

**City of Kasson
Code of Ordinances**

CHAPTER 154 ZONING

154.01.11 Title

CHAPTER 154 ZONING

ARTICLE 01 GENERAL PROVISIONS

PART 1 TITLE AND AUTHORITY

154.01.11 Title

This Chapter shall be known as the "Kasson Zoning Ordinance" except as referred to herein, where it shall be known as "this Chapter".

154.01.12 Authority

Pursuant to the authority conferred by M.S. § 462.357, Laws of 1965, as may be amended from time to time, this Chapter is enacted.

154.01.13 Intent and Purpose

The intent of this Chapter is to:

- (A) Protect the public health, safety and general welfare of the community and people in the city;
- (B) Promote orderly development and redevelopment;
- (C) Promote, protect and conserve the character and preserve and enhance the stability of properties and areas within the city;
- (D) Prevent overcrowding of land and undue concentrations of structures by regulating land, buildings, yards and density of population;
- (E) Provide adequate light, air and convenience of access to property;
- (F) Prevent congestion in the public right-of-way;
- (G) Provide for compatibility of different land uses;
- (H) Protect against fire, explosion, noxious fumes and pollution of the environment;
- (I) Promote a visually pleasing environment throughout the community;
- (J) Provide for administration of this Chapter;
- (K) Provide for amendments; and
- (L) Prescribe penalties for violation of regulations.

154.01.14 Jurisdiction and Compliance

(A) Jurisdiction

The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the City of Kasson.

(B) Compliance

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154.01.15 Abrogation and Greater Restrictions

No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a proper zoning permit and full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.

154.01.15 Abrogation and Greater Restrictions

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

154.01.16 Severability and Non Liability

- (A) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (B) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- (C) The City does not guarantee, warrant or represent that only those areas designated as flood lands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City of Kasson, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

154.01.17 Relief from Personal Responsibility

- (A) Any claim based upon an act or omission of an officer or employee exercising due care in the execution of any valid or invalid portions of this Chapter and any claim based upon the performance or the failure to exercise or perform a discretionary function or duty whether or not the discretion is abused, are enumerated as exceptions to M.S. § 466.02, as may be amended from time to time, and the section does not apply.
- (B) The City shall defend, save harmless and indemnify any of its officers or employees whether elected or appointed, against any tort claim or demand whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of duty in the enforcement and administration of this Chapter, except as provided in M.S. § 466.07, as may be amended from time to time.

PART 2 INTERPRETATION

154.01.21 General Application

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154.01.22 Relationship to the Comprehensive Plan

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Kasson.

154.01.22 Relationship to the Comprehensive Plan

The regulations established herein are derived from and established in accordance with the City of Kasson Comprehensive Plan. This Title provides regulations to implement the goals, objectives, policies and recommendations of the City of Kasson Comprehensive Plan. References to the contents of the City of Kasson Comprehensive Plan are contained herein.

154.01.23 Repeal, Effective Date, and Transition Standards

(A) All other Ordinances or parts of Ordinances of the City inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

(B) Permits

The provisions of this Chapter shall apply to all permits filed on or after [MONTH DAY, 2020]. Permit applications on file before [MONTH DAY, 2020] shall be reviewed for compliance with the Title effective at the time of filing.

154.01.24 Conflicting Regulations or Provisions

(A) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements. Wherever the Chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the Chapter shall govern except as otherwise provided in State Statutes or Rules.

(B) Where the provisions of state law or other City regulation or ordinance set higher standards than those of this Chapter, the provisions of the laws, regulations or ordinances shall apply.

154.01.25 Use of Graphics, Illustrations, Figures, Photos, and Cross-References

(A) Graphics, illustrations, figures, and photos are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, figure, or photo, the text shall control.

(B) In some instances, cross-references between chapters, articles, parts, sections, and subsections are provided that include the chapter, division, section or subsection number along with the name of the reference. Where a conflict may occur between the given cross-reference number and name, the name shall control.

154.01.26 Nonconformities

(A) Purpose

(1) The purpose of this section is to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances

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and conditions under which nonconforming buildings, structures and uses will be operated and maintained.

- (2) This Chapter establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures and uses not be permitted to continue without restriction.
- (3) Furthermore, it is the intent of this Chapter that all nonconforming uses shall be eventually brought into conformity.

(B) Continuation

Any structure or use lawfully existing upon the effective date of this Chapter shall not be enlarged, but may be continued at the size and in the manner of operation existing upon the date, except as hereinafter specified, or subsequently amended.

(C) Extension

A nonconforming structure or use may be improved; provided, no structural alterations or changes are made therein, except those required by law or ordinance or such as may be required for safety or such as may be necessary to secure or ensure the continued advantageous use of the building during its natural life.

(D) Maintenance of building or structure

Normal maintenance of a building or structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not physically extend or intensify the nonconforming use.

(E) Damage to

- (1) Any nonconforming building or structure damaged more than 50 percent of its then appraised value, exclusive of foundations at the time of damage by fire, collapse, explosion or acts of God or public enemy, shall not be restored or reconstructed and used as before the happening.
- (2) If less than 50 percent damaged above the foundation, it may be restored, reconstructed or used as before; provided that:
 - (a) it is done within 12 months of the happening; and
 - (b) it be built of like or similar materials, or the architectural design and building materials are approved by the Planning and Zoning Commission.
- (3) The extent of damage or destruction shall be the mean of a value of damage determined by the Building Official and the insurance agent. Each shall submit a statement of the value of damage to the City.

(F) Change in use

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154.01.31 Established

- (1) A nonconforming use cannot be changed to a comparable nonconforming use.
- (2) Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use.
- (3)

(G) Discontinuance

In the event that a nonconforming use of any building, structure or land is discontinued for a period of one year, any future use of the building, structure or land shall be made to conform with the provisions of this Chapter.

(H) Land

The nonconforming lawful use of land where a structure thereon is now so employed or existing at the time that this Chapter becomes effective may be continued provided:

- (1) The nonconforming use of land shall not, in any way, be expanded, extended or intensified either on the same or adjoining property; and
- (2) If the nonconforming use of land, existing at the time this Chapter became effective, is thereafter discontinued or changed, then the future use of the land shall be in conformity with the provisions of this Chapter.

(I) Zone changes

The foregoing provisions relative to nonconforming uses shall apply to structures, buildings, land and uses which hereafter become nonconforming due to classification or reclassification of districts under this Chapter.

PART 3 OFFICIAL MAP

154.01.31 Established

- (A) The City of Kasson is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the City of Kasson, as may be updated periodically and all applicable amendments thereto and made a part of this Chapter.
- (B) The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Zoning Ordinance and shall have the same force and effect as if the matters and information set forth by said map were fully described herein.
- (C) The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Ordinance in the office of the City Clerk of the City of Kasson.

154.01.32 Map Interpretation

- (A) Except where referenced on the zoning map to lot lines or other designated lines by dimensions shown on the map, the district boundary lines follow the centerline of railroad right-of-way, streets, alleys, lakes or rivers as they existed at the time of the adoption of this Chapter.

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154.01.32 Map Interpretation

- (B) Questions concerning district boundary lines as shown on the zoning map shall be decided by the City Council after recommendation by the Planning and Zoning Commission.
- (C) Vacation of Streets and Alleys
 - (1) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
 - (2) Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the vacated area shall not be affected by the procedure.
- (D) Annexations

Annexations to or consolidations with the City subsequent to the effective date of this Chapter shall be placed in the D-H Development Holding District at the time of annexation, unless the Annexation Ordinance places the land in another district, in accordance with the Comprehensive Plan.

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154.02.11 General Administration System

ARTICLE 02 ADMINISTRATION AND ENFORCEMENT

PART 1 ADMINISTRATION

154.02.11 General Administration System

The provisions of this Chapter shall be administered by the City Zoning Administrator, who shall be appointed by the City Council, or by an authorized representative of the Zoning Administrator.

154.02.12 Zoning Administrator

The Zoning Administrator shall enforce this Chapter and shall perform the following duties:

- (A) Issue permits related to Land Use and Zoning and maintain record thereof;
- (B) Conduct inspections of land uses and site features such as structures, impervious surfaces, and fences to determine compliance with the terms of this Chapter;
- (C) Maintain permanent and current records of this Chapter, including, but not limited to: maps, amendments, conditional uses, variances, appeals and applications therefor;
- (D) Examine applications to amend this Chapter and/or the Official Zoning Map, applications for conditional use permits and variance requests;
- (E) Examine site plans required for land use or zoning applications, including any proposed construction, alteration, repair, and enlargement of structures, and examine proposed uses for compliance with the provisions of this Chapter and endorse thereon the date of approval;
- (F) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334, as may be amended from time to time; and
- (G) Provide notification to applicants the approval or denial of their land use or zoning request.

154.02.13 Roles of Specific City Bodies in Zoning Administration

- (A) Planning and Zoning Commission
 - (1) The Planning and Zoning Commission shall provide assistance to the City Council and Zoning Administrator in the administration of this Chapter and the recommendation of the Planning and Zoning Commission shall be advisory in nature. Specifically, the Planning and Zoning Commission shall review, hold public hearings and make recommendations to the Council on all applications for zoning amendments, variances and conditional use permits using the criteria in this Chapter.
 - (2) The Planning and Zoning Commission shall periodically prepare and file with the City Council a report on the operations of this Chapter, as amended, including,

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when necessary, recommendations as to the enactment of amendments or supplements thereto.

(B) City Council

The City Council, the governing body of the City, taking into consideration the recommendations by the Planning and Zoning Commission, has ultimate authority to:

- (1) Make changes and amendments in zoning districts, the zoning map and supplementary floodplain zoning map, and to amend the text of this Chapter.
- (2) Make decisions on the approval of Conditional Use Permits.
- (3) Serve as the Board of Adjustment and Appeals to make decisions on the approval of Variances.

(C) Board of Adjustments and Appeals

- (1) A Board of Adjustments and Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter.
- (2) The City Council shall serve as a Board of Adjustment and Appeals. The Board shall have the powers and duties as set forth in M.S. § 462.357, Subd. 6, and § 462.359, Subd. 4, as may be amended from time to time.
- (3) The Board of Adjustments and Appeals shall have the power to vary or adapt the strict application of any of the requirements of this Chapter in exceptional cases where strict application would result in practical difficulty depriving the owner of the reasonable use of his or her land or building involved, but in no other uses except as specifically described.

PART 2 PROCEDURES

154.02.21 General Provisions

(A) Applicability

The requirements of this Chapter shall apply to all land use and zoning applications and procedures subject to review under this Chapter unless otherwise stated.

(B) Permits Required

Property owners or their agents shall obtain all required local, state, and federal permits prior to initiating any activities on their site.

(C) Authority to File Applications

- (1) Land use and zoning applications for an individual property may be initiated by:
 - (a) The owner of the property that is the subject of the application; or

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- (b) An agent authorized by the owner of the property that is the subject of the application, which may include a lessee of the property. Evidence of such authorization shall be the signature of the property owner.
 - (c) If the property subject to an application is under more than one ownership, all owners or their authorized agents shall join in filing the application.
 - (2) The Planning and Zoning Commission and City Council may initiate text and map amendments to this Chapter. If the subject of the amendment is a specific site or project, the Planning and Zoning Commission or City Council may initiate amendments with or without application from the owner.
- (D) Pre-application Meetings

A pre-application meeting is an informal discussion between a potential applicant and City staff regarding a possible project subject to this Chapter. The Zoning Administrator shall determine which City staff shall attend the pre-application meeting.

 - (1) The purpose of the pre-application meeting is to assist the applicant in identifying the type of approvals needed, the potential review criteria, and the information to be contained in the application(s).
 - (2) Discussions that occur during pre-application meetings are not binding on the City and do not constitute official assurances or representations on the City.
 - (3) Pre-application meetings are required or recommended based on application type.
- (E) Application Materials and Fees
 - (1) Each application for a permit or approval, or for an amendment of a permit or approval, shall include all those application materials listed in the “Criteria for Complete Submittal” subsection of each land use and zoning application described in § 154.02.22 through § 154.02.27.
 - (2) The City may reject an application not meeting the requirements of this Chapter or where the required fee or escrow has not been paid.
 - (3) Fees
 - (a) To defray administrative costs of processing of requests for variances, conditional uses and amendments to the official zoning map and text of this Chapter a base fee shall be paid by all applicants. The fee shall be set by ordinance of the City Council, as it may be amended from time to time.
 - (b) In order to defray the additional cost of processing applications (amendment, conditional use, variance, appeal) for development, all applicants shall pay the total cost of all materials for the request.
 - (i) Materials shall include, but not be limited to maps, graphs, charts, drawings and the like and all printing or reproduction of such materials.

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- (c) Fees shall be payable at the time applications are filed with the Zoning Administrator.
 - (i) No application shall be processed until the established fee has been paid.
 - (ii) A deposit to cover special materials will be established and required by the Zoning Administrator at the time the base fee is paid, if necessary.
- (F) Coordination of Applications
 - (1) Depending on the requirements of this Chapter, multiple applications may be required.
 - (2) The Zoning Administrator shall determine the order of application review based on the City Code, including this Chapter, and state requirements. Where possible, applications will be reviewed in tandem.
- (G) Technical Assistance

In making its decision, the City may determine that technical assistance is needed. The City may request assistance from any source that is qualified to provide it. The applicant shall be responsible for the cost of such technical assistance.
- (H) Withdrawal of any Applications
 - (1) Any request for withdrawal of an application shall be submitted in writing to the Zoning Administrator.
 - (2) In all cases where the applicant has requested withdrawal of an application, the associated fee paid and any costs incurred by the City in the processing of an application shall not be refunded.
- (I) 60-Day Rule
 - (1) In compliance with M.S. § 15.99, as may be amended from time to time, the City shall take action to approve or deny applications for conditional use permit, variances, and zoning amendments within 60 days of receiving a completed application.
 - (2) 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.
- (J) Public Hearing

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For all land use and zoning procedures which require a public hearing, the following shall apply:

- (1) Notice of the public hearing shall be published in the official newspaper of the municipality at least ten days prior to the date of the hearing.
- (2) The notice shall also be mailed not less than ten days to all property owners of record according to the county assessment records within 350 feet of the property.
- (3) A copy of the notice and list of the individuals and/or property owners and addresses to which the notices were sent shall be attested to by the Zoning Administrator and made part of official record. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this Chapter has been made.
- (4) Each required notice shall include the following information:
 - (a) The name of the applicant.
 - (b) The address, property identification number, or other method of clearly identifying the property.
 - (c) The type of approval being sought.
 - (d) Contact information where additional information can be obtained.
 - (e) Date, time, and location of the public hearing.
 - (f) Right and procedure to receive notice of any appeal.
- (5) In the case of an appeal, mailed notice shall also be provided to any interested parties who have notified the City in writing that they would like to receive notice of the appeal.
- (6) If the application pertains to land within the Floodplain Management Overlay District under local management control, a copy of the application and notice of hearing shall be provided to the Minnesota Department of Natural Resources (DNR). The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(K) Notification of Decision

The Zoning Administrator shall provide notification to applicants the approval or denial of their land use or zoning request; if the request is denied, the Zoning Administrator shall notify the applicant in writing stating the reason for denial.

(L) Resubmittal of Denied Application

No land use or zoning application which has been denied wholly or in part may be resubmitted for at least one year from the date of its denial, unless substantial changes

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have been made which warrant reconsideration, as determined by the Zoning Administrator.

(M) Appeals

- (1) Appeals shall be taken within such time as shall be prescribed by the Board of Adjustments and Appeals by general rule, by filing with the Board a notice of appeal specifying the grounds thereon.
- (2) The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and to the Planning and Zoning Commission and shall decide the same within a reasonable time.
- (3) The Board of Adjustments and Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination, as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer, commission or Council, from whom the appeal was taken and may issue or correct the issuance of a permit or take such other action as may be called for by the procedure in question.
- (4) The reason for the Board's decision shall be stated in writing.
- (5) Any person having an interest affected by the decision shall have the right to appeal to the District Court for the county.

154.02.22 Site Plan Review

(A) Applicability

- (1) Site Plan Review approval shall be required for all site alterations, construction, and change of uses for residential properties with three or more units and any non-residential properties.
- (2) This review may be part of a building permit approval process, or may be for land use and zoning activities not requiring a building permit, such as installation of fences and construction of impervious surfaces on a property.

(B) Pre-Application Meeting

A pre-application meeting pursuant to § 154.02.21(D) is recommended prior to submitting a Site Plan Review application.

(C) Submittal

- (1) 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, for processing the Site Plan Review application.

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- (2) The Zoning Administrator shall review the application and within 15 business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.
 - (3) Criteria for Complete Submittal
No submittal to the City shall be considered complete without receipt of the following:
 - (a) A completed application form;
 - (b) Evidence of ownership or enforceable option on the property;
 - (c) A survey/site plan, to-scale, of the property, with the following:
 - (i) Property boundary.
 - (ii) Locations and dimensions of existing features, such as structures, impervious surfaces, fences/retaining walls, waterbodies and wetlands.
 - (iii) Locations and dimensions of proposed features, such as structures, impervious surfaces, fences/retaining walls, refuse storage areas.
 - (d) Additional elements, as may be required depending on the site and proposed use. These may be included within the site plan or as separate plan documents:
 - (i) Grading and drainage plan showing existing and proposed topography at two-foot contours.
 - (ii) Parking, Loading, and Circulation Plan.
 - (iii) Screening and Bufferyard Landscaping Plan.
 - (iv) Utility Plan.
- (D) Review Process
- (1) Review and Decision
 - (a) When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall review the application for compliance with the applicable zoning standards of this Chapter and shall have the authority to approve or deny the application.
 - (b) Before granting any site approval, the Zoning Administrator may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Director of Public Works or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities.

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(2) Criteria for Review

In reviewing the application and materials for approval, the Zoning Administrator shall consider the following:

- (a) Compliance with the zoning standards of the base zoning district and any special district, including but not limited to: lot size, setbacks, building height, and impervious surface coverage.
- (b) Compliance with applicable use-specific standards, as detailed in Article 06 of this Chapter, Use Specific Standards.
- (c) Compliance with development standards, as detailed in Article 04 of this Chapter, which include, but are not limited to: general performance standards, parking, loading, and circulation standards, and screening and bufferyard landscaping standards.

(E) Issuance of Decision

(1) Notification

Upon decision of approval of the Site Plan Review application, the Zoning Administrator shall notify the applicant of approval and that the proposed activity may commence.

- (a) If the Site Plan Review be part of a building permit application process, commencement of proposed activity shall not be permitted until both the Site Plan Review and building permit are fully approved.
- (b) Should the decision of the Zoning Administrator be denial of the application, the Zoning Administrator shall provide the applicant reason for denial in writing.

(2) Recording

The City shall maintain a record of all approved Site Plan Review applications including a copy of the application, materials, review dates and such other information as may be appropriate. A record of applications which were not approved shall also be maintained for record keeping purposes.

- (a) If the Site Plan Review is for a use with use-specific standards, as listed within Article 06 of this Chapter, those standards and the application's compliance with those standards shall be included within the record maintained by the City.

(3) Effect of Approval

- (a) Approval of a Site plan review application shall expire in 12 months unless substantial work has commenced, or in 24 months after approval if the structure for which the Site Plan Review has been approved is not

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substantially completed. In the event of expiration, the applicant shall reapply for a Site Plan Review before commencing work on the structure.

- (b) Should the use of the property change or circumstances of the site differ from the approved Site Plan Review, including compliance with the use-specific standards listed in Article 06 of this Chapter, the approval shall no longer be considered upheld and the Zoning Administrator shall proceed through enforcement actions as described in §154.02.31 through § 154.02.35.

154.02.23 Conditional Use Permits

(A) Applicability

The purpose of a Conditional Use Permit is to permit a use that would not be appropriate generally, but may be allowed with appropriate restrictions upon finding that:

- (1) Certain conditions as detailed in this Chapter exist;
- (2) The use or development conforms to the Comprehensive Plan; and
- (3) Is compatible with the existing area.

(B) Pre-Application Meeting

A pre-application meeting pursuant to § 154.02.21(D) is required prior to submitting a Conditional Use Permit application.

(C) Submittal

- (1) 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 City Council, for processing the conditional use application.
- (2) The Zoning Administrator shall review the application and within 15 business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.

(3) Criteria for Complete Submittal

No submittal to the City shall be considered complete without receipt of the following:

- (a) A completed application form;
- (b) An accurate boundary description of the property;
- (c) Evidence of ownership or enforceable option on the property;
- (d) A development plan of the property showing the existing or proposed buildings, streets, access roads, driveways, parking spaces and signs;
- (e) Landscaping and screening plans; and

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- (f) Any submittal materials pertaining to a Site Plan Review, as listed in § 154.02.22, as may be required at the discretion of the Zoning Administrator.
 - (g) Any additional information deemed necessary by the Zoning Administrator to determine the suitability of the particular site for the proposed use.
- (D) Review Process
- (1) Application Distributed

When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.
 - (2) Hearing on Application
 - (a) When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall give all required notice in compliance with § 154.02.21(J)
 - (b) The Planning and Zoning Commission shall hold the public hearing and may table the application if necessary to study the application to determine possible adverse effects of the proposed conditional use and determine what additional requirements may be necessary to reduce any adverse effects.
 - (3) Review and Decision
 - (a) Upon the conclusion of the public hearing, the Planning and Zoning Commission shall recommend to the City Council either approval of the Conditional Use Permit, approval of the Conditional Use Permit subject to amended or conditions, or denial of the Conditional Use Permit.
 - (b) The City Council shall act upon the application within 30 days after receiving the recommendation of the Planning and Zoning Commission.
 - (4) Criteria for Review
 - (a) In making the determination, whether or not the conditional use is to be allowed, the City Council shall consider:
 - (i) The effects of the proposed use on the Comprehensive Plan; and
 - (ii) The effects of the proposed use upon the health, safety and general welfare of occupants of surrounding lands.
 - (b) Among other things, the City Council shall make the following findings where applicable:
 - (i) The proposed conditional use meets all of the applicable use-specific standards listed within Article 06 of this Chapter.

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- (ii) The use is not in conflict with the Comprehensive Plan of the City.
 - (iii) The use is consistent with the purpose of this Chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - (iv) The use will not cause traffic hazards and the traffic generated by the proposed use can be safely accommodated on existing or planned street systems; and the existing public roads providing access to the site will not need to be upgraded or improved by the City in order to handle the additional traffic generated by the use.
 - (v) Adequate measures have been taken or are proposed to prevent or control offensive odor, fumes, dust, noise, vibration or lighting which would otherwise disturb the use of neighboring property.
 - (vi) Adequate utilities, parking, drainage and other necessary facilities will be provided.
 - (vii) The proposed use will not impede the normal and orderly development or improvements of the surrounding property.
 - (viii) The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of the property.
 - (ix) The use will not disrupt the character of the neighborhood.
 - (x) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- (c) Additional conditions.

In permitting a new conditional use or in the amendment of an existing conditional use, the City may impose, in addition to the standards and requirements expressly specified by this Chapter, additional conditions which the City considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- (i) Increasing the required yard setback dimension;
- (ii) Limiting the height, size or location of the buildings;
- (iii) Controlling the location and number of vehicle access points;
- (iv) Increasing the street width;
- (v) Increasing the number of required off-street parking spaces;
- (vi) Limiting the number, size, location or lighting of signs;

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154.02.23 Conditional Use Permits

- (vii) Requiring diking, fencing, screening, berming, landscaping or other facilities to protect adjacent or nearby property;
 - (viii) Designating sites for open space; and
 - (ix) Limiting the hours of operation.
- (E) Issuance of Approval
 - (1) Recording
 - (a) The City shall maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the City; time limits, review dates and such other information as may be appropriate. A record of applications which were not approved shall also be maintained for record keeping purposes.
 - (b) All CUPs shall be issued pursuant to M.S. § 462.3595 as may be amended from time to time and a certified copy of any conditional use permit shall be recorded with the county recorder along with a legal description of the property subject to the CUP.
 - (2) Effect of Approval
 - (a) If a conditional use permit is approved or approved with additional conditions, all future use of the land and structures erected on the land pursuant to the permit shall comply with its terms and conditions.
 - (b) Revocation
 - (i) The City may call for the revocation a conditional use permit when it finds that at least one of the following circumstances exists:
 - a. Where a conditional use permit has been issued and no work thereon has commenced, or the use has not yet commenced, within 12 months of the date of granting the conditional use permit.
 - b. In the event that the applicant violates any of the conditions set forth in the conditional use permit.
 - (ii) Should revocation of a conditional use permit be called for, the Zoning Administrator shall set the date for a public hearing and shall give all required notice in compliance with § 154.02.21(J).
 - (iii) The public hearing shall be held by the Planning and Zoning Commission. If the Planning and Zoning Commission finds that the continuation of the conditional use is in violation of this Chapter, the Planning and Zoning Commission shall recommend the City Council revoke the conditional use permit.

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CHAPTER 154 ZONING

154.02.24 Variances

- (iv) The City Council shall act upon the recommendation of the Planning and Zoning Commission within 30 days of receiving the recommendation. The Zoning Administrator shall, in writing, inform the individual or party in question of the action of the Council and shall enforce the action taken.

154.02.24 Variances

(A) Applicability

The City Council, in its capacity as the Board of Adjustments and Appeals and 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.

(B) Practical Difficulty

(1) "Practical Difficulty" as used in connection with the granting of a Variance shall include all the following:

- (a) The property owner proposes to use the property in a reasonable manner that is not otherwise not permitted by an official control;
- (b) The plight of the property owner is due to circumstances unique to the property, not created by the property owner;
- (c) The Variance, if granted, will not alter the essential character of the locality;
- (d) The need for the Variance involves more than economic considerations.

(2) "Practical Difficulties" also means and includes, but is not limited to, inadequate access to direct sunlight for solar energy systems

(C) Pre-Application Meeting

A pre-application meeting pursuant to § 154.02.21(D) is required prior to submitting a Variance application.

(D) Submittal

- (1) 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, for processing the variance application.
- (2) The Zoning Administrator shall review the application and within 15 business days after receiving the application shall notify the applicant in writing if the application is not complete and what additional information is required.
- (3) Criteria for Complete Submittal

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154.02.24 Variances

No submittal to the City shall be considered complete without receipt of the following:

- (a) A completed application form;
- (b) An accurate boundary description;
- (c) Evidence of ownership or enforceable option on the property; and
- (d) An accurate drawing, at scale, showing property lines, location of existing buildings and proposed project.
- (e) A narrative by the applicant explaining why the situation of the subject property creates a practical difficulty, as identified in § 154.02.24(B), and requires a variance from the provisions of this Chapter.
- (f) Any submittal materials pertaining to a Site Plan Review, as listed in § 154.02.24, as may be required at the discretion of the Zoning Administrator.

(E) Review Process

(1) Application Distributed

When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.

(2) Hearing on Application

- (a) When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall give all required notice in compliance with § 154.02.21(J).
- (b) The Planning and Zoning Commission shall hold the public hearing, and may table the application for further investigation if necessary.

(3) Review and Decision

- (a) Upon the conclusion of the public hearing, the Planning and Zoning Commission shall recommend to the City Council, in its role as the Board of Adjustments and Appeals, either approval of the Variance, approval of the Variance subject to conditions, or denial of the Variance.
- (b) The City Council, in its role as the Board of Adjustment and Appeals, shall act upon the application within 30 days after receiving the recommendation of the Planning and Zoning Commission.
- (c) In granting the Variance, the City Council, in its role as the Board of Adjustment and Appeals, may impose additional conditions to ensure compliance with its decision and to protect adjacent properties. Such

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conditions must be directly related to and bear a rough proportionality to the impact created by the Variance.

(4) Criteria for Review

(a) In its consideration of a Variance request, the Planning and Zoning Commission shall consider the following questions when making their recommendation to the City Council:

- (i) Whether or not exceptional, unique or extraordinary circumstances apply to the physical surrounding, shape or topographic conditions of the parcel of land that result in practical difficulties for the owner?
- (ii) Whether or not the Variance requested will alter the essential character of the locality?
- (iii) Whether or not granting the Variance requested will:
 - a. Impair an adequate supply of light and air to adjacent property?
 - b. Substantially increase congestion in adjacent public streets?
 - c. Endanger the public safety?
 - d. Substantially diminish or impair property values within the vicinity?
- (iv) Whether the Variance requested is the minimum variance that would alleviate the practical difficulties?
- (v) Whether or not the Variance requested is consistent with the intent of this Chapter and the City's Comprehensive Plan?
- (vi) Whether or not the Variance requested provides for a reasonable and practical solution that eliminates the practical difficulties?

(b) In its consideration of a Variance request, the City Council shall make the following findings:

- (i) The proposed use is not prohibited in the zoning district in which the subject property is located.
- (ii) The Variance must be in harmony with the general purposes and intent of this ordinance.
- (iii) The terms of the Variance must be consistent with the Comprehensive Plan.
- (iv) The landowner must show that the Variance is necessary to alleviate the practical difficulties in complying with the official control.

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154.02.25 Zoning Amendments

(F) Issuance of Decision

(1) Recording

The City shall maintain a record of all Variances issued including information on the use, location and conditions imposed by the City; time limits, review dates and such other information as may be appropriate. A record of applications which were not approved shall also be maintained for record keeping purposes.

(2) Effect of Approval

(a) Approval of the Variance shall expire if no work thereon has commenced within 12 months of the date of approving the Variance.

(b) Should the property violate any conditions of approval for the Variance, the Zoning Administrator shall proceed through enforcement actions as described in § 154.03.31 through § 154.03.35.

154.02.25 Zoning Amendments

(A) Applicability

(1) 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.

(2) Types of amendments.

(a) A change in a district's boundary (rezoning);

(b) A change in a district's regulations; and

(c) A change in any other provision of this Chapter.

(3) Initiation of proceedings.

Proceedings for amending this Chapter shall be initiated by at least one of the following three methods:

(a) By petition of an owner or owners of property which is proposed to be rezoned, or for which district regulation changes are proposed;

(b) By recommendation of the Planning and Zoning Commission; and/or

(c) By action of the Council.

(B) Pre-Application Meeting

A pre-application meeting pursuant to § 154.02.21(D) is required for property owners initiating proceedings prior to submitting a Zoning Amendment application.

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154.02.25 Zoning Amendments

(C) Submittal

- (1) 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.
- (2) The Zoning Administrator shall review the application and, within 15 business days after receiving the application, shall notify the applicant in writing if the application is not complete and what additional information is required.

(3) Criteria for Complete Submittal

No submittal for rezoning or an amendment to district regulations initiated by property owners shall be considered complete without receipt of the following:

- (a) A completed application form;
- (b) Evidence of ownership or enforceable option on the property;
- (c) A description of the proposed future use of the site or amendment to this Chapter;
- (d) A narrative by the applicant describing how the requested rezoning/amendment complies with the guidance of the Comprehensive Plan;
- (e) If the amendment is related to a development, a preliminary building and site plan is required; and
- (f) Any additional information deemed necessary by the Zoning Administrator to determine the suitability of the particular site for the proposed use.

(D) Review Process

(1) Application Distributed

When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.

(2) Hearing on Application

- (a) When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall give all required notice in compliance with § 154.02.21(J).
- (b) The Planning and Zoning Commission shall hold the public hearing and may table the application if necessary to study the application to determine possible adverse effects of the proposed zoning amendment and determine what additional requirements may be necessary to reduce any adverse effects.

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154.02.25 Zoning Amendments

- (3) Review and Decision
 - (a) Upon the conclusion of the public hearing, the Planning and Zoning Commission shall recommend to the City Council either approval of the Rezoning/Zoning Amendment, or denial of the Zoning Amendment.
 - (b) The Council shall act upon the application within 30 days after receiving the recommendation of the Planning and Zoning Commission.
 - (i) A copy of the proposed ordinance shall be available for public view at the City Hall and posted online for public view at least ten days prior to the City Council meeting.
 - (ii) Amendments to this Chapter shall be by passage upon a simple majority vote of the City Council.
 - (c) The City shall take action to approve or deny the application within 60 days of receiving a completed application, as detailed within § 154.02.21(I).
 - (d) No resubmittal of an application for a zoning amendment shall be considered by the City within a one-year period following a denial of the request, except as provided within § 154.02.21(L).
- (4) Criteria for Review
 - (a) In making the determination, whether or not the zoning ordinance is to be amended, the City Council shall consider:
 - (i) The compliance of the zoning amendment with the overall guidance of the Comprehensive Plan.
 - (ii) The effect the zoning district as a whole would have on the site and adjacent sites.
 - (b) In making its determination, the City Council shall not utilize the preliminary building and site plan as reasoning to approve or deny the zoning amendment; furthermore, the approval or denial of a zoning amendment shall not be considered action taken nor approval given of a preliminary building and site plan.
- (E) Issuance of Decision
 - (1) Publishing and Recording
 - (a) A copy of the amended ordinance, or a summary publication as may be approved, shall be published in the local newspaper.
 - (b) The City Clerk shall maintain a record of all ordinances and amended ordinances related to this Title.

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154.02.26 Establishment of a Planned Unit Development (PUD)

- (i) The ordinances shall be reflected in online codification, which may be updated periodically.
- (ii) Copies of ordinances which have been adopted but not yet reflected in online codification shall be listed on the City's website and available at City Hall for public viewing.
- (c) The Zoning Administrator shall record any changes to the Official Zoning Map, which may be updated online periodically.
 - (i) A list of properties approved for rezoning but not yet reflected in the online copy of the Official Zoning Map shall be maintained by the Zoning Administrator and available at City Hall for public viewing.
 - (ii) The City shall maintain a record of all amendments to the zoning map for specific properties within a file for that specific property. A record of applications which were not approved shall also be maintained for record keeping purposes.
- (2) Effect of Approval

The approved zoning amendment shall be in effect on the publication date of the ordinance in the local newspaper, unless otherwise noted within the ordinance language.

154.02.26 Establishment of a Planned Unit Development (PUD)

(A) Applicability

The establishment of a Planned Unit Development (PUD) provides design flexibility to promote creative and efficient use of land. Planned Unit Development provisions are also intended to create public and private benefit by allowing improved site design; allowing developments on multiple lots to function as one coordinated site; facilitating protection of natural features; allowing flexibility from this Chapter for unique developments; and ensuring coordination of phased development.

(B) Pre-Application Meeting

- (1) A pre-application meeting pursuant to § 154.02.21(D) is required prior to submitting a Preliminary PUD Plan application.
- (2) During the pre-application meeting, the Zoning Administrator will determine if the proposed project is eligible for concurrent review of the Preliminary and Final PUD Plans.
- (3) Applicants may choose to use the Concept Plan process identified in § 153.02.21 through § 153.02.23 to solicit input from the Planning and Zoning Commission and City Council prior to submitting a Preliminary PUD Plan

(C) Preliminary PUD Plan

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154.02.26 Establishment of a Planned Unit Development (PUD)

- (1) The Preliminary PUD Plan shall show
- (2) Submittal
 - (a) For applications that involve the subdivision of land, requiring a Preliminary Plat, the two applications of a Preliminary Plat and a Preliminary PUD Plan may be combined; a complete submittal shall consist of all materials listed within § 153.02.33(C) and also shall include the following:
 - (i) Preliminary PUD Plan showing layout of entire proposed PUD, including any proposed phasing.
 - (ii) Building Plan showing proposed building locations, lot area, building setbacks, building height.
 - (iii) Description of any additional flexibility, including but not limited to: private streets and other common areas, uses, and development standards.
 - (b) For applications that do not require a concurrent Preliminary Plat, the Preliminary PUD Plan submittal shall include the following:
 - (i) Preliminary PUD Plan showing layout of entire proposed PUD, including any proposed phasing.
 - (ii) Building Plan showing proposed building locations, lot area, building setbacks, building height.
 - (iii) Description of any additional flexibility, including but not limited to: private streets and other common areas, uses, and development standards.
 - (iv) Preliminary Civil Plans
 - a. Grading Plan and Details, Erosion Control Plan, and Seeding Plan
 - b. Sanitary and Watermain Plan
 - c. Storm Sewer Schedule and Construction Plan
 - d. Drainage Plan (if applicable)
 - e. Street Construction Plan
 - f. Lighting and Signage Plan
 - g. Street and Utility Details
 - h. Landscaping and Open Space Plan
- (3) Review Process

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154.02.26 Establishment of a Planned Unit Development (PUD)

(a) Application Distributed

When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.

(b) Hearing on Application

(i) When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall set the date for a public hearing and shall give all required notice in compliance with § 154.02.21(J).

(ii) The Planning and Zoning Commission shall hold the public hearing and may table the application if necessary to study the application to determine possible adverse effects of the proposed PUD and determine what additional requirements may be necessary to reduce any adverse effects.

(c) Review and Decision of the Preliminary PUD Plan

(i) Following the public hearing, the Planning Commission shall recommend approval, conditional approval, or denial of the Preliminary PUD Plan and shall transmit the Plan and application along with its recommendations to the City Council.

(ii) Upon receiving a recommendation from the Planning and Zoning Commission, the City Council shall review and approve, approve conditionally, or deny the Preliminary PUD Plan application.

(iii) The City Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.

(iv) Following the decision by the City Council, the Zoning Administrator shall notify the applicant of the Council's action and reasons thereof.

(v) Criteria for Review

The City Council shall base its actions regarding a Preliminary PUD Plan upon the following criteria:

a. Compatibility of the PUD with the standards, purposes and intent of this Chapter;

b. Consistency of the PUD with the Comprehensive Plan's vision, mission, values, and policies;

c. The impact of the Plan on the neighborhood in which it is to be located;

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- d. The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, sidewalks, trails, buffering and landscaping; and
 - e. Other factors as the City deems relevant.
- (d) Effect of Preliminary PUD Plan Decision
- (i) Approval of the Preliminary PUD Plan by the Council shall constitute rezoning of the property to PUD and conceptual approval of the elements of the plan. While approval of the Preliminary PUD Plan shall establish the basic right of use for the area in conformity with the plan as approved, such plan shall be conditioned upon approval of a Final PUD Plan and shall not make permissible any of the uses as proposed until a Final PUD Plan is submitted and approved for all or a portion of the Preliminary PUD Plan.
 - (ii) The applicant shall submit the Final PUD Plan to the City Council within one year after the approval of the Preliminary PUD Plan or approval of the Preliminary PUD Plan shall be considered void unless an extension is requested in writing by the applicant and granted by the City Council.
- (e) Publishing and Recording of Rezoning and Text Amendment
- (i) A copy of the amended ordinance, or a summary publication as may be approved, shall be published in the local newspaper.
 - (ii) The City Clerk shall maintain a record of all ordinances and amended ordinances related to this Title.
 - a. The ordinances shall be reflected in online codification, which may be updated periodically.
 - b. Copies of ordinances which have been adopted but not yet reflected in online codification shall be listed on the City's website and available at City Hall for public viewing.
 - (iii) The Zoning Administrator shall record any changes to the Official Zoning Map, which may be updated online periodically.
 - a. A list of properties approved for rezoning but not yet reflected in the online copy of the Official Zoning Map shall be maintained by the Zoning Administrator and available at City Hall for public viewing.
 - b. The City shall maintain a record of all amendments to the zoning map for specific properties within a file for that

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specific property. A record of applications which were not approved shall also be maintained for record keeping purposes.

(f) Effect of Approval

The approved Rezoning and Text Amendment shall be in effect on the publication date of the ordinance in the local newspaper, unless otherwise noted within the ordinance language.

(D) Final PUD Plan

(1) Applicability

(a) An approved Preliminary PUD Plan shall be on file with the City prior to applying for a Final PUD Plan that substantially conforms to the Preliminary PUD Plan. Substantial conformance means:

- (i) The buildings, parking areas and roads are in essentially the same location as previously approved;
- (ii) Open space has not been decreased or altered significantly from its original design or use;
- (iii) The number of dwelling units, if any, has not increased or decreased by more than five percent;
- (iv) The floor area of nonresidential areas has not been increased or decreased by more than five percent;
- (v) No building has been increased in the number of floors; and
- (vi) Lot coverage of any individual building has not been increased or decreased by more than ten percent.

(b) Any Final PUD Plan that does not meet the criteria of substantial conformance with the Preliminary PUD Plan listed in § 154.02.26(D)(1)(a) shall be considered a major amendment and shall require the resubmittal of a Preliminary PUD Plan application, following the procedures of § 154.02.26(C).

(c) The Final PUD Plan may, if permitted by the City Council, constitute only that portion of the approved Preliminary PUD Plan which the applicant proposes to record at the time.

(2) Submittal

A complete Final PUD Plan application shall contain finalized versions of all Preliminary PUD Plan items listed in § 154.02.26(C)(2), meeting all additional

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conditions of approval of the City Council, and within substantial compliance of the approved Preliminary PUD Plan listed in § 154.02.26(D)(1)(a).

(3) Review Process and Decision

(a) Application Distributed

When the Zoning Administrator determines the application to be complete, the Zoning Administrator shall distribute the application and exhibits to any applicable City Staff, officials, and other government agencies for review and comment.

(b) Review and Decision

(i) The City Council shall review and approve, approve conditionally, or deny the Final Plan application.

(ii) The City Council shall state, in writing, its findings for approval or denial, as well as any conditions of approval.

(iii) Following the decision by the City Council, the Zoning Administrator shall notify the applicant of the Council's action and reasons thereof.

(c) Recording of Final PUD Plan

(i) No building permit shall be issued or development shall occur on land for which a PUD district has been approved which does not conform to the approved Final PUD Plan.

(ii) After the Final PUD Plan has been approved by the City Council, all conditions of approval have been met, and required improvements are either installed or a contract and sureties insuring their installation is filed, the applicant shall file the Final PUD Plan with the County Recorder. Recording of the Final PUD Plan and all associated conditions of approval must be completed within one year of final approval. Failure to do so shall result in the requiring of a new Preliminary PUD Plan which must be reviewed in accordance with the procedure set out in this Part to ensure compliance with any new requirements.

(iii) If, within one year following City Council approval of the Final PUD Plan, no building permits have been obtained or, if within one year after the issuance of building permits, no construction has commenced on the subject property approved for the PUD District, the zoning for the parcel(s) shall revert back to the original zoning and the PUD designation shall be declared null and void.

(iv) Prior to the expiration of the initial one year period, the City Council may upon request of the property owner and by resolution and

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154.02.31 Authority and Action

findings of fact, extend the above noted time frame for a period not to exceed an additional one year.

(E) Amendment

Proposed development of land for which a PUD has been approved or modifications to existing project which do not conform to the approved Final PUD Plan shall be processed as an amendment.

- (1) Any major amendment, as described in § 154.02.26(D)(1)(b), shall require the resubmittal of a Preliminary PUD Plan and require the same notice and hearing procedures specified in § 154.02.26(C).
- (2) Minor amendments meeting the substantial conformance of § 154.02.26(D)(1)(a) may be reviewed and approved by the City Council.

PART 3 ENFORCEMENT

154.02.31 Authority and Action

- (A) This Chapter shall be administered and enforced by the Zoning Administrator or other authorized representative. The Zoning Administrator may institute in the name of the City of Kasson any appropriate actions or proceedings against a violator.
- (B) Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint with the City.
 - (1) Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator.
 - (2) The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Chapter.

154.02.32 Enforcement Procedures

- (A) For the enforcement of the provisions of this Chapter, zoning violation notices shall be sent by either first class or certified mail to the owner of the property on which the violation is taking place.
 - (1) A copy of the zoning violation notice shall be sent to the City Administrator, City Clerk, Police Chief, and City Attorney.
- (B) The zoning violation notice shall contain the following information:
 - (1) A description of the violation which is taking place.
 - (2) A picture (if possible) of the violation which is taking place.
 - (3) Location and/or address of the property at which the violation is taking place.
 - (4) Identification of the section of this Chapter which is being violated.
 - (5) Date the violation was discovered.

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154.02.33 Correction of the Zoning Violation

- (6) Steps necessary to correct the violation.
- (7) Deadline by which the violation must be corrected, which is at the discretion of the Zoning Administrator.

154.02.33 Correction of the Zoning Violation

Correction of the violation in the manner stipulated by the zoning notice violation, at any point during this enforcement process, shall deem the zoning violation notice null and void, and enforcement activity shall cease.

154.02.34 Failure to Correct the Zoning Violation – Enforcement Remedies

Failure to correct the zoning violation shall result in the City pursuing enforcement action following notification to the property owner, with the City having the authority to carry out the following enforcement remedies or combination of remedies:

(A) Withhold Permits

The City shall have the authority to withhold any permits or City approvals which are necessary until the violation is corrected to the City's satisfaction.

(B) Stop Work Order

The City shall have the authority to issue a stop work order on the subject violation.

(C) Abatement

The City shall have the authority to require that the violation be abated by completely removing or stopping the item or use which has been identified in the zoning violation notice.

(D) Injunctive Relief

The City shall have the authority to seek an injunction in court to stop any violation of this Ordinance.

(E) Civil Remedies

The City shall have the authority to institute appropriate civil action to enforce the provisions of this Ordinance, and shall recover reasonable court costs and attorney's fees which are incurred due to the enforcement of the subject violation, at the discretion of the court.

(F) Assessment

The City shall have the authority to use the provisions of M.S. Ch. 429, as may be amended from time to time, assess any charge against the property benefited, and any such assessment shall, at the time at which taxes are certified to the Dodge County Auditor, be certified for collection in the manner that other special assessments are so certified.

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154.02.35 Revocation

(G) Criminal Remedies

The City shall have the authority to institute appropriate misdemeanor criminal action for a violation of this Ordinance.

(H) Cumulative Remedies

The powers and remedies of this section shall not be individually limited and are not exclusive. The powers and remedies of this section are cumulative and all power and remedies may apply, as well as any other remedies allowed under State law.

(I) Administrative Penalties

The City shall have the authority to utilize § 10.99 of the City Code for enforcement of the Zoning Ordinance.

154.02.35 Revocation

Instead of, or in addition to any of the remedies in § 154.02.34, failure to comply with the conditions of a conditional use permit or the ordinances of the City shall result in the conditional use permit being revoked by the City Council. Revocation proceedings shall require a public hearing with notice and due process according to § 154.02.21(J), except that the City Council may waive Planning and Zoning Commission review and comment.

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CHAPTER 154 ZONING

154.03.11 Base Districts Established

ARTICLE 03 ZONING DISTRICTS

PART 1 ESTABLISHMENT OF ZONING DISTRICTS

154.03.11 Base Districts Established

The following zoning districts are provided in order to promote and encourage the orderly and efficient development and use of land, buildings, and structures. The incorporated area of the City is hereby divided into the following districts which shall be known by the following respective symbols and names:

- (A) D-H Development Holding District
- (B) R-1 Single-Family Residential District
- (C) R-1A Single-Family Older-Core Residential District
- (D) R-2 Mixed Residential District
- (E) R-3 Multi-Family Residential District
- (F) R-C Residential-Commercial Mixed Use District
- (G) C-1 Central Business District
- (H) C-2 General Commercial District
- (I) C-3 Highway Commercial District
- (J) I-1 Business Park / Light Industrial District
- (K) I-2 Manufacturing / Heavy Industrial District

154.03.12 Special Districts Established

In addition to the base zoning districts above, the following special districts have been established:

- (A) Floodplain Management Districts
 - (1) FW Floodway District
 - (2) FF Flood Fringe District
- (B) Planned Unit Developments
 - (1) PUDF Planned Unit Development Fixed District
 - (2) [Reserved]

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CHAPTER 154 ZONING

154.04.11 Purpose Statements

ARTICLE 04 BASE DISTRICTS

PART 1 GENERAL PROVISIONS

154.04.11 Purpose Statements

(A) D-H Development Holding District

The purpose of the D-H Development Holding District is to identify land in the outlying parts of the city that have not yet been developed with City services or not yet subdivided in compliance with the Future Land Use Map of the Comprehensive Plan. This district is intended to allow for existing uses, including uses brought in through annexation, to continue, but new uses will require a rezoning to another district in compliance with the Comprehensive Plan.

(B) R-1 Single-Family Residential District

The purpose of the R-1 single-family residential district is to provide for low to moderate density dwellings and directly related, complementary uses.

(C) R-1A Traditional Core Residential District

The purpose of the R-1A traditional core residential district is to provide for low to moderate density dwellings and directly related, complementary uses. This district is characterized by more variation in lot sizes than found in other residential districts in the city.

(D) R-2 Mixed Residential District

The purpose of the R-2 mixed residential district is to provide for low to medium density dwellings and directly related, complementary uses.

(E) R-3 Multi-Family Residential District

The purpose of the R-3 multi-family residential district is to provide for medium to high density residential uses and directly related, complementary uses.

(F) R-C Residential-Commercial Mixed Use District

The purpose of the R-C residential-commercial mixed use district is to provide for a district which allows both residential and commercial uses and acts as a transition district between more intense commercial zoning districts and residential zoning districts. Commercial uses are intended to be a lower intensity than nearby commercial zoning districts.

(G) C-1 Central Business District

The purpose of the C-1 central business district is to provide for high density development for commercial and service activities, with activity focused on Main Street, gaining economic advantage from a concentration of complementary uses and drawing from and serving customers from the community and surrounding area.

(H) C-2 General Commercial District

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154.04.21 General Provisions

The purpose of the C-2 general commercial district is to provide for commercial and service activities oriented towards and concentrated along Highway 57, drawing from and serving customers from the community and surrounding area.

(I) C-3 Highway Commercial District

The purpose of the C-3 highway commercial district is to provide for medium to high intensity retail or service activities which provide goods and services to the community as well as regional motor vehicle traffic. The districts should be located in areas well served by arterial roadways.

(J) I-1 Business Park / Light Industrial District

The purpose of the I-1 district is provide locations for small and large scale business park uses as well as light industrial and light manufacturing uses which are compatible, and may benefit from co-location with other similar uses.

(K) I-2 Manufacturing / Heavy Industrial District

The purpose of the I-2 manufacturing/heavy industrial district is to provide for the development of manufacturing and industrial uses which may not be appropriate in other locations due to noise, dust, vibration, traffic, outdoor storage or other impacts which may not be compatible with other uses.

PART 2 USES

154.04.21 General Provisions

(A) Permitted uses (P).

Uses listed in §154.04.22 and §154.04.23 with a “P” symbol are permitted by-right in the district in which they are listed.

(B) Uses permitted with standards (PS).

Uses listed in § 154.04.22 and §154.04.23 with a “PS” symbol are permitted provided compliance with the use-specific standards and requirements in Article 06 of this ordinance.

(C) Uses permitted by conditional use permit (CUP).

Uses listed in § 154.04.22 and § 154.04.23 with a “CUP” symbol require a Conditional Use Permit; refer to § 154.02.23 for CUP requirements and Article 06 of this Chapter for use-specific standards.

(D) Uses Not Provided for Within Zoning Districts.

For those uses not specifically noted, the Zoning Administrator shall make a determination as to whether the proposed use is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same use.

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154.04.22 Principal Uses Table

- (1) Where a question arises in the interpretation of the Zoning Administrator, the Planning and Zoning Commission shall make a recommendation to the City Council, which shall make the final determination.
- (2) The City shall maintain a record of all uses the City Council determines as allowed as being substantially similar to named uses and will work to incorporate those uses into either the list or definition of uses.
- (3) If it is determined that a proposed use is not substantially similar to an allowed use, the applicant may seek an amendment to the text of the zoning code to name the use as an allowed use within the zoning district.

154.04.22 Principal Uses Table

P = Permitted PS = Permitted with Standards CUP = Conditional Use Permit Blank = Prohibited

	R-1	R-1 A	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	Use Standards
Residential											
Household Living											
Dwelling, Single Family Detached	P	P			P						
Manufactured Home	PS	PS			PS						154.06.21(A)
Dwelling, Single Family Detached Conversion to Two, Three, or Four Unit	CUP	PS	PS	PS	PS						154.06.21(B)
Dwelling, Two Unit (Duplex)	PS	PS	P	P	P						154.06.21(C)
Dwelling, Three to Four Unit (Triplex, Quadraplex)	CUP	CUP	P	P	P						154.06.21(C)
Dwelling, Single Family Attached (2-4 units)	CUP	CUP	P	P	P						154.06.21(D)
Dwelling, Single Family Attached (5+ units)	CUP	CUP	PS	P	P						154.06.21(D)
Dwelling, Multi-Family 5-24 Units			CUP	P	CUP						154.06.21(E)
Dwelling, Multi-Family 25+ Units				PS	CUP						154.06.21(E)
Dwelling, 2 nd Floor+ Apartments (Above non-residential ground floor)					PS	PS	PS				154.06.21(F)
Manufactured Home Park	CUP	CUP	CUP	CUP	CUP						154.06.21(G)
Live/Work Unit					PS	PS	PS				154.06.21(H)
Group Living											
Intermediate, Extended, and Long-Term Care Facility [Nursing Home]	PS	PS	PS	PS	PS						154.06.22(A)
Residential care facility, licensed in-home (6 or fewer persons)	PS	PS	PS	PS	PS						154.06.22(B)
Residential care facility, licensed in-home (7 to 16 persons)			CUP	CUP	CUP						154.06.22(B)
Lodging											
Bed and Breakfast Facilities	PS	PS	PS	PS	PS						154.06.23(A)
Lodging services such as hotel and motel						P	P	P			
Short Term Vacation Rental		CUP	CUP		CUP						154.06.23(B)
Public, Social, or Healthcare											
Healthcare and Interment Services											

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154.04.22 Principal Uses Table

P = Permitted PS = Permitted with Standards CUP = Conditional Use Permit Blank = Prohibited

	R-1	R-1 A	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	Use Standards
Cemeteries, Mausoleums, columbarium, including animal cemeteries	CUP	CUP	CUP	CUP	CUP						154.06.31(A)
Clinic, including medical, dental or therapeutic [See Professional Services]					P	P	P	P			
Funeral home or mortuary	PS	PS	PS		P	P	P	P			154.06.31(B)
Hospital	CUP	CUP	CUP	CUP	CUP		PS	PS	PS		154.06.31(C)
Institutions											
Club, lodge or meeting place of a non-commercial nature						P	P	P			
Place of worship	PS	PS	PS	PS	PS						154.06.32(A)
Social assistance, welfare, or charitable services					P	P	P	P	P		
Education											
Child care facilities serving up to 12 persons	P	P	P	P	P	PS	PS	PS			154.06.33(A)
Child care facilities serving 13+ persons	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP			154.06.33(A)
School, college/university/trade/business	PS	PS	PS	PS	PS	PS	PS	PS	PS		154.06.33(B)
School, elementary or secondary	PS	PS	PS	PS	PS	PS	PS				154.06.33(C)
School, nursery or preschool	PS	PS	PS	PS	PS	PS	PS				154.06.33(D)
Recreation and Open Space											
Golf Courses / Country Club	CUP	CUP	CUP	CUP							154.06.34(A)
Historic Sites	P	P	P	P	P	P	P	P	P	P	
Public recreational facilities including parks and playgrounds, hiking and/or biking trails	P	P	P	P	P	P	P	P	P	P	
Temporary Outdoor Entertainment								CUP	CUP		
Wildlife, forest, and wetland preserves or management areas	P	P	P	P	P	P	P	P	P	P	
Government Services											
Essential Services	P	P	P	P	P	P	P	P	P	P	
Government vehicle and equipment garages and offices								P	P		
Municipal, county, state or federal administrative or services building	CUP	CUP	CUP	CUP	PS	P	P	P	P	P	154.06.35(A)
Commercial											
Food or Beverage Services											
Bar / Tavern						P	P	P			
Brewpub						P	P	P			
Café, Coffee Shop						P	P	P			
Off Sale Liquor						PS	PS	PS			154.06.41(A)
Restaurant						P	P	P			
Restaurant with drive-through or drive-in							PS	PS			154.06.41(B)
Other Services											
Animal/Pet Services						PS	PS	PS	PS		154.06.42(A)
Banks, Finance, Insurance, and Real Estate Services					P	P	P	P			

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CHAPTER 154 ZONING

154.04.22 Principal Uses Table

P = Permitted PS = Permitted with Standards CUP = Conditional Use Permit Blank = Prohibited

	R-1	R-1 A	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	Use Standards
Building Services						P	P	P	P		
Business Services					P	P	P	P	P		
Equipment Services						P	P	P	P		
Personal Services						P	P	P			
Professional Services					P	P	P	P	P		
Services otherwise allowed with drive-through or drive-in							PS	PS			154.06.42(B)
Retail											
Convenience Store						P	P	P			
Food Retail [Grocery Store]						P	P	P			
General Retail						P	P	P			
Shopping Center							CUP	P			154.06.43(A)
Wholesale Retail								P	P	P	
Arts and Entertainment											
Art Gallery / Museum					P	P	P	P			
Commercial recreational facility, Indoor						P	P	P	P		
Commercial recreational facility, Outdoor								CUP	CUP	CUP	154.06.44(A)
Industry and Manufacturing											
Small Production / Commercial Production											
Buildings used for Research and Testing Laboratories (interior only)								P	P	P	
Brewery, winery or distillery						PS	PS	PS	PS	PS	154.06.51(A)
Makerspace (studio)					PS	P	P		PS		154.06.51(B)
Printing							P	P	P	P	
Rental Equipment (stored indoors)								P	P		
Rental Storage Units [self-storage facility]								CUP	P		154.06.51(C)
Indoor Industrial Activity											
Grain Elevators; Fertilizer manufacturing, storage, and sales										CUP	154.06.52(A)
Manufacturing, light									P	P	
Manufacturing, heavy										P	
Warehouse/distribution facility									P	P	
Outdoor Industrial Activity											
Automobile Wrecking Yard/Scrap or salvage storage yard										CUP	154.06.53(A)
Contractor Yard (landscaping, construction, etc.)									PS	PS	154.06.53(B)
Outside storage, manufacturing, and sales area									PS	PS	154.06.53(C)
Agriculture and Natural Resources											
Community Solar Farm										CUP	154.06.61(A)
Nursery/Greenhouse (with retail sales)							P	P	P		

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CHAPTER 154 ZONING

154.04.23 Accessory Uses Table

P = Permitted PS = Permitted with Standards CUP = Conditional Use Permit Blank = Prohibited

	R-1	R-1 A	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	Use Standards
Short wave towers, radio and TV towers, and commercial radio and television towers and transmitters								CUP	CUP	CUP	154.06.61(B)
Wind Energy Conversion Systems										CUP	154.06.61(C)
Wireless Communications Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	154.06.61(D)
Transportation											
Automobile Fuel Station / Service Station							PS	PS	PS	PS	154.06.71(A)
Auto Repair, Minor							P	P	P	P	
Auto Repair, Major									CUP	PS	154.06.71(B)
Automobile Sales							P	P			
Car Washes							PS	PS	PS	PS	154.06.71(C)
Parking Lot, Garage, Ramp, or Structure as Principal Use							CUP				154.06.71(D)
Public Transportation terminals								CUP			154.06.71(E)
Truck, boat and trailer and implement sales and servicing								P	P		

154.04.23 Accessory Uses Table

P = Permitted PS = Permitted with Standards CUP = Conditional Use Permit Blank = Prohibited

	R-1	R-1 A	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	Use Standards
General Accessory Uses											
Accessory parking lot, on-site	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	154.06.81(A)
Accessory parking lot, off-site				CUP	154.06.81(A)						
Accessory structure	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	154.06.81(B)
Small-scale wind energy generation system	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	154.06.81(C)
Satellite dish	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	154.06.81(D)
Solar Energy System, Accessory	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	154.06.81(E)
Swimming pools, tennis courts and other individual recreational facilities	PS	PS	PS	PS	PS	PS	PS	PS	PS		154.06.81(F)
Accessory to Residential Uses											
Accessory dwelling unit	PS	PS	PS		PS						154.06.82(A)
Child care facility, licensed (12 or fewer persons)	PS	PS	PS	PS	PS						154.06.82(B)
Child care facility, licensed (13 to 16 persons)	CUP	CUP	CUP	CUP	CUP						154.06.82(B)
Home Occupation	PS	PS	PS	PS	PS	PS					154.06.82(C)
Home Business	CUP	CUP	CUP	CUP	CUP	CUP					154.06.82(C)
Outside parking or seasonal storage of recreational travel vehicles	PS	PS	PS	PS							154.06.82(D)
Short term vacation rental	PS	PS	PS		PS	PS					154.06.82(E)

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CHAPTER 154 ZONING 154.04.24 Special Provisions for Development Holding (DH) District

P = Permitted PS = Permitted with Standards CUP = Conditional Use Permit Blank = Prohibited

	R-1	R-1 A	R-2	R-3	R-C	C-1	C-2	C-3	I-1	I-2	Use Standards
Accessory to Non-Residential Uses											
Community garden	P	P	P	P	P						
Gift shop accessory to an otherwise allowed use	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	154.06.83(A)
Open air display areas						PS	PS	PS			154.06.83(B)
Temporary Stand for sale of agricultural products (tree lot, farm stand, seasonal sales, etc)							PS	PS	PS	PS	154.06.83(C)

154.04.24 Special Provisions for Development Holding (DH) District

(A) Permitted Uses

- (1) Essential Services.
- (2) Continuance of existing uses, including expansion of structures within setbacks. Substantial changes in existing uses or the intensification of existing uses, such as a switch from horticulture to livestock keeping, shall be prohibited.
- (3) Accessory structures and uses appropriate to the existing use, meeting the criteria of § 154.06.71 through § 154.06.73.

(B) Conditional Uses

- (1) Public, Social, and Healthcare facilities, subject to Planning and Zoning Commission review and a City Council finding that the use(s) will not impede or otherwise conflict with the planned use of adjoining property.

(C) Prohibited Uses

- (1) New uses or change from existing uses shall be prohibited without a rezoning to a district in conformance with the Future Land Use Map of the Comprehensive Plan.

PART 3 LOT AND SITE DIMENSION STANDARDS

154.04.31 General Provisions

(A) The purpose of this Part is to outline minimum yard, area and building size requirements to be provided for each zoning district.

(B) Buildings; Distance Between

In residential districts, each principal building shall be at least 12 feet from any other principal building except as provided for in this Chapter.

(C) Frost Depth Footings

In all zoning districts and in planned unit developments, all structures to be used for human occupation shall be built with continuous frost depth footings in compliance with the

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154.04.32 Lot Dimensional Standards

standards set forth in the State Building Code, except as permitted in an approved manufactured home park.

154.04.32 Lot Dimensional Standards

(A) Nonconforming Lots of Record

A lot of record existing upon the effective date of this Chapter in a residential district, which does not meet the requirements of this Chapter as to area or width may be utilized for single-family detached dwelling purposes or two-family, duplex dwelling purposes; provided, the measurements of the area or width are within 75 percent of the requirements of this Chapter.

(B) Lot Area; Reducing

No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed herein, nor shall the number of dwelling units be increased in any manner except in conformity with the area regulations herein prescribed, nor shall the area of any lot be reduced below the minimum requirements herein established.

(C) Lot Dimensional Standards Tables

(1) Residential Districts Lot Dimensional Standards Table

Uses	District	Min Lot Area	Min Lot Width	
			Building Line	Street Line
Single Family Detached	R-1, R-1A, R-C	8,000 sf	66'	45'
Single Family Attached	R-1*, R-1A*, R-2, R-3, R-C	4,000 sf per unit	40' per unit	30' per unit
Two-Four Unit Dwelling	R-1*, R-1A*, R-2, R-3, R-C	8,000 sf plus 1,750 sf per unit over two	40' per unit	30' per unit
Multi-Family (5-24 units)	R-2*, R-3, R-C*	12,000 sf plus 1,250 sf per unit over five	100'	70'
Multi-Family (25+ units)	R-3, R-C*	1,500 sf per unit	100'	70'
Nonresidential Uses	R-1, R-1A, R-2, R-3	21,000 sf	100'	100'
Nonresidential Uses	R-C	10,000 sf	80'	80'

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(2) Non-Residential Districts Lot Dimensional Standards Table

Uses	District	Min Lot Area	Min Lot Width	
			Building Line	Street Line
All Uses	C-1	5,000 sf	N/A	50'
All Uses	C-2	7,500 sf	N/A	50'
All Uses	C-3	10,000 sf	N/A	50'
All Uses	I-1	20,000 sf	N/A	75'
All Uses	I-2	25,000 sf	N/A	100'

154.04.33 Site Dimensional Standards

(A) Lots Fronting More Than One Street

Lots fronting more than one street shall maintain a yard on each street conforming to the requirements for front yard setbacks; side yard setbacks shall be maintained from the remaining lot lines, except when a lot line is adjacent to an alley from which rear yard setbacks shall be maintained.

(B) Yards

(1) No lot, yard or other open space shall be reduced in area or dimension so as to make the lot, yard or open space less than the minimum required by this Chapter. If the existing yard or other open space is less than the minimum required it shall not be further reduced.

(2) The minimum yard setback distances in feet as indicated in § 154.04.33(D) shall be measured from the appropriate lot line.

(3) Yard Encroachments

The following shall not be considered as encroachments into required yard setback areas:

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154.04.33 Site Dimensional Standards

- (a) Chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, steps, stoops, bay windows and the like, provided they do not project from the structure more than four feet;
- (b) Any of the following built on grade: terraces, decks, patios and similar appurtenances;
- (c) Front yard exception: where a structure will be developed adjacent to properties with existing structures, the front yard setback shall be the average setback of existing structures on that block; and
- (d) Fences, as specified in § 154.07.33.

(C) Building Height

(1) Measuring Building Height

For the purpose of this Chapter, building height shall be determined by the vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs.

(2) Height Limitation Exemptions

The following structures are exempted from the height regulations of this Chapter when they are associated with a permitted use or a conditional use granted by permit.

- (a) Chimneys and flues;
- (b) Cooling towers;
- (c) Elevator bulk head;
- (d) Fire towers;
- (e) Grain elevators and silos;
- (f) Stacks;
- (g) Water towers;
- (h) Pumping towers;
- (i) Church spires;
- (j) Clock or bell towers;
- (k) Monuments;
- (l) Cupolas and domes which do not contain useable space;
- (m) Steeples;

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154.04.33 Site Dimensional Standards

- (n) Flagpoles;
 - (o) Elevator penthouses;
 - (p) Sports press boxes of more than one story, and
 - (q) Mechanical and electrical appurtenances.
- (3) Additional building height requirements for allowed non-residential uses in R1, R1-A, R-2, R-3, and R-C districts:
- (a) Public, Social, and Healthcare buildings, may be erected to a height of 55 feet when set back from all lot lines not less the required yard dimension plus one foot for each foot the building exceeds 35 feet in height.

(D) Site Dimensional Standards Tables

(1) D-H District Site Dimensional Standards Table

District	Uses	Min Setbacks			Max Building Height	Max Impervious Surface
		Front Yard	Rear Yard	Side Yard		
D-H	Existing Uses	25'	50'	25'	35' / 2.5 stories	35%

(2) Residential Districts Site Dimensional Standards Table

District	Uses	Min Setbacks			Max Building Height	Max Impervious Surface
		Front Yard	Rear Yard	Side Yard		
R-1	Dwellings, one to four units	20'	25'	6.5' (0' for shared wall)	35' / 2.5 stories	40%
	Non Residential	20'	45'	12'	35' / 2.5 stories [see § 154.04.33(C)(2) for exceptions]	
R-1A	Dwellings, one to four units	20'	15'	6.5' (0' for shared wall)	35' / 2.5 stories	45%
	Non Residential	15'	35'	12'	35' / 2.5 stories [see § 154.04.33(C)(2) for exceptions]	

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154.04.33 Site Dimensional Standards

District	Uses	Min Setbacks			Max Building Height	Max Impervious Surface
		Front Yard	Rear Yard	Side Yard		
R-2	Dwellings, two to four units	20'	15'	6.5' (0' for shared wall)	35' / 2.5 stories	50%
	Dwellings, five plus units	25'	25'	8'		
	Non Residential	25'	45'	12'	35' / 2.5 stories [see § 154.04.33(C)(2) for exceptions]	
R-3	Dwellings, two to four units	20'	15'	6.5' (0' for shared wall)	45' / 3.5 stories	55%
	Dwellings, five plus units	25'	25'	8'		
	Non Residential	25'	45'	12'	35' / 2.5 stories [see § 154.04.33(C)(2) for exceptions]	
R-C	Dwellings, one to four units	20'	15'	6.5' (0' for shared wall)	35' / 2.5 stories	50%
	Dwellings, five plus units	25'	25'	8'		
	Non Residential	20'	35'	12'	35' / 2.5 stories [see § 154.04.33(C)(2) for exceptions]	

(3) Non-Residential Districts Site Dimensional Standards Table

District	Min Setbacks			Max Building Height	Max Impervious Surface
	Street Yard	Rear Yard	Side Yard		
C-1	0'	0' (30' when adjacent to residential district)	0' (30' when adjacent to residential district)	35' / 2.5 stories	N/A
C-2	10'	10' (30' when adjacent to residential district)	6.5' (30' when adjacent to residential district)	35' / 2.5 stories	N/A

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District	Min Setbacks			Max Building Height	Max Impervious Surface
	Street Yard	Rear Yard	Side Yard		
C-3	25'	25' (30' when adjacent to residential district)	10' (30' when adjacent to residential district)	35' / 2.5 stories	N/A
I-1	30'	35' (40' when adjacent to residential district)	20' (40' when adjacent to residential district)	45'	N/A
I-2	75'	50'	20' (40' when adjacent to residential district)	60'	N/A

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CHAPTER 154 ZONING

154.05.11 General Provisions

ARTICLE 05 SPECIAL DISTRICTS

PART 1 FLOODPLAIN MANAGEMENT DISTRICTS

154.05.11 General Provisions

(A) Statutory Authorization

The legislature of the state has, in M.S. Ch. 462, as may be amended from time to time, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council does ordain as follows in this Part.

(B) Findings of Fact

The flood hazard areas of the city are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(C) Methods Used To Analyze Flood Hazards

This Part is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the State Department of Natural Resources.

(D) Statement Of Purpose

It is the purpose of this Part to promote the public health, safety and general welfare and to minimize those losses described in § 154.05.11 by provisions contained herein.

(E) Lands To Which Chapter Applies

This Part shall apply to all lands within the jurisdiction of the City shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway or flood fringe districts.

(F) Establishment of Official Zoning Map

The official zoning map together with all materials attached thereto is adopted by reference and declared to be a part of this Part. The attached material shall include the current Flood Insurance Study for the City prepared by the Federal Insurance Administration, and the current Flood Boundary and Floodway Map and current Flood Insurance Rate Map therein. The official zoning map shall be on file in the office of the Zoning Administrator.

(G) 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.

(H) Interpretation.

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154.05.12 Establishment of Zoning Districts

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

- (1) The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustments and Appeals shall make the necessary interpretation.
- (2) All decisions will be based on elevations on the regional 100-year flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustments and Appeals and to submit technical evidence.

(I) **Abrogation and Greater Restrictions**

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

(J) **Warning and Disclaimer of Liability**

This Part does not imply that areas outside the floodplain districts or land uses permitted within the districts will be free from flooding or flood damages. This Part shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Part or any administrative decision lawfully made thereunder.

154.05.12 Establishment of Zoning Districts

(A) **Districts Established**

(1) **FW - Floodway District**

The floodway district shall include those areas designated as floodway on the Flood Boundary and Floodway Map adopted in § 153.05.11(F).

(2) **FF - Flood Fringe District**

The flood fringe district shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map adopted in § 153.05.11(F).

(B) **Compliance**

No new structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Part and other applicable regulations which apply to uses within the jurisdiction of this Part. Within the floodway and flood fringe districts, all uses not listed as permitted uses or

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CHAPTER 154 ZONING

154.05.13 Floodway District (FW)

conditional uses in § 154.05.13(A) through § 154.05.13(D) and § 154.05.14(A) through § 154.05.14(D) shall be prohibited. In addition, a caution is provided here that:

- (1) Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Part and specifically § 154.05.17; and
- (2) As-built elevations for elevated or floodproofed structures must be certified by ground surveys and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Part and specifically as stated in § 154.05.18.

154.05.13 Floodway District (FW)

(A) Permitted Uses

- (1) Existing agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting;
- (2) Industrial-commercial loading areas, parking areas and airport landing strips;
- (3) Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, and single or multiple purpose recreational trails; and
- (4) Residential lawns, gardens, parking areas and play areas.

(B) Standards for Floodway Permitted Uses

- (1) The use shall have a low flood damage potential.
- (2) The use shall be permissible in the underlying zoning district if one exists.
- (3) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.
- (4) No farm cultivation is allowed within 100 feet of the normal bank of a river or stream.

(C) Conditional Uses

- (1) Structures accessory to the uses listed in § 154.05.14(A) and the uses listed in this section;
- (2) Extraction and storage of sand, gravel and other materials;
- (3) Marinas, boat rentals, docks, piers, wharves and water control structures;
- (4) Railroads, streets, bridges, utility transmission lines and pipelines;
- (5) Storage yards for equipment, machinery or materials;

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154.05.13 Floodway District (FW)

- (6) Placement of fill;
 - (7) Structural works for flood control such as levees, dikes and floodwalls conducted to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.
- (D) Standards for Floodway Conditional Uses
- (1) No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
 - (2) All floodway conditional uses shall be subject to the procedures and standards contained in § 154.05.18(C).
 - (3) The conditional use shall be permissible in the underlying zoning district if one exists.
 - (4) Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - (5) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - (6) As an alternative, and consistent with § 154.05.13(D)(5), dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the County Recorder.
 - (7) Accessory structures shall not be designed for human habitation.
 - (8) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - (9) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.
 - (10) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

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154.05.14 Flood Fringe District (FF)

- (11) Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. As an alternative, an accessory structure may be flood-proofed to the FP-3 or FP-4 floodproofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards, as appropriate.
- (12) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls.
- (13) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.
- (14) The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
- (15) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.
- (16) Structure works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of M.S. Ch. 105, as may be amended from time to time. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.
- (17) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

154.05.14 Flood Fringe District (FF)

(A) Permitted Uses

- (1) Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or nonresidential structure or use of a structure or land shall be a permitted use in the flood fringe, provided the use does not constitute a public nuisance.
- (2) All permitted uses shall comply with the standards for flood fringe permitted uses listed in § 154.05.14(B) and the standards for all flood fringe permitted and conditional uses listed in § 154.05.14(E).

(B) Standards for Flood Fringe Permitted Uses

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154.05.14 Flood Fringe District (FF)

- (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at an elevation at least 15 feet beyond the outside limits of the structure erected thereon.
- (2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally floodproofed in accordance with § 154.05.13(D).
- (3) The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless the fill is specifically intended to elevate a structure in accordance with § 154.05.14(B)(1).
- (4) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
- (5) The provisions of § 154.05.14(E) shall apply.

(C) Conditional Uses

Any structure that is not elevated on fill or floodproofed in accordance with § 154.05.14(B)(1) or (2) or any use of land that does not comply with the standards in § 154.05.14(B)(3) or (4) shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in § 154.05.14(C), § 154.05.14(D), and § 154.05.18(C).

(D) Standards for Flood Fringe Conditional Uses

(1) Generally

Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls and the like or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:

- (a) The enclosed area is above-grade on at least one side of the structure;
- (b) Is designed to internally flood and is constructed with flood resistant materials; and
- (c) Is used solely for parking of vehicles, building access or storage.
- (d) The above-noted alternative elevation methods are subject to the following additional standards.

(2) Design and certification

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154.05.14 Flood Fringe District (FF)

The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(3) Specific standards for above-grade, enclosed areas

Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

- (a) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters; and
- (b) The enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

(4) Basements

Basements, as defined by § 150.01.22, shall be subject to the following:

- (a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
- (b) Nonresidential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with § 154.05.14(D)(3),.
- (c) All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.

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154.05.14 Flood Fringe District (FF)

- (d) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for the activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- (5) Storage of materials and equipment
 - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
 - (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.
- (6) Other
 - The provisions of § 154.05.14(E) shall also apply.
- (E) Standards for All Flood Fringe Uses
 - (1) Generally
 - All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustments and Appeals must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
 - (2) Commercial uses
 - Accessory land uses, such as yards, railroad tracks and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for the facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be

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subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

(3) Manufacturing and industrial uses

Measures shall be taken to minimize interference with normal plant operations, especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in § 154.05.14(E)(2),. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

(4) Fill

(a) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method.

(b) The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments.

(c) These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(5) Hydraulic capacity

Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.

(6) Manufactured homes

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

154.05.15 Subdivisions

(A) Review Criteria

(1) No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities.

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154.05.16 Public Utilities, Railroads, Roads and Bridges

- (2) All lots within the floodplain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Part and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation.
- (3) For all subdivisions in the floodplain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

(B) Removal Of Special Flood Hazard Area Designation

The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested. The cost of obtaining a Letter of Map Amendment shall be the responsibility of the developer.

154.05.16 Public Utilities, Railroads, Roads and Bridges

(A) Public Utilities

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

(B) Public Transportation Facilities

Railroad tracks, roads and bridges to be located within the floodplain shall comply with § 154.05.13 and § 154.05.14. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where the facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

(C) On-Site Sewage Treatment and Water Supply Systems

Where public utilities are not provided:

- (1) On-site water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems; and
- (2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges

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from the systems into floodwaters and they shall not be subject to impairment or contamination during times of flooding.

- (3) Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

154.05.17 Nonconforming Uses

Conditions of Nonconforming Uses

A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this Part, but which is not in conformity with the provisions of this Part, may be conditioned subject to the following conditions.

- (A) No use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
- (B) Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 through FP-4 floodproofing classifications) allowed in the State Building Code, except as further restricted in § 154.05.17(E),.
- (C) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of § 154.05.13 and § 154.05.14 for new structure depending upon whether the structure is in the floodway or flood fringe, respectively.
- (D) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Part. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.
- (E) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Part. The applicable provisions for establishing new uses or new structures in § 154.05.13 and § 154.05.14 will apply depending upon whether the use is in the floodway or flood fringe districts respectively.

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154.05.18 Administration

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(A) Permit Requirements

(1) Permit required

A permit issued by the Zoning Administrator in conformity with the provisions of this Part shall be secured prior to the erection, addition or alteration of any building, structure or portion thereof, prior to the use or change of use of a building, structure or land; prior to the change or extension of a nonconforming use; and prior to the placement of fill, excavation of materials or the storage of materials or equipment within the floodplain.

(2) Application for permit

Application for a permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill or storage of materials; and the location of the foregoing in relation to the stream channel.

(3) State and federal permits

Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

(4) Certificate of zoning compliance for a new, altered or nonconforming use

It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Part.

(5) Construction and use to be as provided on applications, plans, permits, variances and certificates of zoning compliance

Permits, conditional use permits or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Part, and punishable as provided by § 154.05.18(E).

(6) Certification

The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and

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building elevations were accomplished in compliance with the provisions of this Part. Floodproofing measures shall be certified by a registered professional engineer or registered architect.

(7) Record of first floor elevation

The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

(8) Penalty, see § 154.05.18(E).

(B) Board Of Adjustments and Appeals

(1) Rules

The Board of Adjustments and Appeals shall adopt rules for the conduct of business and may exercise all of the powers conferred on the boards by state law.

(2) Administrative review

The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Part.

(3) Variances

The Board of Adjustment and Appeals may authorize, upon appeal in specific cases, the relief or variances from the terms of this Part as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of the Variance, the Board of Adjustments and Appeals shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the Variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

(4) Hearings

Upon filing with the Board of Adjustments and Appeals decision of the Zoning Administrator, or an application for a variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the

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application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing.

(5) Decisions

The Board of Adjustment and Appeals shall arrive at a decision on the appeal or variance within 45 days. In passing upon an appeal, the Board may, so long as the action is in conformity with the provisions of this Part, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance, the Board may prescribe appropriate conditions and safeguards such as those specified in § 154.05.18(C)(7), which are in conformity with the purposes of this Part. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Part punishable under § 154.05.18(E). A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten days of the action.

(6) Appeals

Appeals from any decision of the Board of Adjustment and Appeals may be made and as specified in this community's official controls and also State Statutes.

(a) Flood insurance notice and record keeping.

(b) The Zoning Administrator shall notify the applicant for a variance that:

(i) The issuance of a variance to construct a structure below the base flood level will result in increased premium for flood insurance; and

(ii) The construction below the 100-year or regional flood level increases risks to life and property.

(iii) The notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report the variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

(C) Conditional Uses

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

(2) Hearings

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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.

(3) 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 § 154.05.18(C)(7), 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 § 154.05.18(E). 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.

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

- (a) 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:
 - (i) 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
 - (ii) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (b) Transmit one copy of the information described in § 154.05.18(C)(4)(a) a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.
- (c) Based upon the technical evaluation of the designated engineer or expert, the 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.

(5) Factors upon which the decision of the City Council shall be based

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In passing upon conditional use applications, the City Council shall consider all relevant factors specified in other sections of this Part, and:

- (a) The danger to life and property due to increased flood velocities caused by encroachments;
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures;
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;
- (e) The importance of the services provided by the proposed facility to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of alternative locations not subject to flooding for the proposed use;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (l) Other factors which are relevant to the purposes of this Chapter.

(6) Time for acting on application

The City Council shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to § 154.05.18(C)(5). The City Council shall render a written decision within 60 days from the receipt of the additional information.

(7) Conditions attached to conditional use permits

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

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- (a) Modification of waste treatment and water supply facilities;
 - (b) Limitations on period of use, occupancy and operation;
 - (c) Imposition of operational controls, sureties and deed restrictions;
 - (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures; and
 - (e) Floodproofing measures, in accordance with the State Building Code and this Part. 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.
- (D) Amendments To Zoning Map or Ordinance
 - (1) The floodplain designation on the official zoning map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he or she determines that, through other measures, lands are adequately protected for the intended use.
 - (2) All amendments to this Part, including amendments to the official zoning map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten days' written notice of all hearings to consider an amendment to the ordinance codified in this Part and the notice shall include a draft of the ordinance amendment or technical study under consideration.
- (E) Penalty
 - (1) Violation of the provisions of this Part or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.
 - (2) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
 - (a) In responding to a suspected ordinance violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the

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National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

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

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CHAPTER 154 ZONING

154.05.21 Planned Unit Development Fixed District

PART 2 PLANNED UNIT DEVELOPMENTS

154.05.21 Planned Unit Development Fixed District

(A) Purpose

The purposes of the Planned Unit Development Fixed District is to allow for the continuance of planned unit developments approved through conditional use permits prior to **DATE**.

(B) District Expansion

There shall be no new parcels zoned to the Planned Unit Development Fixed District after **DATE**.

(C) Approved Plans Continue

All preliminary and final development plans approved as part of a planned unit development prior to **DATE** shall remain in full force and effect as part of this overlay district. Provided new development in the Planned Unit Development Fixed District is in compliance with the approved plans, the development shall be considered in conformance.

(D) Amendments

Amendments to development plans for property in the Planned Unit Development Fixed District shall be processed according to the provisions in § 154.02.26(E). Minor amendments will be considered while major amendments shall require the establishment of a new Planned Unit Development District.

154.05.22 Planned Unit Development

(A) 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 may be used as an overlay district over any based zoning district or combination of zoning districts.

(B) Establishment

A Planned Unit Development shall be established by rezoning to a newly created, numbered Planned Unit Development District that outlines the uses, dimensions, and

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154.05.22 Planned Unit Development

design standards of the new PUD zoning district following the procedures set forth in § 154.02.26.

(C) Minimum Size

Planned Unit Developments shall be on a tract of land not less than one acre.

(D) Uses

Permitted uses shall generally be consistent with the permitted or conditional uses of the underlying base district. However, a PUD district can request alternative uses to the permitted uses of the underlying base district, subject to the approval by the City Council as part of the establishment of the PUD.

(E) Density

Density of development will be reviewed based on the following criteria:

- (1) Effect on adjacent properties;
- (2) Adequacy of public and private services and infrastructure;
- (3) Overall design;
- (4) Scale and massing of structures;
- (5) Building elevations and setbacks;
- (6) Landscaping, screening and buffering;
- (7) Open space provision and design; and
- (8) Retention of natural, cultural and historic resources.

(F) Dimensional and Design Standards

The following provisions shall be addressed as part of the PUD. When it is intended that regulations vary from the underlying district, the applicant shall propose them as part of the PUD application process:

(1) PUD Perimeter

A PUD shall be designed to complement existing adjacent uses and infrastructure.

(2) Lot Area

Lot area may vary from the underlying base district standard in a PUD provided the developer has demonstrated that the proposed design and layout meets the provisions of this Chapter.

(3) Yard Setbacks

Setbacks may vary from underlying base district standards in a PUD provided the developer has demonstrated that the proposed design and layout meets the

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provisions of this Chapter. Perimeter setbacks shall be consistent with the setbacks of adjacent zoning districts.

(4) Building Height

Building height may vary from the underlying base district standard. The City may request cross sections, elevations and other information from the developer in order to determine if the structure height meets the provisions of this Chapter.

(5) Environmental Design

A PUD shall be designed to preserve existing vegetation and topography where practical and shall be consistent with the goals and objectives of the Comprehensive Plan.

(6) Common Open Space

A PUD shall include common open space that is functional, improves appearance and aesthetics, is accessible and where possible adds to existing common or public open space systems.

(a) Common open space shall not include:

- (i) Setback areas
- (ii) Street right-of-way
- (iii) Parking areas and driveways
- (iv) Building sites
- (v) Private/Internal walkways and trails
- (vi) Inaccessible stormwater ponds

(b) Common open space may include land dedicated for public parks, trails or pathways.

(c) All structures or facilities proposed as part of common open space systems shall be completed as part of the required improvements or infrastructure of the proposed PUD.

(d) A PUD shall provide the following minimum amount of common open space based on the land use type that comprises more than 50 percent of the land use for the development:

- (i) Residential shall provide at least 30 percent of common open space
- (ii) Commercial shall provide at least 15 percent of common open space
- (iii) Industrial shall provide at least ten percent of common open space

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(7) Architecture

A PUD shall include and incorporate architectural planning by the developer and implementation provisions for controlling the architecture by protective covenants, design overlay districts enforced by the City or other legal methods. Overall architectural design shall be generally compatible with the characteristics of the surrounding developments.

(8) Parking

Parking ratios may deviate from the off-street parking space standards. Where alternative parking ratios are not stated in the PUD application, they shall conform to the § 154.07.21 parking standards.

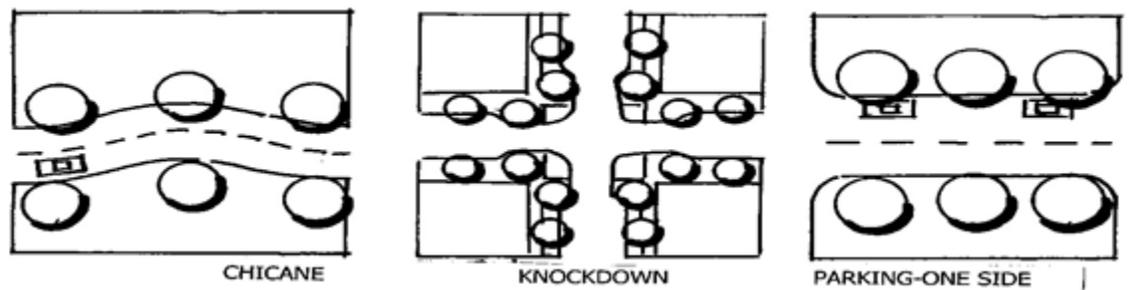
(9) Streets, Utilities and Drainage

All publicly dedicated streets, utilities and storm-water facilities shall be designed in accordance with City Ordinances and Policies. The City may consider flexible standards for streets if the developer has demonstrated that the proposed design and layout warrants varying standards and the design meets the provisions of this Title.

(10) Traffic Calming-Design

Traffic calming measures and good street design shall be considered in all PUDs.

Figure 154.05.22-1 Traffic Calming Examples



(11) Circulation/Access

- (a) Vehicular access to lots adjoining an arterial as defined by the functional classification system shall be designed by way of a frontage road, service road or local street.
- (b) Streets in a PUD shall be designed to promote a grid network of streets, minimizing dead ends and cul-de-sacs and connecting to adjoining developments where streets have been 'stubbed in' for the purpose of continuation.

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154.05.23 [Reserved]

(c) A PUD shall include provisions for pedestrians, bicycles and transit.

(G) Landscaping

A landscape and screening plan shall be included in the PUD submittal to the City including street tree provisions, screening, parking lot landscaping where applicable and the preservation of mature, healthy hardwood trees where applicable.

(H) Signs

A sign plan shall be included in the PUD submittal to the City. Signage shall generally conform to Article 08 of this Chapter, Sign Regulations. Freestanding pylon type signs shall consolidate tenants or uses in predetermined locations, minimizing the number of freestanding signs where possible.

154.05.23 [Reserved]

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CHAPTER 154 ZONING

154.06.11 Purpose

ARTICLE 06 USE SPECIFIC STANDARDS

PART 1 GENERALLY

154.06.11 Purpose

- (A) This Article establishes the additional standards and considerations required to be met to allow for uses permitted with standards and conditional uses, as established within the Tables of § 154.04.22 and § 154.04.23.
- (B) These standards are in addition to Development Standards established in Article 07 of this Chapter, and Lot and Dimension standards in § 154.04.31 through § 154.04.33. Where standards differ, the more restrictive shall apply.

PART 2 SPECIFIC RESIDENTIAL PRINCIPAL USES

154.06.21 Household Living

- (A) **Manufactured Home**
 - (1) Manufactured homes shall meet the permitting and installation standards established within Chapter 152 of the City Code and State Statutes and Rules as may be amended from time to time.
- (B) **Dwelling, Single Family Detached Conversion to Two, Three, or Four Unit**
 - (1) Conversion of a dwelling into a two, three or four-family dwelling shall conform with the lot area frontage and yard requirements prescribed for such two, three and four-family dwellings within the same district and with all other applicable requirements of this Chapter.
 - (2) Units shall share a common driveway; only one curbcut/street access is permitted for driveway/parking uses.
- (C) **Dwelling, Two to Four Unit (Duplex, Triplex, Quadraplex)**
 - (1) Units shall share a common driveway; only one curbcut/street access is permitted for driveway/parking uses.
- (D) **Dwelling, Single Family Attached (Twinhome, Townhouse, Rowhouse)**
 - (1) The applicant shall record all covenant and deed restrictions on all property which will abut the common line. The covenants and deed restrictions shall:
 - (a) Provide access for repair and maintenance of common walls, service lines and overhangs;
 - (b) Provide for easements for service lines, common walls, footings and overhangs; and
 - (c) Provide for restrictions to limit changes in color, material and design of the dwelling.

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- (2) Minimum width of individual unit – 18 feet.
- (E) Dwelling, Multi-Family
 - (1) Requirements for exterior wall surfacing and covering shall be as follows:
 - (a) All multiple-family dwelling buildings shall be designed and constructed to have the equivalence of a front appearance on each exterior surface.
 - (b) All accessory or ancillary structures, including garages, shall be designed and constructed with the same facing materials as the principal structure. The materials shall be used in the same or better proportions as used on the principal structure.
 - (2) Any exterior trash or garbage disposal or storage shall be fully enclosed by screening walls with access gate, made of the similar materials as the principal structure.
 - (3) Sidewalks shall be provided from parking areas, loading zones and recreation areas to the entrance(s) of the building.
 - (4) Outdoor swimming pools or other intensive recreation shall observe setbacks required for the principal structure.
- (F) Dwelling, 2nd Floor + Apartments (Above non-residential ground floor)
 - (1) Shall be located in the upper stories of a structure; the basement; or in the ground story, a minimum of 30 feet behind any primary street façade and behind a permitted use, or on a secondary, rear, or side facade.
 - (2) Dwelling unit entrances are not required to be internal to the building; separate entrances for dwellings require walkways from parking areas, common recreational space, and the public right-of-way.
 - (3) Balconies, if included, shall individually serve a single dwelling unit.
 - (4) Parking shall be provided for both ground floor uses and dwelling units, both meeting the standards set in § 154.07.21.
 - (a) A shared parking plan may be considered by the Zoning Administrator if the applicant shows adequate on-site parking for peak hours of both uses.
 - (b) Any approved shared parking plan will be kept on file with the City.
- (G) Manufactured Home Park
 - (1) Generally

All regulations prescribed by the State Board of Health or other authority having jurisdiction and the regulations of the Building Code of the city shall be complied with in addition to the regulations set forth in this subsection.

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CHAPTER 154 ZONING

154.06.21 Household Living

(2) Size

Any manufactured home park established after the effective date of this Chapter shall contain not less than 20 manufactured home lots and shall be at least three acres in area.

(3) Access

(a) Each manufactured home park shall abut upon a public street and shall have no less than two ingress and egress locations abutting the public street.

(b) No vehicular entrance to, or exit from, any manufactured home park shall be located within 200 feet of any school, public playground, place of worship, hospital, library or institution for children, except where the property is in another block or another street which the premises in question do not abut.

(4) Setback Requirements

Structures in manufactured home parks shall be set back 20 feet from front and rear property lines and 12 feet from side property lines.

(5) Building Height

No building or structure hereafter erected or altered in a manufactured home park shall exceed 25 feet or one and one-half stories in height.

(6) Interior Requirements

The following requirements shall apply to the interior of the manufactured home park:

(a) Interior streets

The minimum roadway width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum roadway width of two-way streets with parking permitted on one side shall be 30 feet. The minimum width of two-way streets without parking shall be 20 feet. The streets shall be paved according to City specifications for residential streets, maintained in good condition and lighted at night.

(b) Lot area

The minimum lot area per manufactured home site shall be 5,000 square feet.

(c) Utilities

Each manufactured home shall be equipped with one electric outlet and hookups for municipal water and sewer. Fire hydrants shall be located in

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154.06.21 Household Living

accordance with generally accepted practices as determined by the City Fire Marshal and City Engineer.

- (d) Distance between manufactured homes

The minimum distance between neighboring manufactured homes shall be 12 feet.

- (e) Setback from interior streets

No manufactured home shall be located closer than ten feet to the traveled portion of an interior street.

- (f) Off-street parking

Off-street parking shall be provided at the ratio of two spaces for each manufactured home lot.

- (7) Required Improvements

In order that a manufactured home park may be harmonious within itself and with the surrounding area, the following improvements shall be required:

- (a) Adequate provisions for the control of surface drainage, approved by the City Engineer must be incorporated on the site.
- (b) All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire area maintained in good condition.
- (c) A 12-foot bufferyard shall be located and maintained along all exterior boundary lot lines not bordering a street according to the bufferyard requirements in § 154.07.32.
- (d) Skirting for manufactured homes is required.
- (i) Skirting shall be a permanent exterior material color coordinated to match the decor of the manufactured home.
- (ii) All skirting shall be firmly attached and in good repair.
- (e) No other buildings or structures shall be attached to a manufactured home, as specified by the Building Code.
- (f) Accessory structures allowed shall be one utility building per lot no larger than 120 square feet and one automobile storage garage no larger than 8 percent of the lot or 300 square feet, whichever is greater.
- (i) No accessory structure shall be placed less than two feet from any lot line; less than six feet from the main structure and/or closer to the street than the front of the main structure.

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154.06.21 Household Living

- (ii) Automobile storage garages shall be constructed in strict compliance with the State Building Code and must be approved by the City Building Official and the park owner(s) or their authorized representative.
 - (iii) This shall not prevent the use of an awning of aluminum, canvas or fiberglass which may be enclosed by mesh screen and which shall not be larger than 120 square feet in floor area.
 - (g) There shall be provided within each manufactured home park, a recreation site or sites, for the exclusive use of the park occupants. The recreation site shall have a minimum area of 10,000 square feet for each 50 units or fraction thereof. Where possible, the area shall be configured so it is no longer than two times its width. The recreational sites shall be provided with appropriate equipment.
- (8) Commercial Operations Restricted
 - (a) No commercial operation shall be conducted within the park other than those necessary for the operation thereof. A common laundering facility is an allowed use. Commercial sales lots for manufactured homes are prohibited.
 - (b) A conditional use permit shall be required for any home business, according to § 154.06.72(C).
- (9) Parking Restrictions

Except as may be authorized by general traffic and parking regulations or ordinances, no person shall park or occupy any recreational vehicle in a manufactured home park.
- (10) New Application Required for Enlargement, Extension or Transfer of Permit

Any enlargement or extension to any existing manufactured home park or transfer of an existing permit shall require a new application for a conditional use permit as if it were a new establishment.
- (11) Storm Shelter Facilities

There shall be provided within each manufactured home park that has ten units or more, except a park for travel trailers, suitable storm shelter facilities constructed to withstand a free field of wind of 200 mph, a 1.2.PSI drop in four seconds, of any type of missile projections. Storm shelter facilities shall comply with the most recent State Building Code requirements and State Health Department standards. The area of the shelter facilities shall be equal to seven and one-half square feet per manufactured home lot.
- (12) Promulgation of Additional Regulations

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CHAPTER 154 ZONING

154.06.22 Group Living

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

(H) Live/Work Unit

- (1) Any commercial use permitted in the zoning district applicable to the property is permitted in the live/work unit.
- (2) Live/work units located at street level are subject to the development standards for ground-floor retail or commercial establishments as follows:
 - (a) A minimum of 80 percent of a structure's street front façade at street level shall be occupied by nonresidential uses.
 - (b) The ground floor shall have a minimum floor-to-floor height of 13 feet.
- (3) Parking for customers, if required, shall be separate from resident parking.
- (4) Live/work units that exceed 2,000 square feet must have at least two exits.
- (5) Within each live/work unit, the living area shall not exceed one third of the total floor area of the unit.

154.06.22 Group Living

(A) Intermediate, Extended, or Long-Term Care Facility (Nursing Home)

- (1) A minimum of 600 square feet of lot area shall be provided for each person to be housed on the site.
- (2) All structures shall meet the setback standards established for multi-unit dwellings in the same zoning district.
- (3) At least 12 percent of the lot area shall be developed as designed outdoor recreation area.
- (4) The structure housing the use shall comply with the requirements of the state law and the building code regulating the construction of licensed care facilities.
- (5) Approval must be obtained from the proper agencies concerning health and safety conditions and the home must be licensed by the agencies.

(B) Residential Care Facility (licensed in-home)

- (1) At least 800 square feet of lot area shall be provided for the maximum capacity of people housed on the site.
- (2) At least 12 percent of the lot area shall be developed as designed outdoor recreation area.

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CHAPTER 154 ZONING

154.06.23 Lodging

- (3) The residence structure shall provide one bedroom for each two persons accommodated in group living quarters.
- (4) The residence structure shall provide one bathroom for each four persons accommodated in group living quarters.

154.06.23 Lodging

(A) Bed and Breakfast Facility

- (1) The owner or operator shall reside on the property.
- (2) The establishment shall conform with State Health and Building Code requirements.
- (3) The only meal served to guests shall be breakfast and only guests shall be served.
- (4) Guests shall not stay for more than 14 days within any 90-day period.
- (5) A minimum of one off-street parking space for each guest room and two additional off-street parking spaces for the residents shall be provided.
- (6) On-premises advertising for any bed and breakfast facility located in any residential zone shall be limited to either one wall sign or one freestanding sign not more than two square feet in area per sign face. The content of any such sign shall be limited to identifying not more than the name and address of the facility. No sign shall be internally illuminated.
- (7) No cooking or cooking facilities shall be allowed or provided in the guest rooms.
- (8) The facility shall have historical or architectural significance.

(B) Short Term Vacation Rental (Principal Use)

(1) Number of guests

The maximum number of overnight guests will be limited to two times the number of bedrooms rented plus one.

(2) Events

Events are not allowed to be hosted by transient guests on the premises. An event means a gathering on the premises of more than three un-registered transient guests. Events hosted by the property owner are allowed, but must abide by all applicable City ordinances and polices, including the prohibition on renting private residential property out for events.

(3) Dwelling requirements

- (a) The dwelling must be connected to City sewer and water.
- (b) Rooms used for sleeping shall have an egress windows and smoke detectors.

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154.06.23 Lodging

- (c) The guest(s) must have access during their entire stay to a full bathroom, including sink, toilet, and tub or shower.
 - (d) Accommodation of guests is not allowed in recreational vehicles, tents, accessory structures, fish houses, or similar structures.
- (4) Parking
- (a) All guest parking must be accommodated on improved surfaces on the premises. No on-street parking is allowed for guests.
 - (b) At a minimum, parking shall be provided at the following rate:
 - (i) 1 space for each 1-2 bedroom rental
 - (ii) 2 spaces for each 3 bedroom rental
 - (iii) Spaces equal to the number of bedrooms minus one for each 4 and 4+ bedroom rental
- (5) Proximity of assistance
- The property owner or a manager/representative must be located within 30 miles of the property. The property owner shall maintain with the City the name, address, phone number, and email for the local contact or managing agent for the property.
- (6) Guest records
- A guest record must be maintained, including the name, address, phone number, and vehicle license plate information for all guests. This record must be provided to the City within 48 hours of a request for the guest record.
- (7) Guest disclosures
- The property owner must disclose in writing to their transient guests the following rules and regulations. This disclosure shall be conspicuously displayed in the home:
- (a) The name, phone number and address of the owner, operating lessee or managing agent/representative.
 - (b) The maximum number of guests allowed at the property.
 - (c) The maximum number of vehicles allowed at the property and where they are to be parked.
 - (d) City nuisance ordinances requirement that noise levels be reduced between 10 p.m. and 8 a.m. and that this will be enforced by the Kasson Police.
 - (e) Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities.

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CHAPTER 154 ZONING

154.06.31 Healthcare and Internment Services

- (f) No events are allowed to be hosted on the premises.
- (8) Garbage
All garbage must be kept in rubbish containers that are stored out of view of a public street.
- (9) Signage
No signage pertaining to the short term vacation rental is allowed on the property.

PART 3 SPECIFIC PUBLIC, SOCIAL, OR HEALTHCARE USES

154.06.31 Healthcare and Internment Services

- (A) Cemetery, Mausoleum, Columbarium
 - (1) No burial sites or structures shall be located closer than 50 feet from any property line.
- (B) Funeral Home or Mortuary
 - (1) All principal and accessory structures and uses shall be a minimum of 25 feet from any lot line.
- (C) Hospital
 - (1) These buildings shall be located on a major street and access shall be located so that access can be provided without generating significant traffic on local residential streets.
 - (2) Internal traffic circulation shall be designed to minimize traffic within 100 feet of any abutting residential property.

154.06.32 Institutions

- (A) Place of Worship
 - (1) These buildings shall be located on a major street and access shall be located so that access can be provided without generating significant traffic on local residential streets.
 - (2) An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - (3) Outdoor recreational and play areas shall be located at least 25 feet from any lot in a residential district.

154.06.33 Education

- (A) Child Care Facility
 - (1) Access shall be located so that access can be provided without generating significant traffic on local residential streets.

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CHAPTER 154 ZONING

154.06.34 Recreation and Open Space

- (2) Student drop-off and loading areas shall not interfere with traffic and pedestrian movements.
 - (3) An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the facility.
 - (4) Outdoor recreational and play areas shall be located at least 25 feet from any lot in a residential district.
- (B) School, College/University/Trade/Business
- (1) The lot area shall be a minimum of two acres and all principal structures and uses shall be a minimum of 40 feet from any lot line.
 - (2) Access shall be located so that access can be provided without generating significant traffic on local residential streets.
 - (3) An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - (4) Outdoor recreational and play areas shall be located at least 25 feet from any lot in a residential district.
- (C) School, Elementary or Secondary
- (1) The lot area shall be a minimum of two acres and all principal structures and uses shall be a minimum of 40 feet from any lot line.
 - (2) Access shall be located so that access can be provided without generating significant traffic on local residential streets.
 - (3) An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety.
 - (4) Outdoor recreational and play areas shall be located at least 25 feet from any lot in a residential district.
- (D) School, Nursery or Preschool
- (1) Access shall be located so that access can be provided without generating significant traffic on local residential streets.
 - (2) Student drop-off and loading areas shall not interfere with traffic and pedestrian movements.
 - (3) An outdoor play area shall be provided that contains at least 40 square feet per student enrolled at the school.
 - (4) Outdoor recreational and play areas shall be located at least 25 feet from any lot in a residential district.

154.06.34 Recreation and Open Space

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CHAPTER 154 ZONING

154.06.35 Government Services

(A) Golf Course/Country Club

- (1) No building shall be located within 100 feet of any property line.
- (2) Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.
- (3) Swimming pools, tennis courts and the like shall be located not less than 25 feet from any property line and adjoining property in any residential or commercial district shall be effectively protected by a wall, hedge and/or screen planting.
- (4) Golf driving platforms shall be not less than 200 feet from any adjacent residential district or existing dwelling.

154.06.35 Government Services

(A) Municipal, County, State or Federal Administrative or Service Building

- (1) All service drives shall be paved.

PART 4 SPECIFIC COMMERCIAL USES

154.06.41 Food and Beverage Services

(A) Off Sale Liquor

- (1) The business shall have a current license in compliance with state standards for off-sale liquor.

(B) Restaurant with Drive-Through or Drive-In

- (1) Drive-through facilities and stacking areas shall not be within 100 feet of any parcel that is zoned residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers unless the entire facility and stacking areas are separated from said parcel by a building wall.
- (2) Stacking shall be provided for six cars per customer service point and shall comply with all yard requirements.
- (3) This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service of adjacent streets and intersections.
- (4) The drive-through facility shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian or vehicular conflicts.
- (5) Access shall be located so that access can be provided without generating significant traffic on local residential streets.
- (6) Any canopy as part of this use shall be compatible with the architectural design and materials of the principal structure.

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154.06.42 Other Services

154.06.42 Other Services

(A) Animal/Pet Services

- (1) Animal hospitals shall be located no closer than 100 feet to any residential district, restaurant, hotel or motel in any district, and shall show that adequate measures and controls will be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.
- (2) Animal daycare center:
 - (a) An odor mitigation plan shall be provided to demonstrate how impacts from odors will be minimized.
 - (b) All outdoor areas for animals shall be enclosed with a fence.
 - (c) A facility sharing a common building wall, ceiling, or floor plate with another use or structure must provide engineering detail demonstrating sound attenuation to STC rating of 55 or higher for such common walls and ceilings. Noise testing by a qualified noise professional may be required as a condition of approval prior to issuance of a building certificate of occupancy.
 - (d) All outdoor designated areas for animals shall be located a minimum of 125 feet from a residential property line.
 - (e) An indoor facility must be located at a minimum of 50 feet from a residential property line.
 - (f) Overnight boarding of animals shall not be permitted.

(B) Services Otherwise Allowed with Drive-Through or Drive-In

- (1) Drive-through facilities and stacking areas shall not be within 100 feet of any parcel that is zoned residential, or has an occupied institutional building, including but not limited to schools, religious institutions, and community centers unless the entire facility and stacking areas are separated from said parcel by a building wall.
- (2) Stacking shall be provided for six cars per customer service point and shall comply with all yard requirements.
- (3) This use shall only be permitted when it can be demonstrated that the operation will not have a significant adverse effect on the existing level of service of adjacent streets and intersections.
- (4) The drive-through facility shall be designed so it does not impede traffic or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian or vehicular conflicts.

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154.06.43 Retail

- (5) Access shall be located so that access can be provided without generating significant traffic on local residential streets.
- (6) Any canopy as part of this use shall be compatible with the architectural design and materials of the principal structure.

154.06.43 Retail

(A) Shopping Center

- (1) Access shall be to a roadway identified in the Comprehensive Plan as a collector or arterial or shall be otherwise located so that access can be provided without generating significant traffic on local residential streets.

154.06.44 Arts and Entertainment

(A) Commercial Recreation Facility, Outdoor

- (1) These uses and structures shall be located on minor arterial roadways or collector roadways or nonresidential streets.
- (2) All structures shall be a minimum of 50 feet from any residential district boundary.
- (3) Lights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to traffic or developed residential property.

PART 5 SPECIFIC INDUSTRIAL AND MANUFACTURING USES

154.06.51 Small Production / Commercial Production

(A) Brewery, Winery or Distillery

- (1) Compliance with all applicable provisions of state and local law and all required licenses shall be obtained.
- (2) Owner/operator shall install all standard or necessary equipment to ensure that detectable odors coming from brewing/distilling operation are eliminated to prevent odors from presenting a public nuisance.
- (3) No exterior storage allowed including but not limited to: brewing/distilling equipment, product, raw materials or waste materials.
- (4) A loading and unloading area for all trucks greater than 22 feet in length must be provided off-street.
- (5) Facilities within the C-1, C-2, or C-3 Districts shall also meet the following:
 - (a) The facility shall not produce more than 20,000 barrels of malt liquor, wine, or spirits per year.
 - (b) A taproom and/or retail outlet is required and shall be located along the primary storefront of the building.

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154.06.52 Indoor Industrial Activity

- (c) The taproom and/or retail outlet shall occupy a minimum of 20 percent of the gross floor area with no maximum limit.
 - (d) Alcohol produced off-site shall not be sold on-site, this includes both on-sale and off-sale transactions.
- (B) Makerspace (studio)
 - (1) This use may also include associated facilities such as offices and small scale warehousing, but distribution is limited to vans and small trucks. Distribution access shall be from the rear.
 - (2) A showroom or retail outlet is permitted.
 - (3) Distribution shall be from a designated loading area only.
- (C) Rental Storage Units (self-storage facility)
 - (1) Facility shall consist of a permanent structure(s) only; temporary/mobile storage units, such as storage pods and shipping containers, are prohibited.
 - (2) Individual storage units shall be used for dead storage only. Storage units shall not be used for retail, commercial, human habitation, office, workshop, studio, hobby or rehearsal area, manufacturing or processing of goods, or repair/service of autos or equipment. Auctions, garage or estate sales are prohibited.
 - (3) Storage of flammable, hazardous or perishable materials and keeping of animals is prohibited.
 - (4) Outdoor storage is prohibited, including vehicles and boats.
 - (5) All doors to the storage units shall be internally accessed; doors shall be internally facing and shall not face any street or property line.
 - (6) The entire facility shall be secured by either the walls of the structure(s) and/or fencing.
 - (7) All areas intended for driving, parking and loading shall be paved with asphalt or concrete.
 - (8) Mini-storage facilities adjacent to residential properties shall not operate or allow tenant access between the hours of 10:00 pm and 7:00am.
 - (9) The overall height of light fixtures installed to illuminate parking lots and exterior grounds shall not exceed the height of any principal structure.

154.06.52 Indoor Industrial Activity

- (A) Grain Elevators and Fertilizer Manufacturing, Storage
 - (1) The uses shall be located no closer than 200 feet to any residential districts.
 - (2) Adequate parking and loading areas shall be provided.

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154.06.53 Outdoor Industrial Activity

- (3) Adequate ingress and egress shall be provided and shall be designed to minimize traffic hazard and congestion.
- (4) Applicants shall show that odor, dust, noise and drainage shall not constitute a nuisance to surrounding areas.

154.06.53 Outdoor Industrial Activity

(A) Automobile Wrecking Yard/Scrap or Salvage Storage Yard

- (1) Compliance with all necessary state and local licensing as well as with all state and federal environmental regulations.
- (2) Travelways through the storage yard shall be maintained to allow for fire and emergency access.
- (3) A landscape buffer area of at least 15 feet shall be provided along the frontage of the property with a minimum of 150 plant units per every 100 lineal feet.
- (4) All buildings shall include an automatic fire sprinkler system.
- (5) All vehicle fluid draining shall be conducted within a building.
- (6) Vertical stacking of vehicles shall not be permitted on the property where they are visible from public right-of-way or adjacent properties.
- (7) Hours of operation, including deliveries and hauling to and from the property, shall be between 7:00 a.m. and 7:00 p.m.
- (8) All petroleum products, anti-freeze and hazardous materials shall be disposed of in accordance with local and state regulations.
- (9) Any buildings, salvage yard, salvage parking areas, vehicle crusher, loading areas and dumpsters as well as any outdoor storage areas or equipment shall be enclosed within an opaque perimeter fence eight feet in height. The fence shall be faced with aluminum or galvanized steel panels and coated with a non-reflective neutral earth tone color.
- (10) Storage kept outside of a building shall not be located in the required front yard.

(B) Contractor Yard (Landscaping, Construction, etc.)

- (1) Outside storage of materials and equipment shall be fully screened with a fence or wall at 100 percent opacity to the height of six feet, from public roads and adjacent residential properties, and shall otherwise meet the provisions outlined in § 154.07.33.
- (2) Buildings, parking areas, loading areas, and outside storage shall meet the setback requirements of the applicable zoning district.
- (3) All motorized vehicles, including trucks and trailers, and machinery stored in the outside storage area shall be licensed and in operable condition.

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154.06.53 Outdoor Industrial Activity

- (4) No operation or activity shall emit any hazardous substances in such quantity, concentration, or duration as to be injurious to human health or property. If hazardous materials are stored and used on the property, a materials management plan shall be submitted to address storage, handling, use, disposal, and potential hazards.
- (C) Outdoor Storage, Manufacturing, and Sales Area
- (1) Use shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right of way and shall be at least 600 feet from Residential Districts.
 - (2) Inflammable Liquid Storage in Industrial/Manufacturing Districts
 - (a) Aboveground storage of quantities over 1,000 gallons of materials or products rated as fast-burning, or which produce flammable or explosive vapors or gasses, will be permitted only in the industrial/manufacturing district; provided that, the storage area is not less than 600 feet distant from any other zoning district.
 - (b) The storage area must be provided with adequate safety devices against the hazard of fire and explosion and adequate fire suppression and firefighting equipment and devices standard to the industry.
 - (3) Bulk Storage (Liquid, Gas, Grain and the Like)
 - (a) Above and below ground storage tanks, bins, elevators and the like shall be regulated in accordance with applicable City, state and federal regulations, including the applicable building codes, State Fire Code and regulations of the Pollution Control Agency.
 - (b) All necessary federal, state and local permits and approvals shall be obtained.
 - (c) The Council may require that all existing aboveground liquid in free state storage tanks having a capacity of 300 gallons or more be diked, and suitably sealed, to hold a leakage capacity equal to 115 percent of tank capacity, and also have State Fire Marshal approval.
 - (d) No storage tanks containing flammable or combustible materials shall be located less than 200 feet from a residential district, except those used on individual properties for heating individual homes.

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PART 6 SPECIFIC AGRICULTURAL AND NATURAL RESOURCES USES

154.06.61 Natural Resources

(A) Community Solar Farm

Community Solar Farms shall be subject to the requirements set for conditional use permits as established in § 154.02.23 and the following additional performance standards:

(1) Foundations.

A professional licensed engineer in the state of Minnesota shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

(2) Vegetation requirements and management.

The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by the City Council.

(a) Large-scale removal of mature trees on the site is discouraged. Restrictions on tree clearing, or mitigation for cleared trees may be required by the City Council.

(b) The project site design shall include the installation and establishment of vegetative ground cover.

(i) The ground cover should provide pollinator habitat or meet the beneficial habitat standards consistent with M.S. § 216B.1642, as may be amended from time to time, as set by the Minnesota Board of Water and Soil Resources.

(ii) Accessory uses of ground cover, such as beneficial crop growth, or feeding fields for sheep and goats, may be considered at the time of application and permitted with conditions by the City Council.

(iii) The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the City equal to 125 percent of the costs to meet the beneficial habitat standard. The financial guarantee shall remain in effect until vegetation is sufficiently established.

(3) Other standards and codes

All community solar farms shall comply with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; the National Electric Code, as amended; the National Pollutant Discharge Elimination System (NPDES), as amended; and shall be in compliance

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with all applicable federal, state and local wetland laws, rules and regulations, as amended.

(4) Power and communication lines

Power and communication lines running between banks of solar panels, to electric substations, among other project elements and providing interconnections with buildings shall be buried underground. Exemptions may be granted by the City Council in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

(5) Setbacks

Community solar farms must meet the minimum principal building setback for the zoning district and be located a minimum of 300 feet from a residential dwelling unit not located on the property. Setbacks shall be measured to the nearest solar array or other structure within the community solar farm, excluding security fencing, screening or berm.

(6) Maximum Height

Ground mounted systems shall not exceed 25 feet in height at maximum ground tilt.

(7) Screening

Community solar farms shall be screened from residential dwelling units as follows when there is less than 1,000 feet of separation between the solar array and residential dwelling:

- (a) Screening shall consist of earth mounds or berms; neutral colored fences; or landscaping used in combination or singularly so as to block direct visual access and to mitigate potential glare concerns.
- (b) The use of berming and landscaping shall be 80 percent opaque at the time of maturity. Planting screens shall consist of healthy plant materials at least six feet in height at the time of planting.
- (c) Screening fences that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthy condition with plantings that have died being replaced within the current or next growing season.
- (d) Applicant shall provide mitigation of glare issues, failure to mitigate will be a violation of the CUP.

(8) Solar panels must be removed and properly disposed of if they are out of production for more than one year unless the City Council grants an extension of time for their removal.

(9) Application Requirements

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The following information shall be provided to the City as part of the CUP permit:

- (a) A site plan of existing conditions showing the following:
 - (i) Existing property lines and property lines extending 300 feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
 - (ii) Existing public and private roads, showing widths of the roads and any associated easements.
 - (iii) Location and size of any existing or abandoned wells, and sewage treatment systems.
 - (iv) Existing buildings and any impervious surface.
 - (v) Topography at two foot intervals and source of contour interval, a contour map of surrounding properties may also be required.
 - (vi) Existing vegetation (list type and percent of coverage; i.e. grassland, pasture, plowed field, wooded areas, etc.).
 - (vii) Waterways, watercourses, lakes and public water wetlands.
 - (viii) Level 2 wetland delineation required. Other levels may be appropriate if approved by the Zoning Administrator or City Engineer.
 - (ix) The 100-year flood elevation and Regulatory Flood Protection Elevation, if applicable.
 - (x) Floodway, flood fringe and/or general flood plain district boundary, if applicable.
 - (xi) Surface water drainage patterns.
 - (xii) Mapped soils according to the Dodge County Soil Survey.
- (b) Site Plan of Proposed Conditions:
 - (i) Location and spacing of solar panels.
 - (ii) Location of access roads.
 - (iii) Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load.
 - (iv) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.

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- (v) Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).
- (c) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
- (d) The number of panels to be installed.
- (e) A description of the method of connecting the array to a building or substation.
- (f) Visual Impact Analysis
An analysis of the potential visual impacts from the project including solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts.
- (g) A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.
- (h) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.
 - (i) Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet all applicable rules and regulations to proper disposal.
 - (ii) To ensure proper decommissioning, the applicant shall provide a financial surety by posting a bond, letter of credit or the establishment of an escrow account at a rate of \$25,000 per MW or fraction thereof for Community Solar Farms and at a rate of \$500 per acre for Private Solar Gardens.
- (i) Any financial surety arrangement shall be approved by the City Attorney's Office as to form and issuing bank.
 - (i) The issuing bank must be an FDIC insured bank.
 - (ii) The issuing bank must be available in its entirety to fulfill the obligations of Developer under the Agreement.

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- (iii) Any letter of credit to the City shall contain language requiring its automatic renewal prior to December 31 of each calendar year, unless cancellation of the letter of credit is specifically approved in writing by the City.
- (B) Short Wave Towers, radio and TV towers, and commercial radio and television towers and transmitters
 - (1) Permit required

No short wave tower shall be placed or erected on any property in any district within the city for the purpose of which a conditional use permit has not been issued.
 - (2) Required exhibits

In addition to exhibits required for all conditional use permit applications, the following shall be submitted with a completed application and a fee for processing the application: scaled drawing showing all property lines, existing buildings, above and below ground utilities on the property, and the proposed location of the tower.
- (C) Wind Energy Conversion Systems (WECS)
 - (1) Plans

Each application for a conditional use permit shall be accompanied by a dimensional representation of the tower including the conversion system, base and footings and an accurate plan containing the following information:

 - (a) Property lines;
 - (b) Proposed location of tower on site;
 - (c) Location of all existing structures on site;
 - (d) All aboveground utility lines;
 - (e) All underground utility lines within a radius equal to the proposed WECS height; and
 - (f) Boundaries of all adjacent utility easements or reversed areas.
 - (2) WECS height

The total height of the tower (including any portion of the rotor or axis extending above the tower) shall not exceed the horizontal distance between the base of the tower and the nearest lot line or building line; except that, the horizontal distance may extend beyond the nearest lot line or building line provided there are not overhead utility lines or easements therefor or if the abutting area is a public alleyway. Furthermore, the City Council may allow the height requirement to be exceeded; provided, it is satisfied that the proposed structure will withstand the

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wind loads in the area. As evidence of this, the City Council shall require the following information:

- (a) Dimensional representation of the various structural components of the tower construction including the base and footings;
- (b) Design data which shall indicate basis of design, including manufacturer's dimensional drawings, installation and operation instructions; and
- (c) Certification by an independent registered professional engineer that the proposed structure will withstand wind loads in the area.

(3) Tower access

Climbing access to the WECS tower shall be limited either by means of a fence six feet high around the tower base with a locking portal, or by limiting tower climbing apparatus to no lower than 12 feet from the ground.

(4) Wind access

Contiguous property owners and planned developments may construct a WECS for their use in common. If property held by more than one single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted for approval.

(5) Noise

A WECS operation shall not produce noise in excess of the limits established by state standards.

(6) Limited use

WECS installed in accordance with the requirements of this Chapter shall not generate power as a commercial enterprise as defined by the Public Utilities Commission.

(7) Electromagnetic interference

A WECS shall not be installed in any location along the major axis of an existing microwave communications link where the level of electromagnetic interference may have possible effect on the microwave communications link.

(8) Airspace

A WECS shall be located or installed in compliance with the regulations of the airport approach zones and federal aviation regulations for clearance around VOR and DVOR stations.

(9) Interconnect

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A WECS, if interconnected to an electric utility distribution system, shall meet the interconnect requirements of the electric utility company. In any case, the interconnect shall include a manual disconnect which complies with the National Electric Code.

(10) Codes

Construction and installation of a WECS shall comply with all City code provisions, state and National Electrical Codes in effect at the time of installation.

(11) Liability

No building permit shall be issued for the construction of a WECS until and unless the applicant for the building permit deposits with the City Administrator a policy of liability insurance indemnifying applicant from liability for personal injury or property damage in the sum of at least \$500,000. The policy of insurance so deposited shall contain a clause obligating the company issuing the same to give at least 30-days' written notice to the City before cancellation thereof, the building permit to be automatically revoked upon the lapse or termination of the policy.

(D) Wireless Communications Facilities

(1) Purpose

(a) The purpose of this subsection is to establish regulations that protect the public health, safety and general welfare of the community, for the siting, construction and maintenance of wireless communication towers (WCT) and similar facilities within the City. This does not pertain to amateur radio or receive only antennas or structures.

(b) The regulations of this subsection are intended to:

- (i) Maximize the use of existing approved structures for siting new antennas in order to reduce the number of new towers needed to serve the community;
- (ii) Provide for the appropriate location and development of antennas and towers within the City;
- (iii) Minimize adverse visual effects of wireless communication towers through siting standards; and
- (iv) Utilize standard structural and setback requirements to avoid potential damage to adjacent properties from antenna and tower failure.

(2) Conditional Use

Wireless communication towers and similar facilities are a conditional use within all zoning districts subject to the following performance standards.

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(a) Permit required

It shall be unlawful for any person, firm or corporation to erect, construct, place, replace or structurally repair any wireless communication tower or adjoining/accessory structures without first making application to the Zoning Administrator and securing appropriate permit approval. Building permits are not required for adjustment or replacement of the elements of an antenna array affixed to a tower or antenna. All applications shall be accompanied by a coverage/interference and capacity analysis, including a technical evaluation of existing and proposed transmissions indicating all potential interference problems including, but not limited to, residential broadcast reception and public safety communications. All applications must demonstrate compliance with all existing FCC, FAA, Uniform Building Code and other pertinent regulations. As regulations change, wireless communication operators must demonstrate continued compliance at their expense. All subsequent co-locators must apply for individual building and conditional use permits in conformance to this subchapter.

(3) Permitted locations

(a) No wireless communication tower shall be erected in the City unless the applicant demonstrates that the equipment planned for the purpose of the proposed wireless communication cannot be accommodated on an existing or approved tower, building or structure within a one-mile search radius of the proposed tower due to one or more of the following reasons:

- (i) The planned equipment would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer; and the existing or approved structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost;
- (ii) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost;
- (iii) Existing or approved wireless communication towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; and/or

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- (iv) Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing or approved structure.
 - (b) Wireless communication towers are permitted with a conditional use in areas with the following uses:
 - (i) Industrial, manufacturing, commercial and agricultural;
 - (ii) Parks and public open space when sited and designed to be compatible with the nature of the site;
 - (iii) Government, school and public utility structures; and
 - (iv) Places of worship.
- (4) Design Standards
 - All applications must meet the following minimum requirements:
 - (a) All towers and antennas shall comply with all FCC and FAA rules and regulations. Wireless communication towers attached to a building or existing structure shall comply with the setbacks of the zoning district and shall not exceed 20 feet in height beyond the top of the primary structure. Freestanding towers shall be set back one foot from any property line or building for each one foot of structural height. Freestanding towers shall not be located in a front yard, nor shall any part of the antenna or tower extend across or over any part of the public right-of-way, street, highway or sidewalk.
 - (b) Towers should be located in areas that provide the maximum possible amount of natural or existing structural screening for off-site view.
 - (c) Towers shall be self-supporting without the use of wires, cables, beams or other means, the design should utilize an open framework or monopole configuration that is designed to collapse in on itself in the event of structural damage. Design and installation of towers and antennas shall comply with all applicable federal and state standards, including FCC and FAA standards and the current Uniform Building Code, and shall be approved and stamped by a licensed professional structural engineer.
 - (d) Towers shall be designed to allow the future co-location of equipment at varying heights. Tower operators are required to accept co-location of communication equipment if reasonable and necessary to conform to § 154.06.61(D)(2) and shall not make such co-location economically unfeasible. Towers over 150 feet in height shall be designed for co-location of at least three additional antennas. Towers of 125 feet to less than 150 feet shall be designed for co-location of at least two additional antennas. Towers of 100 feet to less than 125 feet shall be designed for co-location of

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at least one additional antenna. Subsequent co-locators are subject to the same provisions and procedures as the primary conditional use applicant.

- (e) Towers shall not be illuminated by artificial means unless the light is required by federal (FAA) or state regulations; or used to illuminate ball fields, parking lots or similar areas; or for crime preventative measures.
 - (f) The use of any portion of a tower for signs other than required warning or equipment information is prohibited. All mechanical and utility equipment shall be enclosed in an approved structure or cabinet; all buildings and structures shall meet the minimum performance standards in that zoning district.
 - (g) The ground level perimeter may be required to be screened with pre-approved landscaping and/or fencing at the operator's expense. The tower shall be reasonably protected against unauthorized access and vandalism.
 - (h) All construction, installation, wiring and maintenance of towers shall not create a safety hazard or damage to the property of others, nor interfere with public safety communications.
 - (i) Operators shall remove abandoned, unused towers and similar facilities within 12 months of the cessation of operations and restore the area to its original condition. Failure to abide by this condition will result in the City removing the structure and assessing costs to the property or operator.
 - (j) All wireless communication facilities that are in existence as of the date of the ordinance codified in this subsection may continue to operate, but may not be replaced or structurally altered without complying in all respects to this code. This does not include routine adjustment or replacement of the primary or co-location antennae.
 - (k) When the property's use no longer conforms to this subsection, any existing tower shall be removed prior to Preliminary Plat approval or building permit issuance, whichever occurs first.
- (5) Penalty
- (a) Any building or structure being erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or sign hereafter erected or maintained, or land use made or permitted in violation of this Chapter, is declared unlawful. In the event of a violation, or threatened violation of this Chapter, the City Council or the Zoning Administrator may institute appropriate actions or proceedings to prevent, restrain, correct or abate the violation or threatened violation.

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154.06.71 Transportation Uses

- (b) Any person, firm, corporation or entity who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and be punishable as defined by law.
 - (i) Each day that a violation is committed, or permitted to exist, shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Chapter, and the City may pursue, by appropriate actions or proceedings, any or all additional remedies.
 - (ii) The City Council may, at its discretion, impose a civil penalty of \$500 upon any person or business entity which violates any provision of this Chapter in lieu of criminally prosecuting the violation.

PART 7 SPECIFIC TRANSPORTATION USES

154.06.71 Transportation Uses

(A) Automobile Fuel Station/Service Station

(1) Setbacks

When adjacent to residential districts, the service station, outdoor displays, tanks, pumps and other structures shall be a minimum of 25 feet from adjoining property.

(2) Curb and gutter

Concrete curb and gutter shall be installed on all streets giving access to the station.

(3) Fencing and screening

When adjacent to residential property, there shall be a screening fence on the property line abutting residential property. When adjacent to commercial or industrial property, there shall be a bumper-type fence approximately 18 inches high between the station and the adjacent commercial or industrial property.

(4) Vehicles

No vehicles shall be parked on the premises other than those utilized by employees or those awaiting service. No vehicle shall be parked or be waiting for service longer than 15 days.

(5) Exterior storage and outdoor display

Exterior storage besides vehicles shall be limited to service equipment and items offered for sale. Exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as racks, metal trays and similar structures designed to display merchandise.

(6) Screening

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All areas utilized for the storage or disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean and safe manner.

(7) Lighting

Lights shall be designed and placed in a manner as to direct the light away from residential areas.

(B) Automobile Repair, Major

(1) Screening

Should the site abut an R district an acceptable design of screening six feet in height shall be constructed along the abutting lot line(s);

(2) Vehicles

No vehicles shall be parked on the premises other than those utilized by employees or those awaiting service. No vehicle shall be parked or be waiting for service longer than 15 days.

(3) Outdoor Activity

All repair, assembly, disassembly or maintenance of vehicles shall occur within an enclosed building, except minor maintenance including tire inflation, adding oil, and wiper or battery replacement, glass repair or replacement, paintless dent repair and the like.

(4) Outdoor Storage

Outdoor storage of parts, materials, or equipment is prohibited. No outside storage or display except licensed vehicles awaiting repair or repaired vehicles awaiting pick up.

(C) Car Washes

(1) The owner shall submit to the City of Kasson a waste disposal plan showing that all washing liquid, chemicals, and runoff shall be disposed of properly, and shall not enter the storm sewer system; this plan shall require review and approval by the City Engineer, City Public Works Director, and the City Zoning Administrator prior to the use commencing.

(D) Parking Lot, Garage, Ramp or Structure as a Principal Use

(1) Fencing and screening

When adjacent to residential property, there shall be a screening fence on the property line abutting residential property. When adjacent to commercial or industrial property, there shall be a bumper-type fence approximately 18 inches high between the parking lot and the adjacent commercial or industrial property.

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(2) Entrances/Access

Access to the parking spaces shall be from an internal drive aisle, no parking spaces shall be allowed to back into a public street

(E) Public Transportation Terminals

- (1) Vehicles shall not be permitted to use the terminal parking lot for more than 24 consecutive hours

PART 8 SPECIFIC ACCESSORY USES

154.06.81 Accessory to All Uses

(A) Accessory Parking Lot

- (1) On-Site Accessory Parking – parking lots related to a primary use must be located on the same lot or contiguous to the principal operation
- (2) Off-Site Accessory Parking – parking lots serving a primary use on a different parcel may only be located in the same zoning district as the primary use

(B) Accessory Structure

- (1) Permit and certificate requirements

No accessory structure larger than 200 square feet shall be placed, erected or constructed prior to the issuance of a building permit for the purpose of the activity. No accessory structure shall be placed, constructed or erected on a lot where a permitted principal structure has not been constructed. No accessory structure shall be constructed or erected which does not comply with the State Building Code.

- (2) Size and flooring

Accessory structures 200 square feet or more shall require placement on a nonporous flooring such as concrete or bituminous. Accessory structures not requiring nonporous flooring shall be secured by being tied or anchored to the ground.

- (3) Attached

An accessory structure, including car ports and breezeways, attached to the principal structure on a lot, shall be made structurally a part thereof, and shall be considered a part thereof and shall comply in all respects with the requirements of this Chapter applicable to the principal structure.

- (4) Detached

- (a) All detached accessory structures shall be located in the side or rear yards.

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- (b) Accessory structures shall meet the side yard setback of the principal structure, as required by the district regulations.
 - (c) Accessory structures for residential uses of one or two units, shall have a rear yard setback of six and one-half feet
 - (d) Accessory structures for residential uses of 3 units or more, or any non-residential uses, shall meet the rear yard setback of the principal structure, as required by district regulations.
 - (e) Accessory structures in residential districts shall not exceed one story or 16 feet in height and shall not occupy more than 10 percent of the lot area. Buildings in excess of 250 square feet shall not be of pole/post type construction.
- (C) Satellite Dish
 - (1) Permit required

No satellite dish 36 inches in diameter or more shall be placed on any property in any district within the city without the issuance of a conditional use permit.
 - (2) Required exhibits

In addition to exhibits required for all conditional use permit applications, the following shall be submitted with a completed application and a fee for processing the application: scaled drawing showing all property lines, existing buildings, above and below ground utilities on the property, and the proposed location of the satellite dish.
- (D) Solar Energy Systems, Accessory
 - (1) Type
 - (a) In residential districts only building or roof-mounted systems shall be permitted
 - (b) In non-residential districts ground mounted, building, and roof-mounted systems shall be permitted
 - (2) Accessory Structure Limit

Ground mounted systems shall count as an accessory structure for the purpose of meeting limits on the number of accessory structures allowed per lot and the coverage limits. Ground mounted systems less than 120 square feet shall not be required to apply for a Site Plan Review, but shall meet the setback requirements of an accessory structure.
 - (3) Height

Active solar energy systems are subject to the following height requirements:

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- (i) Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For the purposes of height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district.
 - (ii) Ground or pole-mounted solar energy systems shall not exceed 25 feet in height when oriented at maximum tilt.
- (b) Location within Lot
Solar energy systems must meet the accessory structure setback for the zoning district.
 - (i) Roof-mounted Solar energy systems
 - a. In addition to the building setback, the collector surface and mounting devices for the roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two feet.
 - b. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - (ii) Ground-mounted Solar Systems
Ground-mounted solar energy systems may not extend into the side-yard or rear yard setback when oriented at minimum design tilt.
- (c) Compliance with State Electric Code
All photovoltaic systems shall comply with the Minnesota State Electrical Code.
- (d) Compliance with all applicable federal, state and local wetland laws, rules and regulations.
- (e) Application Requirements
The following information shall be provided to the Zoning Administrator as part of the site review process:
 - (i) A site plan of existing conditions showing the following:
 - a. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.

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- b. Existing public and private roads, showing widths of the roads and any associated easements.
 - c. Location and size of any existing or abandoned wells, and sewage treatment systems.
 - d. Existing buildings and any impervious surface.
 - e. Topography at two foot intervals and source of contour interval, a contour map of surrounding properties may also be required.
 - f. Existing vegetation (list type and percent of coverage; i.e. grassland, pasture, plowed field, wooded areas, etc.).
 - g. Waterways, watercourses, lakes and public water wetlands.
 - h. –100-year flood elevation and Regulatory Flood Protection Elevation, if applicable.
 - i. Floodway, flood fringe and/or general flood plain district boundary, if applicable.
 - j. Surface water drainage patterns.
 - (ii) Site Plan of Proposed Conditions, showing the following:
 - a. Location and spacing of solar panels.
 - b. Planned location of underground or overhead electric lines connecting the solar energy system to the building, substation or other electric load.
 - c. New electrical equipment other than at the existing building or substation that is the connection point for the solar energy system.
 - (iii) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
 - (iv) The number of panels to be installed.
- (E) Small-Scale Wind Energy Generation System
- (1) See standards established in § 154.06.61(C).
- (F) Swimming Pools, tennis courts and other individual recreational facilities
- (1) Location
- All pools, tennis courts and other individual recreational facilities shall meet the setback requirements for accessory structures and recreational appurtenances in the district in which they are located.

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- (a) Furthermore, pool locations must conform with requirements of National Electric Code and may not be within any private or public utility, walkway, drainage or other easements.
- (2) Additional Standards for Pools
 - (a) Application

This section shall apply to all privately owned swimming pools constructed in the city and to all private swimming pools constructed in the future as specified herein.
 - (b) Lot coverage

Pools shall not occupy more than five percent of the lot area.
 - (c) Design

The pool shall be designed and constructed in a manner so as not to endanger the health and safety of its users and to not unduly interfere with the use and enjoyment of adjacent property.
 - (d) Drainage

To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or onto approved public drainage ways, and shall not drain onto adjacent private land. Pools may not be drained into the City sanitary sewer system.
 - (e) Other codes

The construction, plumbing and electrical work connected with any pool shall conform to all other applicable codes of the City.

154.06.82 Accessory to Residential Uses

- (A) Accessory Dwelling Unit (ADU)
 - (1) ADUs shall be attached to the principal structure; ADUs shall be prohibited in detached accessory structures.
 - (2) Only one ADU may be created per single-family dwelling.
 - (3) ADUs must meet principal structure setbacks.
 - (4) ADUs must meet zoning district height restrictions.
 - (5) An ADU shall meet minimum building code standards for an efficiency unit.
 - (6) There shall be no more than two occupants per bedroom.

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- (7) The owner(s) of the property must continue to occupy at least one of the dwelling units on the property as their primary residence, except for a bona fide temporary absence.
 - (8) All vehicles owned by owners or tenants must be kept on improved surfaces.
 - (9) A deed restriction shall be created restricting the independent sale of an ADU and requiring adherence to size limitations and other requirements found in this Chapter.
 - (10) Short-term vacation rental of ADUs shall not be permitted.
 - (11) Home occupations or home businesses shall not be permitted within the ADU.
 - (12) ADUs shall not have sewer and water connections independent from the primary residence.
- (B) Child Care Facility
- Child care facilities are permitted as an accessory use in any residential district as long as the following standards are met:
- (1) Must comply with all state and local standards.
 - (2) The use of any accessory structure for child care is not allowed.
 - (3) Off-street parking shall be provided as follows:
 - (a) Meet the requirements of parking for the dwelling.
 - (b) One space per non-resident employee.
 - (c) One space for pick-up/drop-off.
 - (4) Signage shall be limited to a two by two, non-illuminated sign.
- (C) Home Occupations and Home Businesses
- (1) Purpose
 - (a) A home occupation is any occupation for gain or support and can be beneficial to the community in that they provide services to its residents, as well as supplemental income and personal satisfaction to the residents.
 - (b) A home business is any occupation for gain or support and can be beneficial to the community in that they provide services to its residents, as well as supplemental income and personal satisfaction to the residents. However, a home business may result in activities that may have a negative impact upon the residential character of the community and surrounding neighborhood. It is for this reason that a conditional use permit shall be required for all home businesses, to ensure their compatibility with the neighborhood in which they are located.

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(2) Permit required

A conditional use permit shall be required for all home businesses. Criteria in this section shall be in addition to criteria identified in § 154.02.23.

(3) Standards

(a) Home Occupation.

No home occupation shall be allowed which does not meet the following standards:

- (i) The home occupation shall be conducted entirely within the home by owner resident occupants only.
- (ii) The home occupation shall not require more than 25 percent of the area of any floor of the dwelling for such purpose, excluding child care facilities.
- (iii) The home occupation shall not require any structural alterations or constructions involving features not customarily found in dwellings.
- (iv) The home occupation shall be consistent with and shall not detract from the residential character of the district in which the home is located.
- (v) There shall be no outside storage of material or equipment or display of merchandise.

(b) Home Business.

No home business shall be allowed which does not meet the following standards:

- (i) The home business shall be conducted entirely on the same parcel as the home by the owner/resident/occupants only.
- (ii) The home business shall not require more than 25 percent of the area of any floor of the dwelling for such purpose, excluding child care facilities, and shall not occupy more than 50 percent of the floor area of any existing accessory structure.
- (iii) The home business shall not require any structural alterations or construction involving features not customarily found in dwellings or accessory structures.
- (iv) The home business shall be consistent with and shall not detract from the residential character of the district in which the home is located.

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- (v) There shall be no outside storage of material or equipment or display of merchandise.
 - (vi) There shall be no more than one unilluminated name plate, advertising the business, measuring not more than one and one-half square feet in area attached on the principal structure near the structure entrance.
- (4) Additional conditions for Home Businesses.
In determining whether a particular home business is consistent with the residential character of a district, the City shall consider the following:
 - (a) Noise, odors, water and air pollution;
 - (b) Vehicular and pedestrian traffic;
 - (c) The use of flammable, explosive or highly volatile materials;
 - (d) Excessive lights or noise at night; and
 - (e) Litter.
- (D) Outside Parking or Seasonal Storage of Recreational Travel Vehicles
 - (1) Such vehicles shall be stored on an improved surface, such as a driveway.
 - (2) Vehicles stored in a street yard shall be operable and currently licensed.
 - (3) Vehicles shall not be stored in a side yard.
 - (4) Vehicles stored in the rear yard shall be screened at 100 percent opacity to a height of six feet.
- (E) Short Term Vacation Rental
 - (1) The maximum number of overnight guests will be limited to two times the number of bedrooms rented plus one.
 - (2) Events are not allowed to be hosted by transient guests on the premises. An event means a gathering on the premises of more than three un-registered transient guests. Events hosted by the property owner are allowed, but must abide by all applicable City ordinances and polices, including the prohibition on renting private residential property out for events.
 - (3) Dwelling requirements
 - (a) The dwelling must be connected to City sewer and water.
 - (b) Rooms used for sleeping shall have an egress windows and smoke detectors.

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- (c) The guest(s) must have access during their entire stay to a full bathroom, including sink, toilet, and tub or shower.
 - (d) Accommodation of guests is not allowed in recreational vehicles, tents, accessory structures, fish houses, or similar structures.
- (4) Parking
 - (a) All guest parking must be accommodated on improved surfaces on the premises. No on-street parking is allowed for guests.
 - (b) At a minimum, parking shall be provided at the following rate:
 - (i) One space for each 1-2 bedroom rental.
 - (ii) Two spaces for each 3 bedroom rental.
 - (iii) Spaces equal to the number of bedrooms minus one for each 4 and 4+ bedroom rental.
 - (c) In accessory short term vacation rentals, additional off-street parking for personal use must be provided at a rate of one parking space per two bedrooms not dedicated to the guest use.
- (5) Proximity of assistance

If not staying on the property at the time of guest stay, the property owner or a manager/representative must be located within 30 miles of the property. The property owner shall maintain with the City the name, address, phone number, and email for the local contact or managing agent for the property.
- (6) Guest records

A guest record must be maintained, including the name, address, phone number, and vehicle license plate information for all guests. This record must be provided to the City within 48 hours of a request for the guest record.
- (7) Guest disclosures

The property owner must disclose in writing to their transient guests the following rules and regulations. This disclosure shall be conspicuously displayed in the home:

 - (a) The name, phone number and address of the owner, operating lessee or managing agent/representative.
 - (b) The maximum number of guests allowed at the property.
 - (c) The maximum number of vehicles allowed at the property and where they are to be parked.

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154.06.83 Accessory to Non-Residential Uses

- (d) City nuisance ordinances requirement that noise levels be reduced between 10 p.m. and 8 a.m. and that this will be enforced by the Onalaska Police.
- (e) Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities.
- (f) No events are allowed to be hosted on the premises.
- (8) Garbage
All garbage must be kept in rubbish containers that are stored out of view of a public street.
- (9) Signage
No signage pertaining to the short term vacation rental is allowed on the property.

154.06.83 Accessory to Non-Residential Uses

- (A) Gift shop accessory to an Otherwise Allowed Use
 - (1) Maximum of 10 percent gross floor area of principal use.
 - (2) Internal entrance (common entrance).
 - (3) Same hours of operation, or more limited hours of operation than principal use.
- (B) Open air display area
 - (1) Open air display areas may not be located within required setback areas and are limited to the lesser of 150 square feet or a maximum of 25 percent of the width of a building frontage that contains a customer entrance or exit. There shall be no more than one building frontage with an outdoor display area.
 - (2) Open air display areas are to be located immediately adjacent to and within the dimensions of the building frontage and shall not extend beyond the building edge.
 - (3) Open air display shall not be located so as to block pedestrian walkways, doorways, parking stalls, drive aisles (including access for emergency services). Four feet is the minimum width required to maintain pedestrian access.
 - (4) Open air display areas shall not exceed a height of five feet, except that vending machines or cabinets for items such as beverages, ice, movies, and propane may exceed the height as long as there are no more than three machines per frontage.
 - (5) Open air display areas shall be maintained in an orderly and attractive manner.
 - (6) Open air display areas shall be limited to products sold within the principal structure and shall not serve as a storage area for inventory.
- (C) Temporary Stand for Sale of Agricultural Products (Tree Lot, Farm Stand, Seasonal Sales, etc.)

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- (1) Location of temporary outdoor sales shall be included on the Site Plan.
- (2) Individual displays shall be limited to 30 consecutive days; temporary stand for sales may not occur more than 120 cumulative days within the year.
- (3) Hours of operation shall be limited to those of the primary use.
- (4) Portable toilet facilities shall not be permitted.

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CHAPTER 154 ZONING

154.07.11 Applicability

ARTICLE 07 DEVELOPMENT STANDARDS

PART 1 PERFORMANCE STANDARDS

154.07.11 Applicability

- (A) No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, heat, cold, dampness, electrical or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises (referred to herein as "dangerous or objectionable elements").
- (B) For proposed new uses where there is a question about whether there will be compliance with the performance standards, the applicant shall submit a plan of the proposed construction or development, including a description of the proposed machinery, processes, products and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements.

154.07.12 Visual Obstructions to Vehicular Traffic

(A) Intersections with traffic controls

On any corner lot at a street intersection which has some form of traffic control (stop or yield signs), there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of two intersecting streets and a straight line joining the two centerlines at points 80 feet distant from their point of intersection.

(B) Intersections without traffic controls

On any corner lot, in all districts, at a street intersection which does not have any form of traffic control, there shall be no obstruction to the traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of two intersecting streets and a straight line joining the two centerlines at points 88 feet distant from their point of intersection. All objects within this area not exceeding 30 inches in height as measured from the centerline elevation of the street shall not be considered as an obstruction to vision.

154.07.13 Noise

All operations and activities within the City must conform to the City's noise ordinance as set forth in Chapter 95 of the City Code.

154.07.14 Vibration

- (A) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure borne vibrational motion

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154.07.15 Glare

necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

- (B) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

154.07.15 Glare

- (A) In all districts, any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining residential use and/or from the public streets.
- (B) Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be hooded or controlled in some manner so as not to light adjacent property.
- (C) Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one foot candle (meter reading) as measured from the centerline of the street.
- (D) Any light or combination of lights which cast light on an adjacent residential property shall not exceed 0.4 foot candles (meter reading) as measured from the adjacent property.
- (E) Where not specifically otherwise regulated, the light pole shall not exceed 30 feet in height.

154.07.16 Odor

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined by State Statute.

154.07.17 Emissions and Pollutants

- (A) Particulate Emissions and Visible Emissions

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established by State Statute.

- (B) Hazardous Pollutants

No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established by State Statute.

154.07.18 Fire and Explosion Hazard

- (A) All activities involving and all storage of flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standards in the industry.
- (B) Burning of waste materials in open fire shall be prohibited.
- (C) The relevant provisions of state and local laws and regulations shall also apply.

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154.07.19 Bulk Storage (Liquid, Gas, Grain, and the Like)

154.07.19 Bulk Storage (Liquid, Gas, Grain, and the Like)

- (A) Above and below ground storage tanks, bins, elevators and the like shall be regulated in accordance with applicable City, state and federal regulations, including the applicable building codes, State Fire Code and regulations of the Pollution Control Agency.
- (B) All necessary federal, state and local permits and approvals shall be obtained.
- (C) The Council may require that all existing aboveground liquid in free state storage tanks having a capacity of 300 gallons or more be diked, and suitably sealed, to hold a leakage capacity equal to 115 percent of tank capacity, and also have State Fire Marshal approval.
- (D) No storage tanks containing flammable or combustible materials shall be located less than 200 feet from a residential district, except those used on individual properties for heating individual homes.

154.07.110 Outside Storage

In all residential districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except the following shall be permissible if maintained in good order:

- (A) Laundry drying and clothes lines.
- (B) Recreational equipment.
- (C) Construction and landscaping materials and equipment currently being used on the premises.
- (D) Off-street parking of licensed operating passenger vehicles.
- (E) Fire wood kept neat and orderly for use in the principal residence for heating.

154.07.111 Refuse

- (A) In all districts, all waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes, with the exception of crop residue.
- (B) The owner of vacant land shall be responsible for keeping the land free of refuse.
- (C) Passenger vehicles and trucks in an inoperative state shall not be parked in outdoor parking areas in residential districts for a period exceeding 14 days.

154.07.112 Liquid or Solid Wastes

No discharge at any point into any public sewer, private sewage disposal system or stream or into the ground, except in accord with standards approved by the Department of Health of the state or standards equivalent to those approved by such Department for similar uses of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

154.07.113 Sewage Disposal

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154.07.21 Off-Street Parking

- (A) It shall be unlawful for any owner of any premises which has access to the sanitary sewer system to permit the existence of outdoor toilets, or to construct, improve or repair any individual on-site sewer treatment facility.
- (B) All developed properties having access to the sanitary sewer system shall be connected to the sanitary sewer system.
- (C) This provision shall not apply to temporary construction sites or portable units used in farming operations.

PART 2 PARKING, LOADING, ACCESS AND CIRCULATION

154.07.21 Off-Street Parking

(A) Generally

In all zoning districts, off-street parking facilities for the temporary storage of motor vehicles for the use by occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Chapter, shall be provided and maintained as herein prescribed.

(B) Area Exempted

The following portion of the central business district is exempt from parking requirements: the area bounded on the south by the railroad right-of-way, on the east by the center of First Avenue East, on the west by the center of Fifth Avenue West and on the north by the center of the alley between Main Street and First Street North.

(C) All districts

- (1) Loading space shall not be construed as supplying off-street parking space.
- (2) When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (3) Whenever a use requiring off-street parking is increased in floor area, and the use is located in a building existing on or before the effective date of this Chapter, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- (4) Where a use is not specifically mentioned, off-street parking requirements shall be the same as for a similar use.
- (5) Nothing in this section shall prevent the extension of, or an addition to, a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area.

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154.07.21 Off-Street Parking

(D) R-1 and R-1A, residential districts

Off-street parking facilities for residential uses shall be provided and located on the same parcel of land as the building they are intended to serve.

(E) R-2, R-3, R-C residential districts and all nonresidential districts

(1) Off-street parking facilities for residential uses shall be provided and located on the same parcel of land as the building they are intended to serve.

(2) The location of required off-street parking facilities for non-residential uses shall be on the same lot or contiguous to the lot on which the principle use is located.

(a) All off-site parking shall be within 300 feet of the lot where the principle use is located, measured from the nearest part of the off-site parking facility to the nearest point of the principle lot. All off-site parking will require a conditional use permit.

(3) Parking of automobiles and other motor vehicles is permitted in the front and side yards in the I-1 and I-2 manufacturing districts if separated by a planting bufferyard not less than ten feet in width.

(F) Design standards

The following standards are for required parking areas for 5+ unit residential uses and all non-residential uses:

(1) Minimum Standards

(a) The size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress, each stall being a minimum of nine feet wide and 18 feet in depth; however, handicap parking stalls shall meet ADA requirements.

(b) Minimum width of aisles providing access to stalls for one way traffic shall be as follows:

(i) 11 feet for 30 degree parking; and

(ii) 20 feet for 90 degree parking.

(c) Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.

(d) No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street.

(e) Tandem parking (one vehicle behind another) layouts are not permitted.

(2) Standards for all districts

(a) Adequate ingress and egress shall be provided.

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- (b) Whenever the parking lot boundary adjoins property zoned for residential use, a setback of eight feet from the lot line shall be required.
- (c) A parking plan shall be submitted to the City.
 - (i) Plans for the construction of any parking lot must be approved by the City before construction is started.
 - (ii) No land shall be used for parking until final approval by the City.
- (3) Standards for all Residential Districts, Commercial Districts, and I-1 District
 - (a) All driveways and all areas intended to be utilized for parking spaces shall be constructed of bituminous asphalt, concrete, or pavers. Such surfacing shall be approved by the City Engineer and maintained in good repair.
 - (b) All parking or paved areas shall be adequately served by storm sewer or other approved stormwater facilities. Such facilities shall be approved by the City Engineer.
 - (c) A six-inch-high, poured-in-place concrete curb shall be provided around the periphery of all parking lots and internal access roads, except where the City Engineer determines that a curb would impede the drainage plan.
 - (d) Whenever the parking lot boundary adjoins property zoned for residential use, a setback of eight feet from the lot line shall be required.
- (4) Standards for all uses in I-2 District
 - (a) The parking lots shall be maintained in a useable dust-proof condition and shall be kept graded and drained to dispose of surface water in accordance with existing state, federal and local regulations.
 - (b) Necessary curbs or other projections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.
- (G) Uses and Required Parking Spaces Table

The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified in this Chapter, shall be determined in accordance with the following table and space so required and shall be irrevocably reserved for the use.

Use	Required Parking
Residential	
Household Living	
Dwelling, Single Family Detached	2 spaces per dwelling unit

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Use	Required Parking
Manufactured Home	
Dwelling, Single Family Detached Conversion to Two, Three, or Four Unit	1.5 spaces per dwelling unit
Dwelling, Two Unit (Duplex)	
Dwelling, Three to Four Unit (Triplex, Quadraplex)	
Dwelling, Single Family Attached (2-4 units)	
Dwelling, Single Family Attached (5+ units)	
Dwelling, Multi-Family 5+ Units	1.25 spaces per dwelling unit
Dwelling, 2 nd Floor+ Apartments (Above non-residential ground floor)	1 space per dwelling unit plus required parking for ground floor use
Manufactured Home Park	2 spaces per dwelling unit
Live/Work Unit	1 space per dwelling unit
Group Living	
Intermediate, Extended, and Long-Term Care Facility [Nursing Home]	1 space per every 5 beds plus 1 space per every 3 employees
Residential care facility, licensed in-home (6 or fewer persons)	
Residential care facility, licensed in-home (7 to 16 persons)	
Lodging	
Bed and Breakfast Facilities	1 space for the dwelling unit, plus 1 space per room offered for occupancy
Lodging services such as hotel and motel	1 space for each guest room, plus 1 space per every 3 employees
Short Term Vacation Rental	Parking requirements as listed in § 154.06.23(B)(4)
Public, Social, or Healthcare	
Healthcare and Interment Services	
Cemeteries, mausoleums, columbarium, including animal cemeteries	None required
Clinic, including medical, dental or therapeutic [See Professional Services]	1 space per 250 square feet of gross floor area
Funeral home or mortuary	1 space per 50 square feet of floor area in parlors or assembly rooms
Hospital	1 space per every 5 beds plus 1 space per every 3 employees
Institutions	

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Use	Required Parking
Club, lodge or meeting place of a non-commercial nature	1 space per every 4 persons of the maximum building occupancy
Place of worship	
Social assistance, welfare, or charitable services	1 space per 250 square feet of gross floor area
Education	
Child care facilities serving up to 12 persons	1 space per employee on the maximum work shift, plus 1 space per every 10 children
Child care facilities serving 13 + persons	
School, college/university/trade/business	1 space per employee, plus 5 spaces per classroom
School, elementary or secondary	Elementary: 1 space per employee Secondary: 1 space per employee, plus 5 spaces per classroom
School, nursery or preschool	1 space per employee
Recreation and Open Space	
Golf Courses / Country Club	2 spaces per golf hole, plus 1 space per every 4 persons of the maximum building occupancy
Historic Sites	None required
Public recreational facilities including parks and playgrounds, hiking and/or biking trails	None required
Temporary Outdoor Entertainment	Temporary parking areas to be approved by Zoning Administrator
Wildlife, forest, and wetland preserves or management areas	None required
Government Services	
Essential Services	None required
Municipal, county, state or federal administrative or services building	1 space per 250 square feet of floor area of "active" spaces (not including utility or storage areas)
Commercial	
Food or Beverage Services	
Bar / Tavern	1 space per 4 seats provided for patron use
Brewpub	
Café, Coffee Shop	
Off Sale Liquor	1 space per 250 square feet of gross floor area
Restaurant	1 space per 4 seats provided for patron use

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Use	Required Parking
Restaurant with drive-through or drive-in	1 space per 4 seats provided for patron use plus 3 stacking spaces per drive-through window
Other Services	
Animal/Pet Services	1 space per each examination and treatment room, plus 1 space per employee on the maximum work shift
Banks, Finance, Insurance, and Real Estate Services	1 space per 250 square feet of gross floor area
Building Services	
Business Services	
Equipment Services	
Personal Services	
Professional Services	
Services otherwise allowed with drive-through or drive-in	
Retail	
Convenience Store	1 space per 250 square feet of gross floor area
Food Retail [Grocery Store]	
General Retail	
Shopping Center	
Wholesale Retail	
Arts and Entertainment	
Art Gallery / Museum	1 space per 500 square feet of gross floor area
Indoor recreational facility, commercial	1 space per 200 square feet of gross floor area
Outdoor recreational facility, commercial	1 space per 5,000 square feet of outdoor activity area
Automobile Related	
Automobile Fuel Station / Service Station	1 space per 2 gas pumps, plus 1 space per service bay
Automobile Sales	1 space per 1,000 square feet of gross floor area for indoor display area and 1 space per 5,000 square feet for outdoor display area
Industry and Manufacturing	
Small Production / Commercial Production	

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Use	Required Parking
Buildings used for Research and Testing Laboratories (interior only)	1 space per 500 square feet of gross floor area
Brewery, winery or distillery	1.5 spaces per every 2 employees on the maximum work shift and 1 space per 250 square feet of floor area of retail or taproom
Makerspace (studio)	1 space per 1,000 square feet of gross floor area
Printing	
Rental Equipment (stored indoors)	
Rental Storage Units (self-storage facility)	1 space for every 10 storage units
Traditional Industrial, Indoors	
Grain Elevators; Fertilizer manufacturing, storage, and sales	1.5 space per every 2 employees on the maximum work shift
Manufacturing, light	
Manufacturing, heavy	
Warehouse/distribution facility	
Outdoor Industrial Activity	
Automobile Wrecking Yard/Scrap or salvage storage yard	1 space per employee on the maximum work shift, plus 3 visitor spaces
Contractor Yard (landscaping, construction, etc)	1 space per 500 square feet of gross floor area of office, sales, or display area, plus 1 space per 5,000 square feet of storage area
Outside storage, manufacturing, and sales area	1 space per 5,000 square feet of storage area
Agriculture and Natural Resources	
Community Solar Farm	None required
Nursery/Greenhouse (with retail sales)	1 space per 250 square feet of retail gross floor area, plus 1 space per 5,000 square feet of outdoor display area
Short wave towers, radio and TV towers, and commercial radio and television towers and transmitters	None required
Wind Energy Conversion Systems	
Wireless Communications Facilities	
Accessory Uses	
Accessory dwelling unit	1 space for ADU in addition to required spaces for primary residence
Day care facility, licensed (12 or fewer persons)	1 space per every 10 children

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Use	Required Parking
Day care facility, licensed (13 to 16 persons)	
Home Business	Depending on type of Home Business, parking in addition to required spaces for primary residence may be required by the CUP
Home Occupation	None required
Short term vacation rental	Parking requirements as listed in § 154.06.23(B)(4)

(H) Uses Not Listed

In the case of uses not mentioned, the provision for a use which is similar, as determined by City staff, shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking spaces required.

(I) Required parking spaces and the driveways providing access to them shall not be utilized for the following:

- (1) Storage of unlicensed or inoperable motor vehicles, other goods, or snow.
- (2) Display, sales, rental or repair of motor vehicles or other goods.
- (3) Loading and unloading of vehicles.

(J) Combined Uses

Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.

(K) Shared Parking

Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses; provided, collectively, the facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table, except as provided below:

- (1) Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:
 - (a) The proposed joint parking space is within 500 feet of the use it will serve.
 - (b) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

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- (c) A properly drawn legal instrument approved by the City Council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Clerk. Said instrument may be a three party agreement, including the City and all private parties involved. Such instrument shall first be approved by the City Attorney.

(L) Handicapped Parking Requirements

In addition to any other requirements relating to parking spaces contained in these Ordinances, handicapped parking must conform to ADA and State Statute and Administrative Rules requirements.

(M) Changes in Buildings or Use

- (1) Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (2) Whenever a building or use is enlarged to the extent of 50 percent or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.

154.07.22 Loading Spaces

- (A) On the premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, commercial, retail and related uses involving receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys.
- (B) The space, unless otherwise adequately provided for, shall be at minimum one ten-foot by 25-foot loading space, with 14-foot height clearance for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building floor use or land use for the above mentioned purposes.

154.07.23 Access and Driveways

- (A) The number and types of access drives onto arterial, collector, and parkway roads may be controlled and limited by the City Council in the interests of public safety and efficient traffic flow.
- (B) Access drives onto county roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, size and design of the access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- (C) Access drives to principal structures which traverse wooded, steep or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles.

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154.07.24 Circulation

- (1) The Zoning Administrator shall review all access drives (driveways) for compliance with accepted community access drive standards.
- (2) All driveways shall have a minimum width of ten feet with a road strength capable of supporting emergency and fire vehicles.
- (D) All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the City Council.

154.07.24 Circulation

(A) Pedestrian Access and Circulation

(1) Purpose

The purpose of the following pedestrian access and circulation requirements is to ensure effective pedestrian connections and other means of non-motorized transportation through proper site design and land development improvements including walkways, trails and other improvements that link residential and commercial neighborhoods to each other and at the same time link one method of transportation to other methods of transportation throughout the City.

(2) Internal Sidewalks and Pedestrian Access Site Design Requirements

- (a) A pedestrian connection shall be constructed from all principal buildings on a lot to the public right of way. This requirement is not applicable to single family and two family structures.
- (b) The pedestrian connection shall have a minimum width of five feet.
- (c) At each point that an on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in paving materials, distinguished by their color, texture or height.
- (d) Sidewalks shall be provided along any façade featuring a customer entrance, and along any façade abutting public parking areas.
 - (i) At all times, such sidewalks shall maintain a clear pedestrian passage equal to the width of the sidewalk.
 - (ii) Additionally, such sidewalks shall connect all customer entrances to other internal sidewalks.

(B) Vehicle Circulation

- (1) All parking, loading, and drive areas shall be designed to provide adequate space for the circulation of vehicles, including emergency and fire services.

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154.07.31 General Landscaping

- (2) Plans for parking, loading, and access may be sent by the Zoning Administrator to the Fire Marshall and other applicable officials for review of circulation design prior to approval.

PART 3 LANDSCAPING, SCREENING, WALLS, AND FENCES

154.07.31 General Landscaping

- (A) All open areas of a lot not used for buildings, parking, circulations, patios or storage must be landscaped with a combination of canopy trees, ornamental trees, evergreen trees, shrubs, flowers, sod, ground cover, and other site design features to ensure soil stabilization. This requirement shall not apply to undisturbed areas retained in a natural state.
- (B) Fences, hedges, walls and other landscaping shall be located entirely upon the property which they serve. Fences, hedges, walls and other landscaping obstructing a utility or drainage easement or extending beyond the legal property boundary may be removed at the owner's expense.
- (C) Landscape plans shall be submitted for all site and subdivision related applications where exterior construction and development activity will occur, except for the construction of an individual single-family or two-family dwelling.
- (D) Landscape plans shall be prepared by a registered landscape architect for planned unit developments or development where there is greater than one acre of site disturbance.
- (E) The following minimum number of plant materials shall be provided:
 - (1) All residential one- and two- unit developments shall require two canopy trees per dwelling unit installed in the City right-of-way.
 - (2) All residential uses with three or more units and non-residential uses shall provide:
 - (a) One canopy or evergreen tree per 25 lineal feet of street frontage.
 - (b) All structures must have foundation plantings consisting of shrubs, perennials, and native grasses.
 - (c) All additions, expansions, or additional structures shall require an additional two shrubs per 1,000 square feet of new construction.
- (F) Off-Street Parking Area Landscaping
 - (1) All off-street parking areas containing more than 50 stalls or two or more drive aisles must include landscaped, interior parking lot islands as follows:
 - (a) Islands are required at the end of each row of cars, at vehicle circulation aisles or driveways, or every 15 stalls, whichever is less.
 - (b) Islands shall be provided to separate pedestrian and vehicular traffic.
 - (c) Islands shall contain trees, shrubs, perennials, and native grasses.

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- (d) Islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch to retain soil moisture.
 - (e) Turf grass is permitted within landscaped areas located around the periphery of a parking lot.
- (2) All open, off-street parking areas shall have a minimum of one square foot of landscaping per ten square feet of parking using trees, shrubs, or ground cover plants. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- (G) All plant materials must:
 - (1) Meet the minimum standards set by the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock.
 - (2) Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species.
 - (3) Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought, and salt.
 - (4) Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified in this Division.
- (H) Not more than 30 percent of the required number of trees shall be of the same species.
- (I) Trees and shrubs may be clustered and do not need to be evenly spaced.
 - (1) It is preferable that trees be located between the sidewalk and the curb, within the landscaped area of a boulevard or in tree wells installed in pavement or concrete.
 - (2) If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.
- (J) The minimum size of plantings shall be as follows:
 - (1) Canopy trees – 2.5-inch caliper.
 - (2) Ornamental trees – 1.5-inch caliper.
 - (3) Evergreen tree – six-foot height.
 - (4) Deciduous or evergreen shrub – five-gallon pot.
- (K) Mulch shall consist of shredded bark, chipped wood, or stone installed at a minimum depth of two inches. If stone is used it shall be spread over a permeable weed barrier fabric.
- (L) All required plant materials shall be planted prior to issuing a Certificate of Occupancy.

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- (1) In the event that the project is completed during a time of year when planting is impractical, a performance guarantee meeting the requirements of and in the amount of the remaining improvements may be required.
- (2) In such case that a performance guarantee is required, all landscaping shall be completed within one year after the certificate of occupancy has been issued.
- (M) The continued maintenance of all required landscaping materials in a live and healthy state is a requirement of this Code and is the responsibility of the owner and tenant of the property on which the materials are required.
 - (1) Plantings which have died shall be promptly replaced by the property owner in accordance with the landscape plan approved for the site.
 - (2) This requirement shall run with the land and be binding upon all future property owners.
 - (3) Failure to comply with this maintenance requirement shall be a violation of this Section.
- (N) Prior to the issuance of a building permit for all projects requiring approval of a landscape plan, the developers, contractor, or property owners shall deposit a security with the City to guarantee compliance with and to indemnify the City for any expenses incurred in enforcing the requirements of this Section.
 - (1) Landscape security for all uses except one or two unit dwellings shall be in a form approved by the Departments and shall be equal to 125 percent of the estimated cost necessary to furnish and plant the required landscaping and any ancillary screening improvements such as fencing.
 - (2) The estimated cost shall be subject to approval by the City.

154.07.32 Bufferyards and Screening

- (A) General
 - (1) Screening and buffering shall be used to provide visual and noise separation of more intensive uses from less intensive uses.
 - (2) Fences, hedges, walls and other landscaping shall be located entirely upon the property which they serve. Fences, hedges, walls and other landscaping obstructing a utility or drainage easement or extending beyond the legal property boundary may be removed at the owner's expense.
 - (3) Screening shall be provided alongside side and rear property boundaries between non-residential uses and residential uses. Screening for new construction shall consist of the following:
 - (a) The buffer area abutting the residential use must meet the width shown in the table below:

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Buffer Requirements Table

Uses	Zoning District of Subject Property	Minimum Buffer Width
5+ unit Residential, Institutional, Business, Mixed-Use	R-1, R-1A, R-2, R-3, R-C	10 feet
Institutional, Business, Mixed-Use	C-1, C-2, C-3	15 feet
Institutional, Business, Industrial	I-1, I-2	20 feet

- (b) The buffer area must contain a solid wall, opaque, commercial-grade fence, or hedge with year-round foliage, between six and eight feet in height. Screening within the front yard or corner side yard is limited to four feet in height. Height of screening shall be measured from the natural or approved grade.
- (c) If the buffer area contains a hedge, the hedge shall be landscaped with at least two staggered rows of evergreen trees with trees in each row spaced at a maximum of 12 feet.
- (d) The buffer area may be interrupted for necessary pedestrian or vehicular access.
- (e) Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six months.

(B) Site Elements to be Screened

The following site elements shall be screened in compatibility with the design elements, materials, and colors used elsewhere on the site as follows:

- (1) Refuse Disposal Areas
 - (a) All refuse and recycling containers in all commercial, industrial, multi-family, or mixed use zoning areas shall be screened on four sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material that is architecturally compatible with the principal structure and has a height of between six feet and eight feet.
 - (b) Refuse enclosures shall be subject to the following:

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- (i) A three foot setback is required to any lot line;
 - (ii) Shall include a durable gate system that remains closed when not in use; and
 - (iii) Shall allow for easy access by refuse and recycling contractors.
- (2) Loading Areas
Loading areas shall be screened from abutting residential uses and from street view to the extent feasible. Screening along district boundaries, where present, may provide all or part of the required screening.
- (3) Mechanical Equipment
All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator.
- (4) Off-Street Parking Areas
Those parking areas for five or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of five feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five feet from said lot line. Said fence shall be located a minimum of one foot from the said lot line.

154.07.33 Fences and Walls

(A) General

- (1) Fences, hedges, walls and other landscaping shall be located entirely upon the property which they serve. Fences, hedges, walls and other landscaping obstructing a utility or drainage easement or extending beyond the legal property boundary may be removed at the owner's expense.
- (2) Barbed wire or above ground electric fences shall not be permitted, used or constructed, except in industrial districts or where livestock are permitted.
- (3) All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property and provide a clearance for maintenance without entering upon the neighboring property.
- (4) No fence, wall or hedge shall exceed six feet in height, as measured from the finished grade, unless required by the City for screening, buffering or safety.

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- (5) No portion of a fence, wall or hedge projecting into the front yard of a property shall exceed 30 inches in height unless required by the City for screening, buffering, or safety.
 - (6) The area between a fence and property line shall be maintained in an attractive condition at all times.
- (B) Approval Required
- (1)
 - (2) Fences on properties with three or more unit residences or non-residential uses shall require a Site Plan Review application and approval with the City, as described in § 154.02.22.
 - (3) Retaining walls measuring four feet in height or more shall require a building permit application and approval.
- (C) Temporary Fences
- (1) Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four foot intervals.
 - (2) Such fences shall comply with the setback requirements set forth in this Chapter.
 - (3) Temporary fences shall not be erected for more than 45 days.
- (D) Nonconforming Fences
- Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Division may be maintained, but no alteration, modification or improvement of said fence shall occur, unless installed in conformance with this Division.

PART 4 NATURAL RESOURCE PROTECTION

154.07.41 Grading, Filling, and Erosion Control

(A) Purpose

The purpose of this section is to require preparation and implementation of grading and erosion control plans for land-disturbing activity to:

- (1) prevent sediment deposits on roadways;
- (2) retain sediment on site;
- (3) prevent disruption or damage to water resources and public stormwater systems;
- (4) prevent adverse impacts to neighboring property
- (5) reduce soil compaction and enhance infiltration and the establishment of vegetation;

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- (6) prevent damage to natural resources, such as trees, that are intended to be preserved; and
- (7) maintain stable slopes.
- (B) Where the provisions of state law or other City regulation or ordinance set higher standards than those of this Chapter, the provisions of the laws, regulations or ordinances shall apply.
- (C) General standards

The following management practices shall be applied to all development and earth moving activities:

- (1) 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.
- (2) Best management practices for erosion control and sediment control shall be applied to each development/construction site.
- (3) Slopes over 18 percent in grade shall not be developed.
- (4) Development on slopes with a grade between 12 percent and 18 percent shall be carefully reviewed to ensure that adequate measures have been taken to prevent erosion, sedimentation and structural damage.
- (5) 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.
- (6) 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.
- (7) Where the topsoil is removed, sufficient arable soil shall be set aside for respreading 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.
- (8) 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.
- (9) 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.

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(D) Exposed slopes:

The following control measures shall be taken to control erosion during construction.

- (1) No exposed slopes should be steeper in grade than four feet horizontal to one foot vertical.
- (2) 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.
- (3) 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.
- (4) 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.
 - (a) Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedlings of annual grasses.
 - (b) Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material.
 - (c) Mulch should be anchored to slopes with liquid asphalt or stakes and netting, or should be worked into soil to achieve additional slope stability.
- (5) 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.

(E) Grading Permit:

- (1) Except as provided below, a grading permit is required for the following activities:
 - (a) excavating, grading, filling or other land-disturbing activity on a per project basis that exposes soil in an area or areas encompassing at least 5,000 square feet or results in the movement of at least 50 cubic yards of material;
 - (b) excavating, grading, filling or any other land-disturbing activity that exposes soil in or on any steep slope, wetland, or floodplain; or

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154.07.42 Stormwater Design

- (c) excavating, grading, filling or any other land-disturbing activity that de-stabilizes the soil, involves the movement of contaminated soils, involves work in the right-of-way that is approved by the City Engineer, or creates the potential of erosion onto property not in common ownership with the location of the activity or creates the potential of erosion into a water resource.
 - (2) A separate grading permit is not required for land disturbing activity that is undertaken in compliance with a grading and erosion control plan approved in conjunction with a building permit if in conformance with subdivisions 16 and 17 of this section.
- (F) Grading and Erosion Control Plan
- A grading and erosion control plan is required to be submitted for City approval as part of an application for any grading permit, Site Plan Review, and wetland/floodplain alteration permit, and as part of an application for a building permit that involves any amount of land-disturbing activity.

154.07.42 Stormwater Design

- (A) Runoff water from parking lots, roofs and driveways shall not be allowed to cross sidewalks or to directly run onto private property that is not a part of the site unless easements have been obtained.
- (B) Surface runoff waters shall be directed into municipal facilities; where municipal facilities are not available, a drywell or drainage area owned or controlled by the owner or developer shall be provided.

154.07.43 Preservation of Natural Drainageways

- (A) Waterways.
 - (1) Every effort shall be made to retain the natural drainage systems in the City including existing wetlands and ponds. The natural drainage system shall be maintained by the City. Aboveground runoff disposal waterways may be constructed to augment the natural drainage system.
 - (2) 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.
 - (3) No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
 - (4) The banks of the waterway shall be protected with permanent vegetation.
 - (5) The banks of the waterway should not exceed four feet horizontal to one foot vertical in gradient.

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154.07.43 Preservation of Natural Drainageways

- (6) The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
 - (7) The bend of the waterway should be protected with turf, sod or concrete.
 - (a) If turf or sod will not function properly, riprap may be used.
 - (i) Riprap shall consist of quarried limestone, fieldstone (if random riprap is used) or construction materials of concrete.
 - (ii) The riprap shall be no smaller than two inches square nor no larger than two feet square.
 - (b) Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.
 - (8) 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.
- (B) Sediment control of waterways.
- (1) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
 - (2) 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.
 - (3) 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.

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CHAPTER 154 ZONING

154.08.11 Purpose

ARTICLE 08 SIGN REGULATIONS

PART 1 GENERAL PROVISIONS

154.08.11 Purpose

The purpose for regulating signs is to minimize aesthetic distractions, avoid placement of signs representing traffic-control signs, ensure maintenance of signs and protect the health, safety and welfare of the people of the city. To balance the need for signage with the impact of the signage by establishing minimum standards related to the use, location and intensity of particular land uses.

154.08.12 Certificate required

No permanent or nontemporary sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a building permit and without being in conformance with the provisions of this Chapter, excepting those official signs such as parking, traffic, street and highway signs, and those identified in § 154.08.15.

154.08.13 Sign appearance

The owner, lessee or manager of the property on which a sign is located is responsible for the appearance of the sign, including the reasonable area around the base of the sign. Upon notification by the City that a sign is rotted, unsafe or unsightly, the owner of the sign or owner of property thereunder shall remove or repair the sign.

154.08.14 Construction

All permanent signs shall be constructed to meet Building Code standards for wind resistance and wind loads. Signs shall be secured so as not to be free swinging. Signs with any electrical devices shall conform to the Electrical Code. In addition, adequate measures shall be taken to ground metallic parts of roof signs which may be exposed to lightning.

154.08.15 Permitted Signs, All Districts

The following shall be allowed without a permit in all zoning districts:

- (A) Political signs, for a period from August 1 until ten days after an election (M.S. § 211B.045, as may be amended from time to time);
- (B) Finder signs and real estate signs, not exceeding eight square feet in area;
- (C) Official signs, such as traffic-control, parking restrictions, information and notices;
- (D) Bulletin boards for public, charitable or places of worship not exceeding eight square feet in area;
- (E) Historic markers, memorial signs, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure; and
- (F) Warning and name signs not exceeding two square feet located on the premises.

154.08.16 Prohibited Signs, All Districts

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154.08.17 Signs in Residential Districts

The following shall be prohibited in all zoning districts:

- (A) Any sign located in the public right-of-way or easements, except those listed in divisions § 154.08.15(B) and § 154.08.18(H);
- (B) Any sign which resembles the size, shape, form and color of official traffic-control signs, emergency vehicle lights or official markers;
- (C) Any sign which obstructs any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure;
- (D) Any sign which casts a distracting or confusing ray of light onto a public roadway; and
- (E) Any sign which causes a safety hazard by interfering with sight lines and traffic visibility.

154.08.17 Signs in Residential Districts

- (A) No flashing, moving or intermittently lighted sign shall be permitted in any residential district, except on school district property;
- (B) There shall be no more than one unilluminated name plate measuring not more than one and one-half feet in area attached near the building entrance;
- (C) Construction/project signs are permitted for the duration of the project; and
- (D) Area identification signs shall be allowed with a building permit.

154.08.18 Signs in Nonresidential Districts

Signs shall be permitted in nonresidential districts subject to the following:

- (A) Wall signs placed against the exterior wall of a building shall not extend more than six inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean centerline street grade;
- (B) Projecting signs fastened to, suspended from or supported by structures shall not exceed 100 square feet in area for any one premises, shall not extend more than six feet into any required yard, shall not project into the public right-of-way, shall not exceed a height of 20 feet above the mean centerline street grade, and shall not be less than ten feet above the sidewalk nor 15 feet above a driveway or an alley.
 - (1) Projecting signs in the C-1 central business district may be allowed to extend over the public right-of-way; provided that, no sign shall project into the right-of-way more than five feet as measured from the point of the sign, or its supports, at the distance farthest from the property line.
 - (2) No projecting sign shall be permitted to use the public right-of-way for support apparatuses. Supports shall be located entirely on private property;

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154.08.19 Measuring Area

- (C) Freestanding ground type signs shall not exceed 20 feet in height above the mean centerline street grade, shall not encroach on any public right-of-way and shall not exceed 100 square feet on all sides for any one premises;
- (1) Lots within 1,000 feet of the centerline of Highway 14 in C-2, and C-3 Districts may, as a conditional use, be permitted an additional 300 square feet of area and a maximum elevation above sea level of 1,350 feet to increase visibility to highway traffic.
- (D) Roof signs shall not exceed ten feet in height above the roof, shall meet all the setback and height requirements for the district in which they are located, sum of all sides shall not exceed 300 total square feet on any one premises;
- (E) No flashing, moving or intermittently lighted sign shall be permitted on any nonresidential lot abutting directly or across any street to a residential district;
- (F) Freestanding, billboard type of signs shall only be allowed if they meet the following:
- (1) *Spacing.* Billboard type advertising signs on the same side of the street, facing the same traffic flow, shall not be placed closer than 500 feet apart and 250 feet from zoning districts other than C-3 and I-2.
- (2) *Double face sign structures.* Billboard type advertising signs can be double faced (back to back) or V-type. Each side shall be considered as facing traffic flowing in the opposite direction.
- (3) *Size, height and length of billboard type advertising signs.* All billboard type signs shall not exceed 750 square feet per side, and shall not exceed 35 feet in height. No billboard type signs shall exceed 55 feet in length.
- (4) *Zoning districts.* Billboard type advertising sign installation shall be limited to zoning districts C-3 and I-2.
- (G) Portable signs
- Each lot or parcel in commercial/industrial districts (C-1, C-2, C-3, I-1, I-2) shall be permitted one portable sign no larger than 32 square feet, for a cumulative period of 90 days in any one year. No permits are required for portable signs;
- (H) Sandwich board/A-frame signs
- Those businesses located in commercial/industrial districts (C-1, C-2, C-3, I-1, I-2) shall be permitted one sandwich board/A-frame sign, no larger than ten square feet in area. The sign shall only be displayed during business hours, in front of the business, and, if on the sidewalk, shall not interfere with pedestrian traffic. The signs are subject to M.S. § 609.74, as may be amended from time to time, regarding the preservation and maintenance of right-of-way; and

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154.08.19 Measuring Area

- (I) Electronic message signs and/or animated/flashing signs shall be allowed as a conditional use in all commercial/industrial districts and on school property.

154.08.19 Measuring Area

The following shall determine the sign area:

- (A) Support structures or bracing shall not be considered part of the sign area unless used as a part of the sign message.
- (B) In the case of two identical message faces back to back, and sandwich board signs, the area of only one face shall be considered the sign area. If a sign has more than one display face, and is not identical and back-to-back, each face shall be considered a separate sign.
- (C) The entire surface area of freestanding, projecting, roof and marquee signs shall be considered the sign area.
- (D) When a message is applied to a background that provides no boarder or frame, the sign area shall be the smallest rectangle which can encompass all words, letters, figures, emblems and other elements of the sign message.

154.08.110 Measuring Height

No sign shall exceed the permitted maximum height allowed in the underlying district. The height of a sign shall be determined as follows:

- (A) A freestanding sign shall be measured from the finished elevation at the base of the sign to the top of the sign face.
- (B) Projecting signs and wall signs shall be measured from the finished elevation below the sign to the top of the sign face.
- (C) Roof signs shall be measured from the top of the outside building wall to the top of the sign area.

154.08.111 Consent

No sign, whether permanent or temporary, shall be placed on private property without the consent of the property owner.

154.08.112 Exemptions

- (A) The City is specifically exempt from the maximum signage area restrictions in parks and other similar public areas. All signs are subject to regulation under M.R. Ch. 8810 and M.S. Ch. 173, as may be amended from time to time, regarding advertising devices on property adjacent to highways; and M.S. § 211B.045, as may be amended from time to time, regarding noncommercial signs exemption.
- (B) M.S. Ch. 21, as may be amended from time to time, states "In any municipality with an ordinance that regulates the size of noncommercial signs, notwithstanding the provisions

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154.08.112 Exemptions

of that ordinance, all noncommercial signs of any size may be posted from August 1 in a state general election year until ten days following the state general election."