2. Create tables to easily compare uses, lot dimensional standards, and site dimensional standards across districts
3. Provide development and performance standards that apply across uses and districts, as well as use-specific standards that apply across districts

ARTICLE 01 GENERAL PROVISIONS

In general, not many changes were made to this Article. More specific language regarding abrogation and severability were added under Part 1: Title and Authority. The Nonconformities section was also moved to Part 2: Interpretation.

ARTICLE 02 ADMINISTRATION AND ENFORCEMENT

This article has some significant changes that will have an impact on how City Staff and the Planning and Zoning Commission will administer the zoning ordinance.

- In general, each procedure has been updated to include the same structure; this will make it easier to compare procedures and should make it easier for applicants to understand.
- Criteria for a complete application and criteria for review have been separated out for each application type
 - Criteria for a complete application are the application materials needed.
 - Criteria for review include the considerations and the findings of fact that should direct the Planning and Zoning Commission on their recommendation and the City Council on their decision.

PART 1 ADMINISTRATION

No major changes have been made to this Part, the roles and responsibilities of each level of Administration remains relatively the same, but wording has been updated to further clarify roles. Enforcement Sections have been added and expanded in order to protect the City in the administration of the ordinance.

PART 2 PROCEDURES

The sections within this part have been updated significantly.

- General provisions, that can apply to many different procedures, such as a description of a public hearing, have been moved here rather than repeated across procedures
- One new procedure has been added:
 - Site Plan Review – this procedure is for any site alteration, construction, or change in use for properties that have three or more residential units or are non-residential. This is the process that will be used for uses labeled as “permitted with standards.” It is reviewed and approved by the Zoning Administrator. This process may be done concurrently with a building permit, but also has the ability to review zoning items even when a building permit is not needed.
- Procedures for PUD have been added here
 - PUDs are changing from a Conditional Use Permit (quasi-judicial) to a Rezoning (legislative action) – more details on that when we review Special Zoning Districts.

PART 3 ENFORCEMENT

Enforcement Sections have been added and expanded in order to protect the City in the administration of the ordinance.

ARTICLE 03 ZONING DISTRICTS

The sections within this article have moved within the code, but most of the features remain the same. The existing Agriculture district has been changed to “Development Holding District,” with more information in the following article. PUDs have also been moved to Special Districts

ARTICLE 04 BASE DISTRICTS

This Article provides a new approach to how Zoning Districts will be organized within the Code. Rather than have each zoning district list uses and lot standards, these elements have been combined into easy-to-read tables, so that City Staff and applicants can compare across districts easily.

PART 1 GENERAL PROVISIONS

The purpose statements for each base zoning district have been moved here. As mentioned above, the Agriculture District has been replaced with the Development Holding District (DH). The DH District will allow for existing uses that come in under annexation to continue on the property, but new uses are not allowed until the property is rezoned in compliance with the Comprehensive Plan. Other districts that have changed:

- R-2 District has been renamed R-1A
- A new R-2 District has been added to accommodate a wider variety of low- to medium-density housing types (twin homes, townhouses, and small apartments)
- The C-2 District has an updated purposed statement, focusing on commercial uses along Highway 57
- C-M District has been renamed I-1
- M-1 District has been renamed I-2

PART 2 USES

Changes to the organization of the base zoning districts continue, with all uses now put into an easy-to-read table, allowing applicants to compare across zoning districts. A new type of use has been added to the code: “permitted with standards” – these uses are administratively reviewed and approved, but have additional standards beyond just the zoning district standards and the development standards. These are called, “use-specific standards” and are listed in Article 06; conditional use permits also have use-specific standards, but are held to a higher degree of review, as they require a public hearing and approval by the City Council.

Finally, as no uses but existing uses are allowed to continue within the Development Holding District, special provisions specifically for this district are established within this Part.

PART 3 LOT AND SITE DIMENSION STANDARDS

All district-specific lot dimensional standards (lot area, lot width) and site dimensional standards (yard setbacks, impervious surfaces, etc.) have been compiled and moved to these sections. In general, few dimensions have changed from the existing standards, however, some have been modernized or filled in where they were previously missing.

ARTICLE 05 SPECIAL DISTRICTS

This Article contains the zoning districts that may still refer to one of the base zoning districts, but have additional provisions tied to them as well.

PART 1 FLOODPLAIN MANAGEMENT DISTRICTS

This part was moved from the existing Chapter 153 in its entirety. The scope of this project was not to make any changes to these standards, as the County and DNR are working on updating the Floodplain maps and may also identify new standards. In general, the administrative section of this Part should likely be removed or combined with Article 02 Administration and Enforcement, but that can be addressed at the time of the new floodplain maps.

PART 2 PLANNED UNIT DEVELOPMENTS

One of the significant changes of this ordinance update is moving PUDs from processing them as a Conditional Use Permit to processing them as rezonings. Rezonings, which are considered amendments to the zoning ordinance, are a legislative action, while CUPs are a quasi-judicial action. Processing PUDs as a rezoning will allow for the specifics of the PUD (whether it's different setbacks, additional uses, etc.) to be established and then adopted as part of the zoning ordinance.

All existing PUDs will remain as they are, with their conditions of approval still in place – they will, however, be rezoned to the “Planned Unit Development Fixed District,” which allows them to continue as is. All new PUDs will be adopted as their own individual PUD ordinance (PUD-1, PUD-2, etc.) and added as a new section at the end of this Part. The City Attorney still needs to give special attention to the review of this Part, as the transition from CUP to rezoning should be carefully considered.

ARTICLE 06 USE-SPECIFIC STANDARDS

All uses established in Article 04, Part 2, that are permitted with standards or a conditional use permit, will have use-specific standards addressed in this Article. These standards apply to the use, no matter which zoning district. Many of these standards were already established within the ordinance, new standards have been identified, where needed.

ARTICLE 07 DEVELOPMENT STANDARDS

Development standards are zoning standards that apply despite the use or the zoning district. These are where we address things like noise, glare, landscaping, buffers, fences, and off-street parking. The off-street parking standards have been updated to include standards for all uses listed in the use table, with some required minimum parking standards slightly decreased. The landscaping, bufferyard and fences sections have all been updated to help clarify the requirements for each.

ARTICLE 08 SIGN REGULATIONS

The regulations regarding signs have not changed from the existing ordinance. The provisions, however, have been moved to their own Article, as Signs have specific regulations to them outside of uses and development standards.