

600 CONSTRUCTION, PLANNING, ZONING, AND LAND USE

601 BUILDING AND CONSTRUCTION

601.1 International Building Code.

601.1.1 Codes adopted by a reference. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

601.1.2 Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1. No construction project shall be without first paying for and acquiring a building permit.

601.1.3 Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1 and 16B.70. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the City.

601.1.4 Violations and Penalties. A violation of the code is a misdemeanor.

601.1.5 Permits. All building permits issued by the City of Plainview shall state that as a condition of approval of such permit, the applicant for such permit shall complete construction of the project within one hundred and eighty (180) days after the permit is issued. For purposes of this paragraph, the term "completed" shall include, but not be limited to the following:

1. Removal of all construction materials, equipment, debris, and excess earth.
2. Placement of top soil on all lawn areas.
3. Finish grading any swales within established drainage easements necessary to accommodate natural drainage of adjacent properties.

Any person, firm, or corporation unable, because of hardship, to complete the work required under the terms of this section, shall make an application to the City Council for an extension of time. The application for the extension shall state the reasons for the request which demonstrate that circumstances beyond the control of the applicant being prevented from completion of the work for which the permit was authorized.

A violation of any portion of this section of the City Code shall cause suspension of the building permit and/or shall subject any person, firm, or corporation so found to be violating the ordinance to a fine of not more than One Hundred (\$100.00) Dollars for each day that the violation continues or is not corrected

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

601.2 Demolition of Buildings

601.2.1 Permit. It shall be unlawful to wreck or demolish any building or structure in the City of Plainview consisting of 5,000 cubic feet or more without a basement, or any size with a basement, without first securing a permit therefor pursuant to the procedures set forth below. No permit shall be required for buildings not exceeding 5,000 cubic feet without a basement.

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

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

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

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

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

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

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

601.3 Moving of Houses, Buildings and Other Structures

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

601.3.2 Manner of Obtaining Permits - All applications for permits to move houses, buildings, derricks or other similar structures shall be made in writing to the City Clerk, specifying the date and hour said moving is to commence, and the street route over which said building or structure shall be moved. If it shall be necessary to cut down, move, raise or in any other way interfere with any wires or poles, the application shall state the name of the owner of said wires and poles, the time and place when and where removal of said and/or cutting, raising or other interference with said wires will be necessary. A permit to move, shall in all cases issue upon an appropriate Resolution of the City Council; provided, however, that in all cases involving the moving of newly constructed houses or buildings, the City Clerk shall be authorized to issue

the necessary permit when the City Council theretofore by Resolution shall have approved the manufacturer, contractor or mover thereof,

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

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

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

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

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

601.3.8 Violations, Penalty - Any person who shall violate any of the provisions of this Ordinance shall be punished by a fine of not less than One Hundred and no/100 Dollars (\$100.00) and not more than One Thousand and no/100 Dollars (\$1,000.00) besides the costs, and in default of payment, shall be imprisoned in the County Jail until payment is made, not exceeding ninety (90) days in all. Each day of violation shall constitute a separate offense, and be punished accordingly. The penalty imposed by this Subdivision shall be in addition to the remedies contained in Subd. 5, 6 and 7, hereof.

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

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

602 WELLHEAD PROTECTION. The City has created a Wellhead Protection Plan. The purpose of Wellhead Protection Plan is to prevent the contamination of groundwater used for drinking water. A Wellhead Protection Area (WHPA) is the surface and subsurface area surrounding a public water supply well from which water and contaminants are likely to reach the well. The goals of the Wellhead Protection Plan are to maintain current drinking water quality, increase public awareness of groundwater issues, protect the aquifer, and continue to collect data to support future efforts in wellhead protection planning.

603 COMPREHENSIVE PLAN. The City has created a Comprehensive Plan. The purpose of the Comprehensive Plan is to shape growth in ways that make Plainview a better place to live and work. The Comprehensive Plan is to be reviewed every few years in order to ensure that it is still accurate. The goals of the comprehensive plan, which are general in nature, are:

- A Promote and protect the health, safety, general welfare and fiscal strength of the city of Plainview.
- B Encourage diversity in community development as measured by diversity of land uses businesses types, housing types & densities and life styles.
- C Recognize the importance of the Plainview area farm economy, local value-added agriculture, and related agri-businesses.
- D Encourage the growth of businesses that serve the growing markets of medical services, housing, construction and recreation.
- E Maintain Plainview's small town character
- F Maintain strong levels of municipal and educational services
- G Maintain city policies, codes and improvement programs which are efficient and cost-effective in nature and fair in their application.
- H Strengthen the city tax base through prudent growth and city management
- I Provide job growth and stability and overall city growth according to standards which maintain small town quality of life, and which protects the natural environment, and which diversify local employment.
- J To plan city growth which avoids land use sprawl; which minimizes the development of prime farm land; and which is as compatible as possible with the county and township units of government.

604 STORM WATER MANAGEMENT

604.1 Statutory Authorization. This section of the city code is authorized and adopted pursuant to Minnesota Statutes Section 462.351.

604.2 Findings. The City of Plainview hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety, and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City of Plainview to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas and in areas which may be affected by unplanned land usage.

604.3 Purpose. The purpose of this ordinance is to promote, preserve and enhance the natural resources within the City of Plainview and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands; and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

604.4 Definitions. For the purposes of this section, the following terms, phrases, words, and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number

include the singular number, and words in the singular number include the plural number. The word “shall” and “must” are always mandatory and not merely directive.

Applicant. Any person or entities that applies for a building permit, subdivision approval, or a permit to allow land-disturbing activities. Applicant also means that person’s agents, employees, and others acting under this person’s direction.

Best Management Practices (BMP’s). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies. (Examples of BMP’s can be found in the current versions of the Minnesota Pollution Control Agency’s publications, “Protecting Water Quality in Urban Areas,” and, “Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Run-offs on Wetlands,” the United States Environmental Protection Agency’s, “Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices,”) as a reference for BMP’s) and the Minnesota Department of Transportation’s, “Erosion Control Design Manual.”)

Detention Facility. A permanent natural or man-made structure, including wetlands, for the temporary storage of run-off.

Developer. A person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

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

Energy Dissipation. This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

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

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

Erosion and Sediment Practice Specifications or Practice. The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the city, county, or local watershed group, whichever is more stringent.

Exposed Soil Areas. All areas of the construction site where the vegetation (trees, shrubs, brush, etc.) has been removed. This includes topsoil stockpile

areas, borrow areas, and disposal areas within the construction site. It does not include stockpiles or surcharge areas of sand, gravel, concrete, or bituminous.

Final Stabilization. Means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of seventy five percent (75%) of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered stabilization.

Flood Plain. The areas adjoining a water course or water basin that have been or may be covered by a regional flood.

Hydric Soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic Vegetation. Macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

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

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

Paved Surface. A constructed hard, smooth, surface made of asphalt, concrete, or other pavement material. Examples include, but are not limited to roads, sidewalks, driveways, and parking lots.

Permanent Cover. Means "final stabilization". Examples include grass, gravel, asphalt, and concrete.

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

Regional Flood. A flood that is representative of large floods known to have occurred generally in the State and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

Retention Facility. A permanent natural or man-made structure that provides for the storage of storm water run-off by means of a permanent pool of water.

Run-off Coefficient. The average annual fraction of total precipitation that is not infiltrated into, or otherwise retained by the soil, concrete, asphalt, or other surface upon which it falls that will appear at the conveyance as run-off.

Sediment. The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, air, or ice, and has come to rest on the earth's' surface either above or below water level.

Sediment Control. The methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Sedimentation. Sedimentation means the process or action of depositing sediment caused by erosion. The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this document stockpiles of sand, gravel, aggregate, concrete, or bituminous materials are not considered "soil" stockpiles.

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

Storm Water. Under Minnesota Rule 7077.0105, subparts 41b, storm water, "means precipitation run-off, storm water run-off, snow melt run-off, and any other surface run-off and drainage". (According to the Federal Code of Regulations under 40 CFR 122.26 [b][13], "Storm water means storm water run-off, snow melt run-off, and surface and drainage").

Storm Water Pollution Control Plan. A joint storm water and erosion and sediment control plan that is a document containing the requirements of Section 7.0, that when implemented, will decrease soil erosion on a parcel of land and off-site non-point pollution and sediment damages.

Structure. Anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable buildings, earthen structures, roads, parking lots, and paved storage areas.

Subdivision. Any tract of land divided into building lots for private, public, commercial, industrial, etc. development. Minnesota Rule 6120.2500, subpart 17, defines a subdivision as, ". . . land that is divided for the purpose of sale, rent, or lease, including planned unit development".

Temporary Protection. Short-term methods employed to prevent erosion. Examples of such protection include straw, mulch, erosion control blankets, wood chips, and erosion netting.

Urban. Of, relating to, characteristics of, constituting a city.

Vegetated or Grassed Swales. A vegetated earthen channel that conveys storm water, while treating the storm water by biofiltration. Such swales remove pollutants by both filtration and infiltration.

Waters of the State. As defined in Minnesota Statutes Section 115.01, Subdivision 22, the term “. . . “waters of the state” means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within flow through, or border upon the state or any portion thereof.”

Wetlands. As defined in Minnesota Rules 7050.0130, subpart F “. . . “wetlands” are those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

- a) A predominance of hydric soils;
- b) Inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c) Under normal circumstances support a prevalence of such vegetation.

604.5 Scope and Effect

604.5.1 Applicability. Every applicant for a building permit, subdivision approval, or a permit to allow land-disturbing activities must submit a storm water pollution control plan to the City Clerk. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the storm water pollution control plan or a waiver and/or exemption of the approval requirement has been obtained in strict conformance with the provisions of this ordinance. The provisions of Section 604.11 of this ordinance apply to all land, public or private, located within the City of Plainview.

604.5.2 Exemptions. The provisions of this ordinance, except Section 12.0 do not apply to:

- A Any part of a subdivision if a final plat for the subdivision has been approved by the City Council on or before the effective date of this ordinance;
- B A lot for which a building permit has been approved on or before the effective date of this ordinance;
- C Any lot for a subdivision if a final plat and storm water pollution control plan for that subdivision have been approved by the City Council;
- D Minor land disturbance activities such as home gardens and an individual’s home landscaping, repairs, and maintenance work;
- E Construction, installation, and maintenance of electric, telephone, and cable television, utility lines or individual service connection to these utilities, which result in creating under five thousand (5,000) square feet of exposed soil;
- F Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops;
- G Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles which result in creating under five thousand (5,000) square feet of exposed soil; or
- H Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City’s requirements as soon as possible.

604.5.3 Waiver. The City Council, upon recommendation of the Planning and Zoning Commission, may waive any requirement of this ordinance upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in Section 604.7. The City Council may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

604.6 Storm Water Pollution Control Plan Approval Procedures

604.6.1 Application. A written application for storm water pollution control plan approval, along with the proposed storm water pollution control plan, shall be filed with the City Clerk and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this ordinance. No building permit, subdivision approval, or permit to allow land-disturbing activities shall be issued until approval of the storm water pollution control plan or a waiver and/or exemption of the approval requirement has been obtained in strict conformance with the provisions of this ordinance.

604.6.2 Submittal. Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the City Clerk and shall be accompanied by a receipt from the City Treasurer evidencing the payment of all required fees for processing and approval as set forth in Section 604.10.2, and a bond when required by Section 604.10.1 in the amount to be calculated in accordance with that section. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum, the scale shall be, 1-inch equals 100-feet, or larger.

604.7 Storm Water Pollution Control Plan. Every applicant for subdivision approval or a permit to allow land disturbing activities must submit a storm water pollution control plan to the City engineer. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until the City approves this plan. At a minimum, these pollution abatement control practices must conform to those in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas."

604.7.1 General Policy on Storm Water Run-off Rates. Storm water run-off rates must not increase over the predevelopment two (2) year, ten (10) year, and one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity.

604.7.2 The Storm Water Pollution Control Plan and the Grading Plan. The storm water pollution control plan's measures, the limit of disturbed surface, and the location of buffer areas shall be marked on the approved grading plan and identified with flags, stakes, signs, etc. on the development site before work begins.

604.7.3 Inspections of the Storm Water Pollution Control Plan Measures. During construction, at a minimum such inspections shall be done weekly and after every storm event that is large enough to result in run off from the site by either the developer or the developer's designated representative.

604.7.4 Minimum Requirements of the Storm Water Pollution Control Plan.

- A The name and address of the applicant and the location of the activity, including the section, township, and range, north point, date, scale of drawing, and number of sheets.
- B Project description: the nature and purpose of the land disturbing activity and the amount of grading, utilities, and building construction involved.

- C Phasing of construction: time frames and schedules for the project's various aspects.
- D A map of the existing site conditions: existing topography with contour interval not greater than 2-feet, property information including adjoining property information, steep slopes, existing drainage systems/patterns, type of soils, waterways, wetlands, vegetative cover, one hundred (100) year flood plain boundaries, locations of existing and future buffer strips and labeling the portions of the site that are within trout stream or Outstanding Resource Value Water watersheds.
- E A site construction plan that includes the location of the proposed land disturbing activities, proposed topography with contour interval not greater than 2-feet, stockpile locations, erosion and sediment control plan, construction schedule, and the plan for the maintenance and inspections of the storm water pollution control measures.
- F Adjacent areas: neighboring streams, lakes, residential areas, roads, etc., which might be affected by the land disturbing activity.
- G Designate the site's areas that have the potential for serious erosion problems.
- H Erosion and sediment control measures: the methods that will be used to control erosion and sedimentation on the site, both during and after the construction process.
- I Permanent stabilization: how the site will be stabilized after construction is completed, including specifications, time frames or schedules.
- J Calculations: any that were made for the design of such items as sediment basins, detention/retention basins, diversions, waterways, infiltration zones and other applicable practices.

604.7.5 General Storm Water Pollution Control Plan Criteria. The plan shall address the following:

- A Stabilizing all exposed soils and soils stockpiles and the related time frame or schedule.
- B Establishing permanent vegetation and the related time frame or schedule.
- C Preventing sediment damage to adjacent properties and other designated areas such as streams, wetlands, lakes and unique vegetation (e.g., oak groves, rare and endangered species habitats.)
- D Scheduling for erosion and sediment control practices.
- E Where permanent and temporary sedimentation basins will be located.
- F Engineering the construction and stabilization of steep slopes.
- g) Measures for controlling the quality and quantity of storm water leaving a site.
- h) Stabilizing all waterways and outlets.
- i) Protecting storm sewers from the entrance of sediment.
- j) What precautions will be taken to contain sediment when working in or crossing water bodies.
- k) Re-stabilizing utility construction areas as soon as possible.
- l) Protecting paved roads from sediment and mud brought in from access routes.
- m) Disposing of temporary erosion and sediment control measures.
- n) How the temporary and permanent erosion and sediment control practices will be maintained.
- o) How collected sediment and floating debris will be disposed of.

604.7.6 Minimum Storm Water Pollution Control Measures and Related Inspections.

These minimum control measures are required where bare soil is exposed. Due to the diversity of individual construction sites, each site will be individually evaluated. Where additional control measures are needed, they will be specified at the discretion of the city engineer. The city will determine what action is necessary to prevent excessive erosion from occurring on the site.

- a) All grading plans and building site surveys must be reviewed by the city for effectiveness of erosion control measures in the context of the site topography and drainage.
- b) Sediment control measures must be properly installed by the builder before construction activity begins. Such structures may be adjusted during dry weather to accommodate short-term activities, such as those that require the passage of very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the configuration specified by the city.
- c) Diversion of channeled run-off around disturbed areas, if practical, or the protection of the channel.
- d) Easements. If a storm water management plan involves directing some or all of the site's run-off off-site, the applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.
- e) The scheduling of the site's activities to lessen their impact on erosion and sediment creation.
- f) Minimize the amount of exposed soil.
- g) Control run-off as follows (Either 1 and 2, or 1 and 3):
 - 1.) Unless precluded by moderate or heavy snow cover (Mulching can take place if a light snow cover is present.), stabilize all exposed inactive disturbed soil areas within one hundred (100) feet of any water of the state, or within one hundred (100) feet of any conveyance (curb, gutter, storm sewer inlet, drainage ditch, etc.) to a water of the state with sod, seed or weed free mulch. This must be done, if the developer will not work the area for seven (7) days on slopes greater than three (3) feet horizontal to one (1) foot vertical (3:1), fourteen (14) days on slopes ranging from 3:1 to 10:1 and twenty-one (21) days for flatter slopes.
 - 2.) For disturbed areas greater than five (5) acres construct temporary or permanent sedimentation basins. Sedimentation basins must have a minimum surface area equal to at least 1% of the area draining to basin, and be constructed in accordance with the standards and specifications as contained in the latest version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas," including access for operations and maintenance. Basin discharge rates must also be controlled to prevent erosion in the discharge channel. The applicant is required to obtain a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) construction storm water permit from the Minnesota Pollution Control Agency for any project that disturbs five (5) acres or more of land.
 - 3.) For disturbed areas less than five (5) acres sedimentation basins are encouraged, but not required, unless specifically required by the city engineer. The applicant shall install erosion and sediment controls at locations directed by the city. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences are required along channel edges to reduce sediment-reaching

channel. Silt fences, rock check dams, etc. must be regularly inspected and maintained.

- h) Sediment basins related to impervious surface area. Where a project's ultimate development disturbs areas greater than five (5) acres and replaces surface vegetation with one (1) or more acres of cumulative impervious surface, and all run-off has not been accounted for in a local unit of government's existing storm water management plan or practice, the run-off must be discharged to a retention facility prior to entering waters of the State. The City Council, upon its review, will determine whether the applicant shall either install, construct, or pay the city fees for all storm water management facilities. If the council determines that the applicant pay the city fees, the applicant shall make an in-kind or monetary contribution toward the development and maintenance of community storm water management facilities designed to serve multiple land disturbing activities undertaken by one or more persons, including the applicant, or by the City of Plainview. The monetary contribution shall be a prorata share in accordance with Section 10.3. If the council determines the applicant shall either install or construct a storm water facility, the applicant shall be responsible for all costs incurred to install or construct the storm water management facility. The responsibility of any future maintenance and the burden of cost for that maintenance shall be as specified in Section 7.6 t).
- a) Generally, sufficient silt fence will be required to hold all sheet flow run-off generated at an individual site, until it can either infiltrate or seep through silt fence's pores.
- j) For soil stockpiles greater than ten (10) cubic yards the toe of the pile must be more than twenty-five (25) feet from a road, drainage channel or storm water inlet. If such stockpiles will be left for more than seven (7) days, they must be stabilized with mulch, vegetation, tarps or other means. If left for less than seven (7) days, erosion from stockpiles must be controlled with silt fences or rock check dams.
- k) All sand, gravel or other mining operations taking place on the development site shall have a National Pollutant Discharge Elimination System General Storm Water permit for industrial activities and all required Minnesota Department of Natural Resources permits.
- l) Temporary rock construction entrances may be required wherever vehicles enter and exit a site.
- m) Parking is prohibited on all bare lots and all temporary construction entrances, except where street parking is not available. Gravel entrances are to be used for deliveries only as per the development contract.
- n) Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. Establishment of a regular sweeping schedule is encouraged.
- o) Water (impacted by the construction activity) removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.
- p) All storm drain inlets must be protected during construction until control measures are in place with either silt fence or an equivalent barrier that meets accepted design criteria, standards and specifications as contained in the latest

- version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas."
- q) Catch basins. All newly installed and rehabilitated catch basins must be provided with a sump area for collecting coarse-grained material. Such basins must be cleaned when they are half filled with material.
 - r) Roof drain leaders. All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas (not natural wetlands) where the run-off can infiltrate. The discharge rate shall be controlled so that no erosion occurs in the pervious areas.
 - s) Inspections may be performed by the city on a regular basis to ensure that erosion and sediment control measures are properly installed and maintained. In all cases the inspectors will attempt to work with the developer and/or builder to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, construction stop orders may be issued by the city, until erosion and sediment control measures meet specifications. A second erosion and sediment control/grading inspection must then be scheduled and passed before the final inspection will be done.
 - t) Inspection and Maintenance. All storm water pollution control management facilities must be designed to minimize the need of maintenance, to provide easy vehicle and personnel access for maintenance purposes and to be structurally sound. These facilities must have a plan of operation and maintenance that ensures continued effective removal of the pollutants carried in storm water run-off. The applicant shall enter into a detention/retention facility agreement with the City of Plainview for any detention/retention facility required by an approved storm water management plan. The agreement, at minimum, shall specify maintenance and ownership of the facility, along with any prorata share of costs and responsibility for those costs of maintenance and ownership. The city or its designated representative shall inspect all storm water management facilities during construction, during the first year of operation and at least once every five (5) years thereafter. The city will keep all inspection records on file for a period of six (6) years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purpose.

604.7.7 Permanent Storm Water Pollution Controls. The applicant shall either install, construct, or pay the city fees for all storm water management facilities necessary to manage increased run-off, so that the two (2) year, ten (10) year, and one hundred (100) year peak storm discharge rates existing before the proposed development are not increased. These predevelopment rates shall be based on the last ten (10) years of how that land was used. Accelerated channel erosion must not occur as a result of the proposed land disturbing or development activity. The City Council, upon its review, will determine whether the applicant shall either install, construct, or pay the city fees for all storm water management facilities. If the council determines that the applicant pay the city fees, the applicant shall make an in-kind or monetary contribution to the development and maintenance of community storm water management facilities designed to serve multiple land disturbing activities undertaken by one or more persons, including the applicant, or by the City of Plainview. If the council determines the applicant shall either install or construct, the applicant shall be responsible for all costs incurred to install or construct a storm water management facility.

All calculations and information used in determining these peak storm discharge rates shall be submitted along with the storm water pollution control plan. The applicant shall consider

reducing the need for storm water management facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of treated (e.g., settled) water without compromising the integrity or quality of the wetland or pond.

The following storm water management practices must be investigated in developing the storm water management part of the storm water pollution control plan in the following descending order of preference:

- A Protect and preserve as much natural or vegetated area on the site as possible, minimizing impervious surfaces, and directing run-off to vegetated areas rather than to adjoining streets, storm sewers and ditches.
- B Flow attenuation of treated storm water by use of open vegetated swales and natural depressions;
- C Storm water retention facilities;
- D Storm water detention facilities (including percolation facilities); and
- E A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection a) above. The applicant shall provide justification for the method selected.

606.7.8 Minimum Design Standards for Storm Water Detention/Retention Facilities. At a minimum these facilities must conform to the most current technology as reflected in the current version of the Minnesota Pollution Control Agency's publication, "Protecting Water Quality in Urban Areas" and the current requirements found in the same agency's NPDES permits for storm water associated with construction activities, and the following design factors:

- A A permanent pool length-to-width ratio of 3:1 or greater.
- B A minimum protective shelf extending 10-feet into the permanent pool with a slope of 10:1, beyond which the slopes shall not exceed 3:1 below the 10-foot shelf and 4:1 above the 10-foot shelf.
- C All storm water detention/retention facilities shall have a device to keep oil, grease, and other floatable material from moving down stream as a result of normal operations.
- D All storm water detention/retention facilities must have a forebay to remove coarse-grained particles prior to discharge into a water course or storage basin.

606.7.9 Abandonment of Storm Water Detention/Retention Facilities. Should the City of Plainview construct a regional storm water detention/retention facility within the watershed of an individual development storm water detention/retention facility, the individual development storm water detention/retention facility can be abandoned upon approval of the City Council. The person(s) responsible for the maintenance of the individual storm water detention/retention facility shall be responsible for all cost to abandon the individual storm water detention/retention facility, including filling the facility in and restoring to original conditions.

604.7.10 Minimum Protection for Natural Wetlands. Run-off must not be discharged directly into wetlands without appropriate quality (i.e., treated) and quantity run-off control, depending on the individual wetland's vegetation sensitivity. See the current version of the Minnesota Pollution Control Agency's publication, "Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Run-off on Wetlands" for guidance.

Wetlands must not be drained or filled, wholly or partially, unless replaced by either restoring or creating wetland areas of at least equal public value. Compensating for the impact by

replacing or providing substitute wetland resources or environments with those of at least equal public value. Compensation, including the replacement ratio and quality of replacement should be consistent with the requirements outlined in the rules adopted by the Board of Water and Soil Resources to implement the Wetland Conservation Act of 1991 including any and all amendments to it.

Work in and around wetlands must be guided by the following principles in descending order of priority:

- A Avoid both the direct and indirect impact of the activity that may destroy or diminish the wetland.
- B Minimize the impact by limiting the degree or magnitude of the wetland related activity and its implementation.
- C Rectify the impact by repairing, rehabilitating, or restoring the affected wetland environment with one of at least equal public value.
- D Provide a protective buffer strip of natural vegetation at least 20-feet in width around the wetland.
- E Reduce or eliminate the adverse impact over time by preservation and maintenance operations during the life of the activity.

604.7.11 Additional Special Trout Stream and Outstanding Resource Value Water Requirements.

- A For discharges directly to or to tributaries directly to Minnesota Department of Natural Resources designated trout streams, and Minnesota Pollution Control Agency designated Outstanding Resource Value Waters there shall be no increase in either the volume or rate of discharge from any design storm with a statistical recurrence interval of less than ten (10) years (i.e., for the two (2) year, five (5) year, etc. storm events), unless diversion is not practical and/or the soil is not suitable for storm water infiltration techniques. This pertains to discharges directly to or upstream of such waters.
 - 1.) The phrase, “tributaries directly to,” refers to tributaries within at least one Minnesota Department of Natural Resources Division of Waters minor watershed of the designated water. At its discretion the city may extend this area of protection.
 - 2.) The phrase, “soil not suitable for storm water infiltration techniques,” means soils with permeability values less than Group C soils (less than 2.5 inches per hour) as defined by the U.S. Department of Agriculture’s Natural Resources Conservation Service and a high water table is not present.
- B During construction temporary sedimentation basins are required for disturbed areas over one (1) acre.
- C Storm water treatment devices that remove oil and floatable material (e.g., basin outlets with submerged entrances) must be part of BMP systems.
- D Where feasible lightly used vehicle traffic areas such as overflow parking lots should use pervious surfaces where feasible.
- E If the proposed project site includes a tributary that currently experiences erosion and/or sedimentation problems, the applicant shall work with the city to include channel modifications in the project that will also address the existing erosion and/or sedimentation problem.
- F Permanent buildings erected on sites that border directly on and all tributaries to a Minnesota Department of Natural Resources designated trout stream and/or a Minnesota Pollution Control Agency designated Outstanding Resource Value

Water must not be occupied until the permanent vegetative cover has been established. Such cover must meet this permit's definition of "final stabilization."

- G The applicant shall consider methods for reducing the amount of impervious surface on the site. Suggestions include:
- 1.) Disking in compost or in some other manner increasing the porosity of the soil that will be come covered by lawns.
 - 2.) Reduced road widths.
 - 3.) Eliminating paving in the center of cul-de-sacs.
 - 4.) Reducing sidewalk widths.
 - 5.) Allowing and providing for shared parking.
 - 6.) Installing semi-permeable/permeable or porous paving.
 - 7.) Vegetated swales instead of curb and gutter.
 - 8.) Filter strips
 - 9.) "Green" (vegetated) roofs.

604.7.12 Methodologies/Computations. Hydrologic models and design methodologies used for the determining run-off characteristics and analyzing storm water management structures must be approved by the city engineer. Plans, specifications and computations for storm water management facilities submitted for review must be sealed and signed by a registered professional engineer. All computations must appear in the plans submitted for review, unless otherwise approved by the city engineer.

604.8 Plan Review Procedure

604.8.1 Process. Storm water management plans meeting the requirements of Section 6.0 shall be distributed to the appropriate departments for review in accordance with the standards of Section 7.0. Upon completion of review, each department shall submit, in writing, their review comments to the City Clerk. The City Clerk shall then submit the storm water management plan and all review comments to the Planning and Zoning Commission. The Commission shall recommend approval, recommend approval with conditions, or recommend denial of the storm water management plan. Following Planning and Zoning Commission action, the storm water management plan shall be submitted to the City Council at its next available meeting. Action must be taken on the plan within 60 days following the date the application for approval was filed with the City Clerk, as set forth in Minnesota Statutes Section 15.99. This initial 60-day period can be extended for another 60 days if the council provides for an extension in writing supported by reasons why the extension is needed.

606.8.2 Duration. Approval of a plan submitted under the provisions of this ordinance shall expire two years after the date of approval, unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the City Clerk for an extension of time to commence construction setting forth the reasons for the requested extension, the City Council may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the City Clerk within 15 days. The City Council shall make a decision on the extension within 30 days of receipt.

606.8.3 Conditions. A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this ordinance are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure

buffering, and require the conveyance to the City or other public entity of certain lands or interest therein.

606.8.4 Permit Required. If the city determines that the storm water pollution control plan meets the requirements of this ordinance, the city shall issue a permit valid for a specified period of time, that authorizes the land disturbance activity contingent on the implementation and completion of this plan.

606.8.5 Denial. If the city determines that the storm water pollution control plan does not meet the requirements of this ordinance, the city shall not issue a permit for the land disturbance activity. All land use and building permits for the site in question must be suspended until the developer has an approved storm water pollution control plan.

604.9 Modification of Plan and Record Retention. An approved storm water pollution control plan may be modified on submission of a written application for modification to the City, and after written approval by the City Engineer. In reviewing such an application, the City Engineer may require additional reports and data. The City shall retain the written records of such modifications for at least five (5) years.

604.10 Financial Securities.

604.10.1 Performance Bond. Prior to approval of any storm water management plan, the applicant shall submit an agreement to construct such required physical improvements, as described and delineated on the approved grading plan, to dedicate property or easements, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a bond to cover the construction costs of the improvements necessary to comply with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with Section 8.2.

- a) The adequacy, conditions, and acceptability of any agreement and bond shall be determined by the Plainview City Council, or any official of the City of Plainview, as may be designated by resolution of the Plainview City Council.
- b) The city may request a greater financial security, if the city considers that the development site is especially prone to erosion or the resource to be protected especially valuable.

604.10.2 Fees. All applications for storm water management plan approval shall be accompanied by a processing and approval fee. This fee shall be set by Resolution of the City Council of Plainview.

604.10.3 Storm Water Management Fee. Applicants who have been approved by the City Council to participate in the City of Plainview's Regional Surface Water Management Plan shall contribute cash-in-lieu of constructing their own sediment basin, and/or detention/retention basin. There shall be separate fees for sediment control and flood control, with fees being set by Resolution of the City Council of Plainview.

604.10.4 Action Against the Financial Security. The city may act against the financial security of any of the conditions listed below exist. The city shall use funds from this security to finance remedial work undertaken by the city or a private contractor under contract to the city and to reimburse the city for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

- a) The developer ceases land disturbing activities and/or filling, and abandons the work site prior to completion of the grading plan.
- b) The developer fails to conform to the grading plan and/or the storm water pollution control plan, as approved by the city.
- c) The techniques utilized under the storm water pollution control plan fail within one (1) year of installation.
- d) The developer fails to reimburse the city for corrective action taken.

604.10.5 Returning the Financial Security. Any unspent amount of the financial security deposited with the city for faithful performance of the storm water pollution control plan and any storm water and pollution control plan related remedial work must be released one (1) full year after the completion of the installation of all storm water pollution control measures, as shown on the grading and/or the storm water pollution control plan, and establishment of final stabilization.

604.11 Notification of Failure of the Storm Water Pollution Control Plan. The city shall notify the developer when the city is going to act on the financial securities part of this Ordinance.

604.11.1 Notification by the City. The initial contact will be to a party or parties listed on the application and/or the storm water pollution control plan. Forty-eight (48) hours after notification by the city or seventy-two (72) hours after the failure of erosion control measures, whichever is less, the city, at its discretion, may begin corrective work.

604.11.2 Erosion Off-Site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a clean-up and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the clean-up and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the city, shall more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the city, the applicant does not repair the damage caused by the erosion, the city may do the remedial work required and charge the cost to the applicant.

606.11.3 Erosion into Streets, Wetlands, or Water Bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, clean-up, and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the clean-up operations.

604.11.4 Failure to Do Corrective Work. When an applicant fails to conform to any provision of this policy within the time stipulated, the city may take the following actions:

- a) Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
- b) Revoke any permit issued by the city to the applicant for the site in question, or any other of the applicant's sites within the city's jurisdiction.
- c) Direct the correction of the deficiency by city personnel or by a separate contract. The issuance of a permit constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.
- d) All costs incurred by the city in correcting storm water pollution control deficiencies must be reimbursed by the applicant. If payment is not made within thirty (30) days after costs are incurred by the city, payment will be made from the applicant's financial securities, as described in Section 10.0.

604.12 Lawn Fertilizer Regulations.

604.12.1 Use of Impervious Surfaces. No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within storm water drainage systems, natural drainage ways, or within wetland buffer areas.

604.12.2 Unimproved Land Areas. Except for driveways, sidewalks, patios, areas occupied by structures or areas which have been improved by landscaping, all areas shall be covered by plants or vegetative growth.

604.12.3 Fertilizer Content. Except for the first growing season for newly established turf areas, no person shall apply liquid fertilizer which contains more than one-half percent by weight of phosphorus, or granular fertilizer which contains more than three percent by weight of phosphorus, unless the single application is less than or equal to one-tenth pound of phosphorus

per one thousand square feet. Annual application amount shall not exceed one-half pound of phosphorus per one thousand square feet of lawn area.

604.12.4 Buffer Zone. Fertilizer applications shall not be made within 20 feet of any wetland or water resource.

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

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

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

605 BLIGHTED PROPERTIES

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

605.2 Completion of Construction. All building construction, for which a valid zoning and building permit is required and has been issued, shall be completed with one (1) year of the date of permit issuance. An extension of up to six (6) months may be granted by the Enforcement Officer upon a showing of hardship by the applicant and prior bonafide effort to complete the construction.

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

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

- D All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes.

605.4 Exterior Property Areas. All exterior property areas and vacant areas shall be comply with the following minimum standards:

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

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

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

605.7 Inspections. The Enforcement Officer shall be authorized to make or cause to be made inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The Enforcement Officer, or his designated representative, shall, with the permission of the owner, be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing his duties under this Ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, and there is probable cause to believe that a Violation exists on that premises, a search warrant may be obtained.

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

- A Be in writing;
- B Describe the location and nature of the violations of this Ordinance;
- C Establish a time for the correction of such violation, which shall be at least ten (10) days,
- D Notify of ability to appeal to the City Council;
- E Be served upon the violator, either the owner, occupant, operator, or agent. Such notice shall be deemed to be properly served upon the violator if a copy thereof is served upon him personally, or sent by registered or certified mail to that person's last known address or to the property address.

605.9 Designated Officers. Designated officers, employees and independent contractors of the City who have discretionary duty to enforce an ordinance or statute, may pursuant to this section, issue citations whenever the officer, employee or independent contractor has probable cause to believe that the person cited has committed a misdemeanor which the officer, employee or independent contractor has a discretionary duty to enforce, and issue a notice to appear and release such person on his or her written promise to appear in court. The officer, employee or independent contractor shall deliver executed citations or 'notices to the City Clerk for filing with the court after review for legal sufficiency. No officer, employee or independent contractor shall be allowed by his or her superior to exercise the citation authority herein conveyed, unless the officer, employee or independent contractor has been designated by resolution of the City Council to exercise such citation authority as to specified misdemeanor violations.

605.10 Appeals. Appeals of interpretation or requests for a variance shall be made in writing to the City Council, and shall be filed with the City Clerk within ten (10) days after receipt of the compliance order. The City Council in its' discretion, may elect to hear appeals or requests for variances when made more that ten (10) days after the receipt of the compliance order, but such action by the City Council is completely discretionary, and shall not delay or prevent criminal prosecution or other enforcement actions, unless the City Council grants the appeal or grants the variance prior to the completion of the enforcement activities. The City Council may grant variances in instances where the strict enforcement of this Ordinance would cause undue hardship because of circumstances unique to the individual property under consideration, when it is demonstrated that such action will be in keeping with the spirit and intent of this Ordinance.

606 ZONING AND LAND MANAGEMENT, GENERAL GOVERNMENT PROVISIONS

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

606.2 Intent and Purpose. It should be known that the process of dividing raw land into separate parcels for other uses including residential, industrial and commercial sites, is one of the most important factors in the growth of any community. Once the land has been subdivided and the streets, homes and other structures have been constructed, the basic character of this permanent addition to the community has become firmly established. It is therefore, to the interest of the general public, the developer, and the future landowners that subdivisions be conceived, designed, and developed in accordance with the highest possible standards of excellence. All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- A To implement the policies of the City of Plainview,
- B Protect and promote the public health, safety, morals, and general welfare,
- C Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service, and

606.3 Interpretation Of Standards. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed, or required by other provisions of law, or by other rules or regulations or ordinances, the provisions of this ordinance shall control. Where the

requirements of any other ordinance of the City of Plainview are more stringent or restrictive than the requirements set forth herein, nothing herein shall be construed to waive compliance with the provisions of such other ordinance.

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

606.5 Compliance. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used or subdivided which does not comply with all of the applicable provisions established by this ordinance.

606.6 Enforcement. This ordinance shall be enforced by the City Council of Plainview, Minnesota, as set forth herein.

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

606.8 Enactment. This ordinance is enacted pursuant to §§462.35 to 462.364, laws of Minnesota, 1959, as amended. Amendments to this ordinance were adopted on December 9, 2002, and all the amendments shall be effective January 1, 2003.

606.9 Reservations And Appeals. Upon the adoption of this ordinance according to law, any previous zoning or subdivision regulations of the City of Plainview, as amended, are hereby repealed except as to such sections expressly retained herein. The City Council, if it believes it is in the best interests of the public, may waive some of the new requirements of the Land Management Ordinance for applications that had been submitted for consideration to the Planning Commission and City Council at the time this ordinance was adopted. All applications and projects adopted after January 1, 2003, must conform to all specifications and regulations of the Land Management Ordinance.

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

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

606.12 Precedent. Any mistake or oversight on behalf of the City Council, Planning Commission, and/or City Staff in review, approval, or enforcement of these regulations do not constitute a defacto new precedent. Any change in these regulations must follow the established process in 608

606.13 Enforcement. Any person or corporation who violates any of the provisions of these regulations, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with, shall be guilty of a misdemeanor, and upon conviction thereof be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

A Whenever a violation of this ordinance occurs, or is alleged to have occurred, a

person may file a written complaint. Such complaint, stating the causes and basis thereof, shall be filed with the City Clerk or City Council. Immediate investigation and action shall be taken as provided by this ordinance.

B Violation of any of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or use permits) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000 or be imprisoned for not more than 90 days, or both; and in addition thereto shall pay all costs and expenses involved in the case, including, but not limited to, attorney's fees necessitated in the prosecution of the case each day such violation continues shall be considered a separate offense.

C The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

D Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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

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

Accessory Building, Permanent- Any structure for the shelter, support, or enclosure of persons, animals, chattels, or personal property of any kind, which is permanently affixed to the land. A permanent building shall consist of a floor of solid construction, a roof constructed of solid material supported from the floor by structural supports and enclosed by walls. The structure shall be permanently fixed to the ground resting on a poured concrete or block foundation or concrete footings. Storage structures and accessory use structures including but not limited to garages may have earthen floors provided the structure is permanently attached to below-grade footings or a poured or constructed foundation. Typical permanent accessory buildings could be detached garages, garden sheds, gazebos, greenhouses, etc.

Accessory Building, Temporary –Any structure (usually consisting of floor, sidewalls, and roof) which is not permanently attached to the ground, or concrete block foundation, poured concrete footings, or a poured concrete foundation. All structures which are on temporary timbers or wheels (but not-motorized) shall constitute temporary buildings. All structures that are portable in nature and capable of being relocated which are not permanently fixed to a foundation or permanent foundational footings installed on the ground shall constitute a temporary building. Typical temporary accessory buildings could be dog houses, arbors, swing sets, tree houses, sandboxes, etc.

2. Agriculture Building. A building located on agricultural property and used to shelter farm

- implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation and which is not used by the public.
3. Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
 4. Alley, Maintained. Alley used on a regular basis for through traffic with upkeep provided by the City of Plainview.
 5. Alter or Alteration. Any change, addition, or modification in construction or occupancy.
 6. Applicant. The landowner proposing change of land use or his representative, according to this ordinance. Consent shall be required from the legal owner of the premises.
 7. Basement. A story partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story if used or intended to be used for dwelling or business purposes. No structure which consists solely of a basement shall, for any period of time, be used as a dwelling.
 8. Block. Any combination of land ownership bounded by streets, roads, or highways or a combination thereof or by a combination of streets, roads, or highways and public parks, cemeteries, railroad right-of-ways, streams, lakes, or similar man-made or natural physical barriers.
 9. Board of Adjustments. A five member governmental Board appointed by the City Council according to MSA 462.354, Subd. 2. The purpose of this board is to act upon appeals regarding the Plainview Land Management Ordinance.
 10. Bond. Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the governing body. All bonds shall be approved by the governing body whenever a bond is required by these regulations.
 11. Buildable Area. The portion of a lot remaining after required yards have been provided.
 12. Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
 13. Building Official. The officer charged with the administration and enforcement of this ordinance or his regularly authorized deputy.
 14. Cellar. A portion of a structure having one-half (1/2) or more of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement. No structure which consists solely of a cellar shall be, for any period of time, used as a dwelling.
 15. City Council. Governing body of the City of Plainview.
 16. Cluster Development. A subdivision development planned and constructed so as to group housing units into patterns while providing a unified network of open space and wooded

areas, and meeting the overall density regulations of this Ordinance. A cluster development must be at least 5 acres in size.

17. Comprehensive Plan (Master Plan). "Comprehensive Municipal Plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of the municipality and its environs and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the city's recommendations for the future development of the municipality.
18. Condominium. A multiple dwelling containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling is subject to applicable provisions of Minnesota State Statute §515A, commonly known as the Uniform Condominium Act.
19. Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.
20. Cross Walkways. A right-of-way or easement dedicated to public use which cuts across or into a block to facilitate pedestrian access to adjacent streets and properties.
21. Cul-de-sac (court). A short street having one end open to traffic and being permanently terminated by a circular turn-around for vehicles.
22. Developer. The owner of land proposed to be subdivided, or his representative. Consent shall be required from the legal owner of the premises.
23. Development. The act of building structures and installing site improvements.
24. Dwelling Unit. One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental, or lease on weekly, monthly, or longer basis and physically separate from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.
25. Dwelling Unit, Multi-family Unit. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
26. Dwelling Unit, Single-family. A detached residential dwelling unit including, but not limited to, stick built housing, manufactured housing complying with Minnesota statutes §327.31 to §327.36, and mobile homes complying with Minnesota Statutes §327.31 to §327.36, designed for and occupied by one family only.
27. Dwelling Unit, Two Family. A residential building containing two dwelling units, designed for occupancy by not more than two families.

28. Easement. A grant by the property owner of the use of a designated portion of land by the public, individuals, groups, or corporations for specific purposes.
29. Escrow. A deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the Plainview City Clerk in a separate account.
30. Existing Building or structure. A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.
31. Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over five persons; but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
32. Fences. A structure dividing pieces of property which may or may not be on adjoining property lines.
33. Filling Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations.
34. Footing. That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.
35. Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.
36. Garage. A building or portion thereof in which a motorized vehicle or equipment containing gasoline, distillate, or other volatile, flammable liquid in its tank, is stored, repaired, or kept.
37. Garage, Private. A building attached or detached to the primary building used by the owner or tenant for the storage of motorized vehicles or equipment.
38. Garage, Commercial. A building which provides for motorized vehicle and equipment storage, mechanical repair, and body work.
39. General Development Plan. A sketch preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission and City Council to the form of the plat and the objective of these regulations.
40. Governing Body. The City Council of Plainview.
41. Grade. The slope of a road, street, or other public way, specified in percentage (%) terms.
42. Ground Floor. First floor entirely above grade.

43. Height of Building. The vertical distance from the “grade” to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.
44. Home Occupation. Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on in a dwelling unit. Such uses include professional offices, minor and small appliance repair services, photo or art studios, dressmaking, barber shops, beauty shops, tourist homes, daycare centers, or similar uses. Auto repair, welding, and large equipment repair shall not be included as a home occupation.
45. Improvements. See Lot Improvements or Public Improvements.
46. Inspection. A procedure of determining the location of buildings and structures and the general construction or erection utilized to meet the intent of this ordinance.
47. Loading Space, Off-street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in figuring of required off-street parking space.
48. Lot. For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, or on an approved private street and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record, a parcel of land described by metes and bounds. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
49. Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
50. Lots, Double Frontage. Lots which have a front line abutting on one street and a back or rear, line abutting on another street.
51. Lot, Interior. A lot which is located between two other lots.
52. Lot, Through. A lot situated such that any two of its opposite sides are adjacent to street.
53. Lot Improvement. Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.
54. Lot Measurement. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width

between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the 80% requirement shall not apply.

55. Lot of Record. A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
56. Manufactured Home. A structure, transportable in one or more sections, which in the transport-able mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under Chapter 327 of Minnesota statutes.
57. Manufactured Home Park. Any site, lot, field, or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.
58. Manufactured Home Park Space or Manufactured Home Park Lot. A parcel of ground within a manufactured home park designed for the accommodation of one manufactured home.
59. Metes and Bounds Description - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.
60. Minimum Subdivision Design Standards. The guides, principles and specifications for the preparation of subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.
61. Monument. Concrete and/or metal markers utilized to establish survey points and lot boundaries.
62. Municipal Attorney. The licensed attorney designated by the City of Plainview to furnish legal assistance for the administration of these regulations.
63. Municipal Engineer. The licensed engineer designated by the City of Plainview to furnish engineering assistance for the administration of these regulations.
64. Neighborhood. Real property situated wholly or partially within 350 feet of the real property in question.
65. Non-Conforming. That which fails to meet the requirements and intent of this ordinance. Also refer to Article IV, §§1, 2, and 3.

66. Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.
67. Official Map. A map of the municipality and/or any portion thereof lying within the incorporated limits, which shows the exact alignment, gradients, dimensions, and other pertinent data for highways and major streets, and including specific controls for setbacks from the right-of-way of buildings or other physical structures or facilities.
68. Open Space. An area of land preserved from building development and reserved for the use of the general public or a homeowners' association for the purpose of active and passive recreation and certain necessary community facilities.
69. Ordinance. Any legislative action, however denominated, of a local government which has the force of law including any amendment or repeal of any ordinance.
70. Outdoor Advertising Business. Provisions of outdoor displays or display space on a lease or rental basis only.
71. Owner. Any person, group or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.
72. Park. Area of public land developed and maintained primarily as pleasurable landscaped areas provided for both active and passive recreational pursuits, including tot-lots, playground-s' neighborhood parks, play fields, and special purpose areas.
73. Parking Space, Off-Street. For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
74. Plat. A drawing or map of a subdivision prepared for filing of record containing all elements and requirements set forth in applicable local regulations.
75. Plat, Final. All required maps, information, and documents as set forth in the subdivision regulations and as required by the City and containing all conditions imposed on the preliminary plat.
76. Plat, Preliminary. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and City Council for their consideration.
77. Planning Commission. A governmental agency appointed by the City Council according to MSA 462.351 through 462.363.
78. Private Street - A street serving as vehicular access to one or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
79. Protective Covenants - Contracts entered into between private parties and constituting a

restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

80. **Public Improvement.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance, operation, and/or ownership or which may affect an improvement for which local government responsibility is established.
81. **Recreation Vehicle.** A transportable overnight or short-term sleeping vehicle. The term includes, but is not necessarily limited to, travel trailer, pickup camper, fold-down camper, and mobilized camper.
82. **Recreation Vehicle Park.** An approved site, lot, field, or tract of land designed, maintained, or used for the purpose of supplying location and accommodations for recreation vehicles and including any building, structure, vehicle, or enclosure used or intended for use as part of the equipment of such park; unoccupied recreation vehicles which are parked for purposes of inspection and sale may be placed in a recreation vehicle park if they are incidental to the operation of said recreation vehicle park.
83. **Recreation Vehicle Space or Lot.** A parcel of ground within a recreation vehicle park designed for the accommodation of one recreation vehicle.
84. **Repair.** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The work "repair" or "repairs" shall not apply to any structural or spatial modifications.
85. **Resubdivision.** A change in a map or an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
86. **Right-of-way.** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.
87. **Right-of-way Width.** The distance between property lines measured at right angles to the center of the street.
88. **Setbacks.** Distance required from nearest point of wall of structure to property line.
89. **Sign.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.
90. **Signs, Number of.** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner

without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

91. Sign, On-site. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of outdoor advertising business.
92. Signs, Off –site. A sign other than an on-site sign.
93. Streets.
94. Street, Arterial. An urban arterial is a four-lane street which provides service for intra-urban trips at a somewhat lower level of travel mobility than the expressway. The at-grade intersections should be fully or partially regulated by conditions for the arterial traffic. Direct private access onto the street will be permitted but regulated. Under certain circumstances, a frontage road may be needed. Additional right-of-way would be required for the frontage road.
95. Street, Collector. A street that serves local traffic and provides for direct private access to abutting land uses. This system channels the local traffic to and from the arterial system and is capable of serving a minimum of through traffic.
96. Street, Expressways. Expressways are divided roadways which are designed for through traffic and also to serve intra-urban travel between major centers of activity in the metropolitan area. The at-grade intersections are usually spaced at infrequent intervals and are fully or partially regulated by traffic control devices. No direct private access onto the street should be permitted so as to minimize the number of vehicle-vehicle conflicts. If no alternative forms of access are available and frontage roads are warranted, additional right-of-way will be required.
97. Street, Freeways. Freeways are designed for the safe and efficient movement of high volumes of through traffic at relatively high speeds. A standard design feature of a freeway is a divided roadway with full control of access by the use of ramps.
98. Street, Frontage. A frontage street (road) is adjacent to a major thoroughfare. Its primary function is to preserve the safety and capacity of the thoroughfare by controlling leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, access to the major street while still providing direct private access to the adjoining properties. The roadway of the frontage road usually abuts the thoroughfare's right-of-way.
99. Street, Local. A local street offers the lowest level of mobility because service to through traffic is deliberately discouraged. Direct private access to abutting land uses is provided.
100. Street Width. For the purpose of this Ordinance, the shortest distance between the lines delineating the right-of-way.
101. Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or

development any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, or plat in a subdivision, or (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

102. Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division or development of residential and non-residential zoned land, whether by deed, metes and bounds description, lease, map, plat, or other recorded instrument.
103. Structure. A building or edifice of any kind that is built, constructed, or erected on a fixed location upon the ground or attached to something having a fixed location on the ground. A structure can be among other things a wall, fence, or a prior mobile home which has been immobilized and erected on some type of permanent footings or foundation.
104. Townhouse. A structure housing two (2) or more dwelling units of not more than two (2) stories each and contiguous to each other only by the sharing of one (1) common wall, such structures to be of the town or row house type as contrasted to multiple dwelling apartment structures. Each dwelling shall have separate and individual front and rear entrances.
105. Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not a result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
106. Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.
107. Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street.

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

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front

yard of a half depth required generally for front yards in the district shall be provided on the other frontage.

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

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

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

108. Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards.
109. Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will not be rear yards, but only front and side yards.

608 ZONING AND LAND MANAGEMENT, ADMINISTRATIVE PROCEDURES.

608.1 Public Hearings. No change or amendment to the City Code Chapter 600 shall be adopted until a public hearing has been held by the Planning Commission or the City Council. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of Plainview at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the City Clerk may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the City Clerk and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with these procedures has been made. All applicants shall provide the list of the owners and addresses to which the notice is to be sent.

608.2 Public Meetings. Where, in the administration of this ordinance, a public meeting is required, said meeting shall occur at a regularly scheduled meeting of the meeting body or at a special meeting only after public notification of said special meeting by notice given *in* the official newspaper prior to the meeting date.

608.3 Text Amendments. Whenever the public necessity to maintain the integrity of

this ordinance requires it, the City Council may by ordinance amend the text of this ordinance. Such changes to this ordinance shall be made only after the Planning and Zoning Commission and City Council have both held a public hearing on the proposed amendment. Text amendments to this ordinance shall require a 4/5 vote of the City Council.

608.4 District Changes. Whenever the public necessity to maintain the integrity of this ordinance requires it, the City Council may by ordinance change the district boundaries shown on the District Boundary Map. Such changes shall be made only after the Planning and Zoning Commission has held a public hearing and the City Council has held a public meeting on the proposed change. District changes to this ordinance shall require a 4/5 vote of the City Council.

608.5 Initiating Changes. Text amendments or district boundary changes may be initiated by either the City Council or the Planning and Zoning Commission. In addition, district boundary changes may be initiated by petition by any property owner within the boundary change area. Property owner petitions shall be submitted to the City Clerk three weeks (21 days) prior to the Planning and Zoning Commission meeting at which the petition is to be heard. The property owner petition for change shall include a legal description of the property to be changed, a description of the existing and intended use of the property, a map of the property showing existing structures and property lines of the change area and adjacent properties and the required filing fee.

608.6 Use Permits. A use permit shall be obtained as described below before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. One of the two following use permits shall be secured as required by regulations of the district the property is located in:

608.6.1 Permitted Use Permit. An applicant for a permitted use permit shall submit an application at least three (3) days prior to a public meeting of the City Council. The application shall be accompanied by a description of the use proposed and a site plan showing compliance with this ordinance. The City Council may approve or disapprove such an application based on compliance to this ordinance and general acceptance of the site plan.

608.6.2 Conditional Use Permit. For any use designated as a conditional use within the district in which the proposed use is to be located, a conditional use permit shall be secured from the City of Plainview after the Planning and Zoning Commission holds a public hearing pursuant to §1 above and the City Council holds a public meeting. The applicant for a conditional use permit shall submit in writing, at least three (3) weeks (21 days) prior to the hearing, the permit request to be heard. A description of the property and use proposed and a site plan including, but not limited to the following shall accompany a conditional use permit:

- a. Location of all structures, existing and proposed.
- b. Location of all parking and drive areas.
- c. Property lines.

In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning and Zoning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the City Council shall make the following findings where applicable:

- i. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.

- ii. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- iii. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- iv. The use, in the opinion of the City Council, is reasonably related to the overall needs of the city and to the existing land use.
- v. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- vi. The use is not in conflict with the comprehensive plan of the city.
- vii. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

Additional Conditions. In permitting a new conditional use or the alteration of any existing conditional use, the Planning Commission may recommend and the City Council may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- i. Increasing the required lot size or yard dimension.
- ii. Limiting the height, size, or location of 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.
- vii. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- viii. Designation sites for open spaces.
- ix. Other conditions as judged necessary.

The City Administrator shall maintain a record of all use permits issued including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.

After reviewing the submitted information and the recommendation of the Planning and Zoning Commission, the City Council, after holding a public meeting, (i) may approve the permit, (ii) may approve the permit with conditions, or (iii) may deny the permit, having found it not consistent with the City of Plainview's comprehensive plan or not compatible with the general character of the neighborhood.

The City Council will forward its decisions/findings to all applicants. Applicants will be financially responsible for the published notices as well as filing fees with the County Recorder's Office or Registrar of Titles' Office.

Denial Appeal. The applicant for any permit denied under 608.3.6 may appeal, within ten days after the denial, to the Board of Adjustment for relief, which may be granted after

holding a public hearing, with a 4/5 vote of the Board of Adjustment.

Approval Appeal. An aggrieved party of the approval of any permit under 608.3.6 may appeal, within ten days after approval or imposition of additional conditions, which may be done after holding a public hearing and notifying the applicant prior to said hearing to review permit approval. Reversal of permit approval shall require a 4/5 vote of the Board of Adjustment.

Accessory Building Use Permits. Any person desiring a use permit or a building permit for an accessory building as defined under this ordinance, shall accompany such permit request with the following information:

A scale drawing of the proposed building to include front, side, and rear elevations.

A scale grid drawing with the location of:

- i. all structures existing and proposed;
- ii. all parking and drive areas;
- iii. all landscaping and existing and proposed;
- iv. all property lines.

Structures exceeding \$10,000.00 in cost would require blueprints submitted in addition to the above.

All other information as requested by the City Council or the Planning and Zoning Commission.

609 ZONING AND LAND MANAGEMENT, GENERAL REGULATIONS

609.1 Non-Conforming Uses. The lawful use of a building or land existing on the effective date of this ordinance may be continued, although such use does not conform to the provisions hereof. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. The expansion of a non-conforming use is expressly prohibited, unless such expansion is done within the provisions of a conditional use permit, as allowed in the district the property is located within.

609.2 Discontinuance Of Non-Conforming Use. No premise, building, or portion thereof used in whole or part for nonconforming purposes according to the provisions of this ordinance, which hereafter become and remain vacant for a continued period of one year shall again be used except in conformity with the regulations of the district in which such building or premise is situated.

609.3 Damaged Non-Conforming Buildings. No building which has been damaged to the extent of more than sixty-five percent (65%) of the estimated fair market value of the building immediately prior to damage shall be restored except in conformity with the regulations of this ordinance.

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

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

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

609.6 Requirements Reduced. No lot shall be reduced in size so as to make the width or total area of the lot, or any yard, or any other open space, less than the minimum required in this ordinance, unless in compliance with 609.14.

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

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

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

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

609.8 Maximum Height. No buildings shall exceed the heights shown on the following schedule in each of the various district:

AG: 50 feet	C-1: None	I: None	R-1: 30 feet
C-2: 35 feet	R-2: 30 feet	T: 35 feet	

609.9 Wastewater Treatment. No new non-farm dwelling shall be constructed that will not be connected to the Plainview wastewater treatment system. Low water, non-residential uses shall be permitted to use septic tanks or other suitable on-site treatment, provided a conditional use permit is approved and the site can accommodate it and the lot has a minimum lot area of one acre.

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

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

609.12 Quick Plats. On application of the owner, the City of Plainview may approve a quick plat under the following circumstances:

Platted Land: the Planning Commission, at a public meeting, may approve a quick plat of a portion of a platted lot if, in each instance, the new and residual parcels of land which would result from the quick plat meet the frontage and area requirements of the zoning district:

When it is desired to detach a portion of multiple platted lots and add them to adjoining platted lot.

When it is desired to divide platted lots into more parcels and the dedication of public utility and street easements is not involved.

Unplatted Land: The City Council, at a public meeting, may approve a quick plat by metes and bounds if it is determined that the following conditions exist:

That the restriction against such a quick plat will create an unnecessary hardship,
That a quick plat will not interfere with purposes of the subdivision regulations,
That the dedication of public utility or street easements is not involved, and
That the new and residual parcels of land which would result from the quick plat meet the frontage and area requirements of the zoning ordinance.

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

604.13.1 Cornices, Canopies, or Eaves. Cornices, canopies, or eaves may extend into the required yard a distance not exceeding two feet, six inches.

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

604.13.2 Fire Escapes. Fire escapes may extend into the required front yard a distance

not exceeding four feet, six inches.

604.13.3 Landing Place or Porch. A landing place or uncovered porch may extend six feet if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three feet may be placed around such place.

604.13.4 Handicap Accessibility Ramp. A ramp built for the sole purpose of assisting with handicap accessibility may extend up to ten feet into the required front yard setback, provided the handicap ramp will not negatively affect traffic safety by restricting visibility.

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

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

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

The costs referred to above shall be borne by those persons requesting the following: 1) Approval of general development plans, preliminary plats, final plats, and quick plats, or 2) Zoning ordinance amendments or district changes

609.15 Dwelling, Single Family. A detached residential dwelling unit designed for and occupied by one family only shall meet the following specifications:

- A) At least 24 feet wide at its narrowest point measured from the face of the exterior walls;
- B) Has a minimum of 864 feet of enclosed year-round living area on its ground floor, or a minimum sum of 1,440 square feet of enclosed year-round living area on the ground floor and the next floor above;
- C) Is placed on a permanent foundation which complies with all standards and specifications of the Uniform Building Code as adopted in Minnesota. Said foundations shall be solid foundations extending the entire length and width of the dwelling;
- D) Has a roof which meets the standards and specifications of the Uniform Building Code as adopted in Minnesota or Minnesota Statutes §327.31 et. seq. (the Manufactured Homes Building Code);
- E) Has exterior walls and attic areas which meet minimum energy envelope requirements. Exterior walls must be covered with siding which meets the standards and specifications of the Uniform Building Code as adopted in Minnesota or Minnesota Statutes §327.31 et. seq.
- F) Has such architectural design, color, roof, and exterior material which are not so inconsistent with surrounding buildings and areas as to constitute a blight or devalue

surrounding property, or otherwise impair the health, safety, and welfare of the community.

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

- A) Fences shall have no setback requirements unless specifically stipulated by the City Council;
- B) Fences cannot exceed seven feet in height;
- C) Any fence having only one finished side shall be required to have the finished side facing out away from the property upon which the fence is constructed; and
- D) Fences shall be maintained by property owner erecting the structure;

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

609.17 Home Businesses. The City of Plainview has zoned several large areas of the city for residential use. Generally, people living in residential areas expect the residential character of their neighborhood to be protected from intrusion by commercial businesses. However, under certain circumstances, the City of Plainview allows some small scale business to be carried out in residential areas. The regulation of home businesses (businesses operated at a persons home) within residential structures is intended to ensure that the use is clearly accessory or secondary to the principal dwelling, and that compatibility with the surrounding residential uses is maintained.

609.17.1 Home Business Determination. The following elements shall be considered to determine whether an home business exists: 1) meetings with customers occur on the premises; 2) mail or packages or materials for the business are delivered to the premises, 3) the business lists its mailing address as being on the premises; 4) goods or services are sold to customers on the premises; 5) materials used in the creation of products or services are stored on the premises; and 6) money is accepted from customers in return for goods or services on the premises. A person has a home business if they meet the first criteria, meetings with customers on the premises, or if they meet two of any of the remaining other five criteria.

609.17.2 Types of Home Businesses. There are two types of home business, minor and major. Minor home businesses are anticipated to have no or very little impact on residents of the neighborhood. Major home businesses are anticipated to have little or some impact on residents of the neighborhood.

609.17.3 Minimum Requirements for Major Home Businesses

- 1. A home business may only employ members of the residence plus one non-resident at any one time. At least one member of the residence must be an employee of the home business.
- 2. Activity must be between the hours of 8:00 am and 8:00 pm.
- 3. The home business must be contained entirely within the primary residence or a detached garage and no more than 35% of the floor area of the structure may be used for the home business
- 4. The home business must not be inconsistent with the neighborhood so as to constitute a blight or devalue surrounding property or otherwise impair the health, safety, environment, or welfare of that neighborhood.

5. Must provide off-street parking for non-resident employees.
6. Must provide sufficient off-street parking to meet the needs of the anticipated visiting customers, if any. If less than one customer per every two hours of operation is anticipated, than no off-street parking is required. If no customers are anticipated on site, than no off street parking is required.
7. Must have interior storage for all equipment and inventory used for the business.
8. The primary purpose of the residence must be for residential use; the business use must be clearly incidental to the residential use. If residential use is discontinued, than the home business must also discontinue.
9. May not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the area.
10. May not create noise or dust significantly in excess of the normal amount in the area.

609.17.4 Minimum Requirements for Minor Home Businesses

1. Must meet all the minimum requirements for a major home business.
2. A home business may only employ members of the residence.
3. Other than permitted signage, the activity from a home business must not be visible from the public street.
4. Must have interior storage for all vehicles and equipment used for the business.
5. Must provide sufficient off-street parking to meet the needs of the anticipated visiting customers, if any. If less than one customer per every four hours of operation is anticipated, than no off-street parking is required. If no customers are anticipated on site, than no off street parking is required.

609.17.5 Inspection. The City reserves the right to inspect the premises in which the occupation is being conducted to ensure compliance with the City Code.

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

609.17.7 Examples and Exceptions. Typical home businesses may include such business as: photo studio, art or craft studio, professional practice, carpentry, furniture refinishing, upholstery, bakery, sewing or clothing alterations, beauty or parlor shops, etc.

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

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

Businesses conducted out of a person's home, but with no activity on-site (such as a computer technician that goes to client's homes), shall not require a home business license. However, such businesses must have interior storage for inventory and equipment.

Restaurants are not to be allowed as home businesses.

609.17.8 Application Process. Those wishing to apply for a minor home business must fill out an application. The application will be approved or rejected, with reason, at a City Council meeting, but a specific public hearing for a minor home business is not required. Those wishing to apply for a major home business must fill out an application. A major home business will be processed as a conditional use permit, with a required public hearing with the Planning Commission and City Council. Upon approval of the City Council, an application will receive a license for the home business. ('The license must be renewed annually.' Council removed this part on 7/14/2009- Fix made a motion and Pederson second to pass taking the wording out of the ordinance that would require a home business to renew the license yearly. Motion passed unanimously to take out the annual fees.)

609.17.9 Fee. The application fee for a minor home business is \$15. The application fee for a major home business is \$100. Once granted, the annual renewal of a minor or a major home business shall be \$15.

609.17.10 Non-Conforming Use. Existing home business lawfully existing prior to 1978 may continue as non-conforming uses.

609.17.11 Denial or Conditions. The City may deny an application if it is deemed that there is a potential to be a nuisance or be a danger to the general health, safety, and welfare of the area. The City may attach reasonable conditions to the operation of a home business. It shall be unlawful for any person to operate a home occupation who does not own or lease the property and who does not actually reside on the property. It shall be unlawful for any operator of a home occupation to employ any person who does not reside on the property.

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

609.18 Private Garages. No lot, residence, or business shall have more than three accessory structures. Any garage, be it attached or detached, shall count as one accessory structure towards the maximum limit of three. The total square footage of the accessory buildings shall not exceed more than 100% of the ground square footage of the principal use, or 768 square feet, whichever is the larger. The sum of the accessory buildings shall not exceed 1,500 square feet in any event.

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

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

609.18.3 Height Limit. No accessory buildings, whether permanent or temporary, shall exceed the height of the principal building. In no event may an accessory building exceed 17 feet in height.

609.18.4 Residence. No accessory buildings shall be used as a residence or a place of habitation on a permanent or temporary basis.

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

609.19 Townhouses; Water/Sewer Lines. In order to obtain a building permit for a townhouse development in the City of Plainview, the following is required:

A developer will be required to provide plans for construction indicating that separate water lines and separate sewer lines will be constructed from the city's water and sewer mains to each unit of a townhouse development.

Final approval of each unit of a townhouse development will be granted by the city's building inspector only after the developer demonstrates to the building inspector that

separate water lines and separate sewer lines have been constructed from the city's mains to each unit of the townhouse development and that a separate water meter has been installed for each unit of the development.

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

An owner desiring a lot split shall submit a completed application form to the City. This application form shall contain the name of the applicant, the address of the applicant, the home and work telephone number of the applicant, the fax number or e-mail address of the applicant where applicable, the address of the property if different from the applicant's address, the legal description for the property and a summary of the reasons why the property owner believes the lot split is warranted. It shall be signed and dated by the applicant.

An owner desiring a lot split shall also submit either a certificate of survey prepared by a registered land surveyor, a plat drawing prepared by a person who prepares plat drawings for attorneys handling real estate closings, or a plat drawing prepared by the owner indicating the specific physical location of lot markers or lot lines. The owner shall also submit an application fee to be established by resolution of the City Council.

Upon receipt, the completed application and survey/plat drawing shall be submitted to the City Council for review. In deciding whether to approve the request, the City Council shall consider, among other things, the reason for the request, whether the lot after the split would comply with all the requirements of the Land Management Ordinance concerning minimum size, setbacks etc. and the effect which the lot split if approved might have on the rights of adjoining property owners. In order to be approved, the lot split must not result in a lot or portion of a lot which lacks access to a public street or roadway.

If approved, the City shall issue notice of approval in writing to the property owner. The property owner shall be required to record this approval with the Wabasha County Recorder and bear any costs associated with doing so. If denied, the owner shall have the right to a public hearing before the City Council in conformance with the variance appeal procedure.

609.21 Floodplains. No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the City.

No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the City for each change.

No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the City.

610 ZONING AND LAND MANAGEMENT MANUFACTURED HOME PARKS. Manufactured home parks shall comply with all statutes of the State of Minnesota, including but not limited to statutes §327.14 to 5327.28, 5327.31 through 5327.35, and 5327C.O1 to 5327C.15

and the regulations of the State Board of Health and the regulations of the Building Code. When this ordinance is more restrictive than the state statutes, the provisions of this ordinance will control over the provisions of the state statutes.

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

A) Permit Application: Application for a manufactured home park permit shall be filed with the City Clerk and shall contain the following information:

all requirements of a conditional use application;
name and address of the applicant;
location and general description of the manufactured home park. Plans showing all facilities in said manufactured home park, together with all streets and lots therein, approved by the Dept. of Public Health of the State of Minnesota.

B) Transfer of Permit. Any application for transfer of the permit or expansion alterations of the park shall be treated in the same manner as an original application for permit.

C) Approval Required. Prior to application for a permit, said applicant shall first have obtained approval of said manufactured home park from the State Board of Health.

610.2 Lot Size And Specifications.

- 1) A manufactured home lot shall consist of a minimum of 4,000 square feet, with a minimum width of street frontage of 35 feet.
- 2) A manufactured home shall not be placed closer than 15 feet from any private street or alley within the manufactured home park or be located nearer than 20 feet from the line of adjacent private property.
- 3) Manufactured homes located in said park shall be located so that there shall be at least 15 feet of lateral clearance between any two manufactured homes or any mobile home and adjacent building.
- 4) All manufactured homes shall be anchored to the ground surface at four points to afford protection from wind damage as specified by city building code.
- 5) All manufactured homes must be skirted within 90 days of location on a lot in a manufactured home park.
- 6) No buildings or structures shall be erected or attached to a manufactured home without obtaining approval of the City Council during a public meeting and a building permit thereof.

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

610.4 Public Utilities. A municipal sanitary sewer and water system shall be installed in accordance with city specifications. Each manufactured home site shall be equipped with a water and sewer outlet. All water and sewer facilities shall be approved by the State Board of Health.

610.5 Community Storm Shelter Facilities. There shall be provided within each manufactured home park that has 10 units or more suitable storm shelter facilities constructed to

meet Minnesota state building codes, Minnesota State Board of Health rules and regulations, rules of the Commissioner of Administration and the City of Plainview building codes. The shelter space must accommodate room for the number of people as defined in the following formula:

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

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

610.7 Private Streets And Street Construction In Manufactured Home Park. Minimum width of street surface within a manufactured home park shall be 30 feet. Asphalt surface and asphalt or concrete curbs shall include the following:

- 1) removal of all topsoil;
- 2) replacement with a granular material such as Class 4 sand and gravel or crushed rock;
- 3) replacement of a 6" base meeting MHD specifications for Class 5 sand and gravel;
- 4) replacement of a 1 1/2 bituminous mat meeting MHD Sec. 2231;
- 5) all streets shall be crowned to provide for the runoff of surface drainage with consideration of adjacent property a governing factor.

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

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

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

611 ZONING AND LAND MANAGEMENT, ZONING DISTRICTS

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

611.2 Allowed Uses. In order to allow maximum flexibility in the development of the community and provide a measure of security in existing neighborhoods, within each district are

allowed two levels of land use. The two levels are permitted uses and conditional uses.

Permitted uses are those uses allowed in the district. These uses are the primary activity of the district.

Conditional uses are use activities that are generally acceptable within the district, but the nature of the activity creates negative impacts on other uses and properties. Such uses shall be allowed on a limited and selected basis only, where it is shown that there is substantial benefit to the community and the level of negative impacts is kept at a minimum or eliminated. Successful applicants will be financially responsible for filing fees with the County Recorder's/Registrar of Title's office.

611.3 Zoning Districts. The City of Plainview, Minnesota is hereby divided into seven (7) classes of districts as follows:

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

In addition to the seven zoning districts, the City of Plainview also has one overlay zoning district. The DWM, Drinking Water Management Overlay District, is applied to and superimposed upon all other zoning districts. The regulations and requirements imposed by this district are in addition to those established by the other zoning districts of the Land Management Ordinance.

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

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

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

612 ZONING AND LAND MANAGEMENT, AG, AGRICULTURAL DISTRICT

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

612.2 Permitted Uses:

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

612.3 Conditional Uses:

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

612.4 Lot Area, Frontage, And Yard Requirements:

Use	Lot Area	Lot Frontage	Rear	Side Yards	
			Yard/ Front Yard	Any Side	Sum of Both Sides
Dwelling	2 acres	150 ft.	50 ft.	15 ft.	35 ft.

613 ZONING AND LAND MANAGEMENT, R-1, RESIDENTIAL DISTRICT

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

613.2 Permitted Uses:

- 1 Single-family dwellings.

613.3 Conditional Uses:

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

613.4 Lot Area, Frontage, And Yard Requirements:

Use	Lot Area	Lot Frontage	Rear Yard/ Front Yard	Side Yards	
				Any Side	Sum of Both Sides
Single-family dwelling	7500 sq.ft.	60 ft	5 ft. rear 25 ft. front	5 ft.	15 ft.
Two-family dwellings/units	9000 sq. ft.	80 ft.	5 ft. rear 25 ft. front	10 ft.	20 ft.
Non-residential	1 acre	100 ft.	25 ft. rear 25 ft. front	10 ft.	30 ft.

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

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

614 ZONING AND LAND MANAGEMENT, R-2, RESIDENTIAL DISTRICT

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

614.2 Permitted Uses:

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

614.3 Conditional Uses:

- 1 Multi-family dwellings/units,
- 2 Professional offices,
- 3 Manufactured home parks, and
- 4 Home occupations.

614.4 Lot Area, Frontage, And Yard Requirements:

Use	Lot Area	Lot Frontage	Rear Yard/ Front Yard	Side Yards	
				Any Side	Sum of Both Sides
Single-family dwelling	6000 sq. ft.	60 ft.	15 ft. rear 25 ft. front	5 ft.	10 ft.
Two-family dwellings/units	8000 sq. ft.	60 ft.	15 ft. rear 25 ft. front	10 ft.	20 ft.
Multi-family dwellings/units	3000 sq. ft./dwelling unit	80 ft.	15 ft. rear 25 ft. front	10 ft.	20 ft.
Non-residential	1 acre	100 ft.	25 ft. rear 25 ft. front	10 ft.	30 ft.

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

614.6 Manufactured Home Parks: In the application for a conditional use permit for a manufactured home park, all parks will be required to comply with Section 602.5.

615 ZONING AND LAND MANAGEMENT, T, TRANSITION DISTRICT

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

615.2 Permitted Uses:

- 1 Any accessory use of an existing conforming and/or approved conditional use.

615.3 Conditional Uses:

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

615.4 Lot Area, Frontage, And Yard Requirements:

Use	Lot Area (sq. ft.)	Lot Frontage	Rear Yard/ Front Yard	Side Yards	
				Any Side	Sum of Both Sides
Single Family Dwellings	6,000	60 ft.	15 ft.	5 ft.	15 ft.
Two Family Dwellings/Units	8,000	60 ft.	15 ft.	5 ft.	15 ft.
Multi-Family Dwelling/Unit	3,000	60 ft.	15 ft.	5 ft.	15 ft.
Non-Residential	7,500	60 ft.	15 ft.	10 ft.	20 ft.

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

616 ZONING AND LAND MANAGEMENT, C-1, CENTRAL BUSINESS DISTRICT

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

616.2 Permitted Uses:

- 1 Retail sales,
 - 2 Restaurants,
 - 3 Automotive sales and service,
 - 4 Entertainment,
 - 5 Home improvement trades,
 - 6 Printing and related trades,
 - 7 Parking garages and lots,
 - 8 Appliance sales and service,
 - 9 Repair shops,
 - 10 Banks and savings & loans,
 - 11 Offices,
 - 12 Personal services,
 - 13 Hotels and motels, and
 - 14 Single Family and Two Family Dwellings in Existence Prior to July 1, 2003
- (Amended July 14, 2003)

616.3 Conditional Uses:

- 1 Animal hospitals and clinics,
- 2 Automotive storage,
- 3 Farm equipment, sales, storage, and repair,
- 4 Food processing,
- 5 Wholesaling and warehousing, and
- 6 Multi-family dwellings/units.

616.4 Lot Area, Frontage, And Yard Requirements:

Use	Lot Area (sq. ft.)	Lot Frontage	Side Yards		Sum of Both Sides
			Rear Yard/ Front Yard	Any Side	
Multi-family Dwellings/ Units	3,000/ dwelling unit	80 ft.	25 ft. frt. 15 ft. rear	10 ft.	20 ft.
All other uses	none	none	none	none	none

617 ZONING AND LAND MANAGEMENT, C-2, SERVICE COMMERCIAL DISTRICT

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

617.2 Permitted Uses:

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

617.3 Conditional Uses:

- 1 Automotive storage,
- 2 Farm equipment sales, storage, and repair, and
- 3 Any additional commercial uses the City Council deems appropriate for the area and community welfare of Plainview.

617.4 Lot Area, Frontage, And Yard Requirements:

Use	Lot Area	Lot Frontage	Front Yard	Rear Yard	Side Yard/ Any Side
All uses	10,000 sq. ft.	100 ft.	30 ft.	10 ft. from furthest extension	10 ft. each side

617.5 Additional Lot Area Required: If the building floor area exceeds 3,000 sq. ft., additional lot area of 1,000 sq. ft. shall be required for each additional 300 sq. ft. of floor area or fraction thereof.

617.6 Screening Required: Any lot line adjoining a Residential District shall be screened with a solid fence or shrubbery at least five (5) feet in height.

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

618 ZONING AND LAND MANAGEMENT, I, INDUSTRIAL DISTRICT

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

618.2 Permitted Uses:

- 1 Wholesaling and warehousing,
- 2 Manufacturing,
- 3 Food productions and processing,
- 4 Agriculture related uses, such as grain elevators,
- 5 Farm equipment sales, storage, and repair,
- 6 Contractor's storage yard, and
- 7 Land consumptive business necessitating outdoor storage.

618.3 Conditional Uses:

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

618.4 Lot Area, Frontage, And Yard Requirements:

Use	Lot Area	Lot Frontage	Rear	Side Yards	
			Yard/ Front Yard	Any Side	Sum of Both Sides
All uses ^{1/2} acre	75 ft.	35 ft.	20 ft.		40 ft.

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

618.6 Screening Requirement: Same as in the C-2 Commercial District.

**619 ZONING AND LAND MANAGEMENT, DWM, DRINKING WATER
MANAGEMENT OVERLAY DISTRICT**

619.1 Intent And Purpose: The purpose of this district is to promote proper management and protection of the City’s Drinking Water Supply Management Area (DWSMA) and Wellhead Protection Area (WHPA). The intent is to prevent possible contamination of the City’s drinking water, which would adversely affect the public health, safety and general welfare. The DWM, Drinking Water Management Overlay District, is applied to and superimposed upon all other zoning districts as existing or amended by text and map of this section. The regulations and requirements imposed by this district are in addition to those established by the other zoning districts of the Land Management Ordinance.

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

619.2.1 New Underground Storage Tanks. No new underground storage tanks (UST) are allowed to be constructed or placed in the DWM District,

619.2.2 New Aboveground Storage Tanks. New aboveground storage tanks (ABT) are permitted as an accessory use to a legal, conforming permitted or conditional use, but must meet all state and federal requirements for spill containment, spill contingency plans, and leak detection.

619.2.3 Prohibited. The following uses are expressly prohibited:

- A. Waste Disposal and/or Storage,
- B. Toxic Chemical Creation, Storage or Disposal,
- C. Fertilizer or Pesticide Creation, Storage, or Disposal,
- D. Salt Storage,
- E. Livestock Waste Storage,
- F. Salvage or Junk Yards,

619.3 Lot Area, Frontage, Yard Requirements, And Other Standards And Requirements. Lot area, frontage, screening and landscaping requirements, and other standards and requirements of the underlying zoning district apply within the DWM District.

620 ZONING AND LAND MANAGEMENT, PROCEDURES FOR SUBMISSION OF PLATS

620.1 Pre-Application Meeting. Prior to the preparation of a General Development Plan or Preliminary Plat, the subdividers or owners shall be allowed to meet with the Zoning Administrator, Engineer, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the natural resources and topography of the site. The subdivider is urged to avail himself of the advice and assistance of the local planning staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.

620.2 Overall Development Guidelines. The City Council may require qualified technical and staff services such as economic and legal to review the General Development Plan, the Preliminary Plat, and the Final Plat and advise on its suitability regarding general planning; conformity with plans of other private and public organizations and agencies; adequacy of proposed water supply, sewage disposal, drainage and flood control, special assessment procedures and other features. The subdivider shall also be required to pay the cost of such services.

620.3 Sixty Day Rule. The preliminary application must be approved or disapproved by the City Council within 60 days following the delivery of an application completed in compliance with these regulations by the applicant, unless an extension in accordance with Minnesota Law (MS 15.99) has been invoked by the city; in which case Council action must be accomplished within 120 days unless an extension of the review period has been agreed to by the applicant. If the city fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed approved, and upon demand the city shall execute a certificate to that effect. If the City Council disapproves, the grounds for any such disapproval shall be set forth in the minutes of the City Council meeting.

620.4 Denial Of Plan And/Or Plat. In the case of all subdivisions, the Planning Commission shall recommend denial of, and the City Council may deny, approval of a general development plan, preliminary or final plat if it makes any of the following findings:

- (a) That the proposed subdivision, including the design, is in conflict with any adopted component of the Plainview Comprehensive Plan, Land Management Ordinance, Storm Water Pollution Control Ordinance, or any other provision of the City Code;
- (b) That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;
- (c) That the site is not physically suitable for the proposed density of development;
- (d) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage;
- (e) That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
- (f) That the design of the subdivision or the type of improvements will conflict with easements of record;

- (g) That the design will create a significantly higher density than the surrounding areas;
- (h) That the design will create an undue burden on the City's traffic system or water/wastewater infrastructure.

620.5 General Development Plan. Prior to the filing of any formal plats, the applicant shall engage a registered land surveyor to prepare a general development plan and submit copies to the City Clerk. The City Clerk shall send copies of the general development plan to each of the following agencies for their comments or recommendations. All applications shall be filed at least 30 days prior to the public hearing of the Planning and Zoning Commission.

- | | |
|--------------------------------------|---|
| a. County Engineer | j. Cable Company |
| b. County Assessor | k. Plainview-Elgin
Sanitary Sewer District |
| c. County Surveyor | l. U.S. Post Office |
| d. County Zoning Administrator | m. City Clerk |
| e. City Engineer | n. Public Works Director |
| f. Power Company | o. Plainview Fire Department |
| g. Telephone Company | p. Plainview Ambulance Service |
| h. Minnesota Dept. of Transportation | q. Plainview School District |
| i. Natural Gas Company | |

620.6 Public Hearing On General Development Plan. The Planning and Zoning Commission shall hold a public hearing on the general development plan. Notice of the public hearing shall be given in the same manner as required by 608.1, Public Hearings.

620.7 Planning Commission Action -- General Development Plan. After considering the comments and suggestions received at the public hearing, the Planning and Zoning Commission shall, by motion, submit its findings to the City Council that the plan, as submitted or as modified, does or does not meet the objectives of this ordinance and is recommended as approved or not approved on those grounds.

620.8 Public Meeting On General Development Plan. The City Council shall hold a public meeting on the general development plan. Notice of the public meeting shall be given in the same manner as required by 608.2, Public Meetings.

620.9 City Council Action -- General Development Plan. The City Council shall, by resolution adopted within 60 days after the public meeting, approve or disapprove the general development plan. The reasons for disapproval shall be recorded in the minutes of the City Council and reported to the applicant and Planning and Zoning Commission by the Clerk.

620.10 Changes And/Or Alterations To An Approved General Development Plan. If, in the opinion of the applicant or the City, there have been changes and/or alterations sufficient to warrant review of an approved general development plan, the above procedures shall be required. Such changes and/or alterations may include, but not be limited to, different street design, a change in the number of lots (especially to a greater number), and any substantial change to the overall theme or character of the plan that would have an adverse impact on adjacent property and require a public hearing.

620.11 Preliminary Plat. Upon approval of the general development plan, the subdivider may prepare a preliminary plat, which shall conform to the requirements of this ordinance and the approved general development plan, together with improvement plans and other supplemental material as may be specified by the Planning and Zoning Commission and its

reviewing agencies. An application shall be filed at least 20 days prior to the meeting of the Planning and Zoning Commission at which time action is desired. The City Clerk shall send copies of the preliminary plat to each of the above agencies for their comments or recommendations.

620.12 Planning And Zoning Commission Action-Preliminary Plat. The Planning and Zoning Commission shall hold a public hearing on the preliminary plat. Notice of the public hearing shall be given in the same manner as required by 608.1, Public Hearings. After considering the comments and suggestions received at the public meeting, the Planning and Zoning Commission shall either recommend approval of the preliminary plat subject to certain conditions, if any, or disapprove the plat.

620.13 City Council Action-Preliminary Plat. The City Council shall review the preliminary plat after receiving the Planning and Zoning Commission's recommendation. The City Council shall approve or disapprove the preliminary plat by resolution adopted within 60 days after submission of the plat to the City for consideration, unless the City notifies the applicant in writing that it needs additional time to consider the plat and sets forth the reasons why an extension is needed. The City Clerk shall notify the applicant of the City Council's action and shall endorse the date of the approval or disapproval on the preliminary plat. If approval is given, the City Clerk shall send the applicant one copy of the preliminary plat marked with any required revisions. If approval is not given, the reasons shall be recorded in the minutes of the City Council and reported to the applicant and Planning and Zoning Commission by the City Clerk.

620.14 Approval Of Preliminary Plat. Approval of a preliminary plat shall not constitute approval of the final plat. Unless earlier rescinded by the City Council, approval of a preliminary plat is limited to a period of one year, after which time the applicant is required to resubmit a preliminary plat. Upon application filed with the City Clerk, the City Council may continue the approval for an additional period of time. The application shall be filed at least 20 days prior to expiration of the approval of the preliminary plat.

620.15 Final Plat. Following approval of a preliminary plat, the applicant may prepare a final plat and shall file with the City Clerk an application for approval of the final plat. The application shall be filed at least 15 days prior to the meeting of the Planning and Zoning Commission at which time action is desired. The City Clerk shall send copies of the application and final plat to each of the agencies which received a preliminary plat for their comments, and recommendations. A final plat shall conform to the requirements of this ordinance and all conditions set forth in the approval of the preliminary plat.

620.16 Review Of Final Plat. The Planning and Zoning Commission shall review the final plat and the comments and recommendations of the other agencies and shall submit its findings and recommendations to the City Council and the applicant.

620.17 Public Meeting Final Plat. The City Council shall hold a public meeting on the final plat after receiving the Planning and Zoning Commission's recommendation. Notice of the public meeting shall be given in the same manner as required by 608.2, Public Meetings.

620.18 City Council Action -- Final Plat. The City Council shall, by resolution adopted within 60 days after the public meeting, approve or disapprove the final plat. The reasons for disapproval shall be recorded in the minutes of the City Council and reported to the applicant and Planning and Zoning Commission by the City Clerk. No final plat shall be approved by the City

Council unless satisfactory evidence is filed with the City that all past taxes have been paid in full, that the final plat is in a form acceptable for recording in the Office of the Register of Deeds or Registrar of Titles, and until there is deposited with the City the amount of the filing fee to be charged for such recording.

620.19 Recording Final Plat. Upon approval by the City Council, the City Clerk shall record the final plat in the Office of the County Recorder, as provided by law.

620.20 Quick Plat. An individual may prepare a quick plat which shall conform to all specifications for quick plats of this ordinance. An application shall be filed at least 30 days prior to the meeting of the Planning and Zoning Commission or City Council. The City Clerk shall send copies of the quick plat to the same agencies as receive a conventional plat.

620.21 Public Meeting On Quick Plat. The Planning and Zoning Commission or City Council shall hold a public meeting on the quick plat after receiving the comments and suggestions of the reviewing agencies. Notice of public meeting shall be given in the same manner as required in 608.2, Public Meetings.

620.22 City Planning Commission Action -- Quick Plats. Same as Section 620.12, Planning And Zoning Commission Action-Preliminary Plat.

620.23 City Council Action – Quick Plat. Same as Section 620.18 City Council Action -- Final Plat

621 ZONING AND LAND MANAGEMENT APPLICATION GUIDELINES

621.1 Application For General Development Plan

- 1) A copy of the application on a form approved by the City Council
- 2) Fifteen copies of the plan, which should include the following information:
 - a. scale and north point,
 - b. name and address of property owner,
 - c. name and address of subdivider,
 - d. zoning, classification of proposal and adjacent lands,
 - e. names of existing streets,
 - f. general street design,
 - g. general lot layout,
 - h. key map including area within one mile radius of plat,
 - i. date of preparation,
 - j. elevation and drainage.

621.2 Application For Preliminary Plat. An application for approval of a preliminary plat shall include the following:

- 1) A copy of the application on a form approved by the Planning and Zoning Commission.
- 2) Fifteen copies of the preliminary street profile map on with outside dimensions of 22 inches wide and 34 inches long, drawn to a horizontal scale of one inch equals 100 feet or less and a vertical scale of one inch equals 10 feet or less, showing the location of existing and proposed street, utility easements, depth to rock and ground water along the streets, and typical street cross sections.
- 3) Fifteen copies of a vicinity map drawn either on each preliminary plat or on a separate sheet, with a scale of one inch equals 400 feet or more but not to exceed 1,000

- feet, showing existing subdivisions, streets and tracts of land adjoining the subdivision.
- 4) Two copies of existing or proposed private deed restrictions, if any.

621.3 Application For A Final Plat. An application for approval of a final plat shall include the following:

- 1) Two copies of the application on a form approved by the Planning and Zoning Commission.
- 2) Fifteen copies of the final plat on black or blue line prints.
- 3) Two muslin backed originals and two reproducible mylars of the final plat, each of which shall contain all of the certifications, signatures (except that of the City Clerk and Register of Deeds), and acknowledgment required to file and record the same in the Office of the Register of Deeds.
- 4) Two copies of a title opinion prepared by an attorney and approved by the municipal attorney, identifying the owners and persons of record having an interest in the property being subdivided.
- 5) A copy of boundary closure calculations.
- 6) Two copies of existing or proposed private deed restrictions, if any.
- 7) Except for the signature of the City Clerk, the final plat shall be in recordable form and shall include the fee to be charged for filing and recording of the plat in the Office of the Register of Deeds, indicating the amount of such fee.
- 8) When the preliminary plat is waived and the applicant is permitted to proceed directly to a final plat, a cash filing fee shall be submitted with the application for final plat approval.

621.4 Application For Quick Plat. Same as Application for Final Plat, except for subsections 3 and 8.

621.5 Format. Each preliminary plat shall be prepared by a Minnesota Registered Engineer or a Minnesota Registered Land Surveyor, and each final and quick plat shall be prepared and signed by a Minnesota Registered Land Surveyor. The outside dimensions shall be 20 inches wide and 30 inches long. A border line shall be placed two inches inside the outer edge on the left side of the 30-inch length and one-half inch inside the outer edge of the other three sides. When more than one sheet is required for any plat, each sheet shall be numbered consecutively and shall contain a notation of the total number of sheets; i.e. 2 of 3. Each plat shall be drawn to scale of one inch equals 100 feet or less.

621.6 Form Of Plats. Preliminary plats, final plats, and quick plats shall be prepared in accordance with the provisions of this ordinance and the laws of the State of Minnesota and shall contain the following information:

Preliminary Plat	Final Plat (All measurements and information accurate)	Quick Plat
1. Identification. Date, Scale, north Point and proposed name of subdivision. The name shall not duplicate or closely approximate the name of any other subdivision in the country.	1. Identification. Same	1. Identification. Same.

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|---|--|--|
| 2. Legal description.
Legal description of
the land to be subdivided. | 2. Legal description. Same. | 2. Legal description.
Same. |
| 3. Principals. Name of
the owners of record
and registered land surveyor. | 3. Principals. Same. | 3. Principals. Same. |
| 4. Boundaries. Length
and bearings of the exterior
boundaries of the land being subdivided. | 4. Boundaries. Same. | 4. Boundaries. Same. |
| 5. Radii and tangents.
Approximately radii of all curves
and lengths of all tangents. | 5. Radii and tangents. Same. | 5. Radii and tangents.
Same. |
| 6. Lots and Block. Layout and
approximate dimensions of lots and
blocks. Lots shall be numbered
progressively through each block,
and blocks shall be numbered progressively
through each plat. | 6. Lots and Block. Same. | 6. Lots and Block.
Same. |
| 7. Monuments and lot
corners. The approx. location
of all permanent monuments
and lot corners. | 7. Monuments and lot
corners. The exact location
and material of all permanent
lot corners and monuments. | 7. Monuments and lots.
Same. |
| 8. Existing streets and
public uses. Layout, width,
and identification of existing public
streets, easements, drainage ditches,
parks, and other public property
proposed for subdivision. | 8. Existing streets and
public uses. Same. | 8. Existing streets and
public uses. Same |
| 9. Existing Utilities.
Location of existing sanitary
and storm sewer lines, water mains,
and culverts within and adjacent to the
proposed subdivision, with pipe sizes,
cross-sectional areas, grades and capacities indicated. | 9. Omit | 9. Omit |
| 10. Other existing feature.
Location of existing buildings
and structures, Railroad right-of-
way, municipal lines, township
lines, and lakes, rivers, and streams
and their known high and low water
elevations. Water elevation references shall
be the United States Geological Survey
Datum. Flood hazard areas shall be clearly labeled. | 10. Other existing feature.
Same except buildings
and structures shall be | 10. Omit |

- | | | |
|--|---|--|
| <p>11. Proposed features. Layout, width, and identification of proposed streets, easements, drainage ditches, parks, and other property to be dedicated to the public or reserved by covenants for the common use of property owners within the subdivision. Location of proposed sewer lines, water mains, culverts, and drainage facilities.</p> | <p>11. Proposed features. Layout, width, and identification of proposed street right-of-ways, easements, drainage ditches, parks, and other property to be dedicated to the public or reserved by covenants for the common use of property owners within the subdivision.</p> | <p>11. Omit</p> |
| <p>12. Topographic map of the area showing the contours as follows: Two (2) foot intervals where slope is seven (7) percent or less; five (5) foot intervals where slope is from seven (7) to fifteen (15) percent; twenty (20) foot intervals where slope is greater than fifteen (15) percent. All areas of the subdivision to be platted with a slope greater than twenty five (25) must be clearly indicated.</p> | <p>12. Omit.</p> | <p>12. Omit.</p> |
| <p>13. Percolation test results, minimum of two (2) per lot, together with soil borings, every acre to indicate depth to water table and rock formulation. Omit if municipal sanitary Sewer is available.</p> | <p>13. Omit.</p> | <p>13. Omit</p> |
| <p>14. Zoning. Identification of zoning Classification.</p> | <p>14. Omit.</p> | <p>14. Zoning. Same as Preliminary Plat.</p> |
| <p>15. Restrictive deed covenants. Within identified flood plain areas, restrictive deed covenants requiring the flood plain areas to be left essentially in the state shown on the plat, establishing finished elevations of buildings, structures, and private streets and roads, and requiring that additions or modifications to the facilities shall comply with applicable ordinances and regulations governing such food plain areas.</p> | <p>15. Restrictive deed covenants. Same.</p> | <p>15. Omit.</p> |

16. Dedication. Omit.

16. Dedication. A statement of dedication signed, acknowledged and witnessed as required by law for recording conveyances. The dedication shall read substantially as follows: "We, the undersigned, certify that that we are the sole interested parties in the tract of land described in the foregoing Surveyor's Certificate, which is written on the plat on which this instrument is written, that we have caused the same to be to be surveyed and platted as . . .Subdivision as shown on said plat, and that we do hereby grant and dedicate to the public use forever the streets, alleys, avenues, park sites, walks, easements, and limited accesses as shown thereon."

16. Dedication. A statement of dedication signed, acknowledged, and witnessed as required by law for recording conveyances. The dedication shall read as follows: "We, the undersigned, certify that we are the sole interested parties in the tract of land witnessed as required described in the foregoing Surveyor's Certificate, which is written on the plat on which this instrument is written, that we have caused the same to be surveyed and platted as . . .Subdivision, as shown on said plat."

17. Certificates. Omit.

17. Certificates. i) Surveyor. A certificate of the surveyor that the plat was made in accordance with This chapter and the laws of Minnesota, that the plat is a correct representation of the survey, that all distances are correctly shown on the plat, that all distances are correctly shown on the plat, that all monuments have been correctly placed in the ground as shown, and that the outside boundary lines are correctly designated on the plat. ii) Owner. A certificate of the owners in substantially the form as follows: "As owners, we hereby certify that we caused the land described on this plat to be surveyed, divided mapped, dedicated as represented on the plat." This certificate shall be signed, acknowledged and witness as required by law for recording conveyances. iii) Taxes. A certificate by the County Auditor that all prior taxes have been paid. iv) City Clerk. A certificate by the City Clerk that the Plat has been approved by the City Council. V) County Surveyor. A Certificate that the plat has been checked for surveying accuracy and compliance with applicable state platting laws.

17. Certificates. Same.

622 ZONING AND LAND MANAGEMENT, SUBDIVISION DESIGN STANDARDS

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

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

- 1 The arrangement of major streets in a subdivision shall provide for the continuation or projection of existing streets in adjacent areas or conform to a plan approved by the Planning and Zoning Commission where topographic or other conditions make continuance or conformation to existing streets impracticable.
- 2 Collector streets shall be properly related to major streets and designed in a manner so as to supplement the major street system but not to serve in lieu thereof.
- 3 Local streets shall be designed to benefit the topography, to discourage through traffic, and to provide the minimum amount of streets necessary for safe access to adjacent properties. The reasonable and intelligent use of curvilinear and cul-de-sac streets is allowed, where necessary.
- 4 When a subdivision abuts upon or contains an existing or proposed highway, major thoroughfare, or railroad right-of-way, the City Council may require reverse frontage lots with appropriate screen plantings in the non-access reservation strip, or the provision of suitable access roads parallel to and on either side of said highway, major thoroughfare, or railroad right-of-way providing access to adjacent properties and affording separation of through and local traffic.
- 5 Streets designed and laid out so as to have one end permanently closed shall not exceed five hundred (500) feet in length, except where the Planning and Zoning Commission has approved additional length due to property limitations or large lot size.
- 6 Turnarounds shall be provided at the permanently closed end of all streets and shall have a minimum turnaround radius of sixty (60) feet. The City Council may approve a "T" or "Y" type turnaround in lieu of the circular turnaround.
- 7 All subdivisions abutting a public lake, river, or stream shall provide public access at least eighty (80) feet wide to the low water elevation so that there will be public access at not more than one quarter (1/4) mile interval as measured along the lake, river, or stream shoreline.
- 8 Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets so that parcels will not be land-locked. When a new subdivision adjoins developable land, then the new streets shall be carried to the boundaries of such unsubdivided land.
- 9 Where new streets extend to existing adjoining streets, their projection shall be at the same or greater width, but in no case less than the minimum required width.

- 10 The City Council shall issue street names; names shall not duplicate the names of other streets. All street names shall be in conformance with the current system of assigning numerical names, i.e. 7th Street NE.
- 11 A tangent of at least 150 feet shall be introduced between reverse curves on collector streets and 100 feet on lesser streets.
- 12 When connecting street lines deflect from each other at one point by more than 10 degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of no less than 500 feet for arterials, 300 feet for collectors, 100 feet for all other streets.
- 13 Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted.
- 14 Private streets shall be prohibited.
- 15 Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.
- 16 Each subdivision shall have at least two public accesses available to every lot.
- 17 Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided.
- 18 The Planning Commission and/or City Council may require the provision of pedestrian ways in proximity to public service areas such as parks, schools, shopping facilities or in other appropriate locations of a similar nature. The design of the pedestrian walkways shall be considered in their relation to existing and planned pedestrian walkways, to reasonable circulation of traffic, to topographic conditions, to run-off of storm water and to the proposed uses of the area to be served. Pedestrian right-of-ways shall be at least 10 feet wide.
- 19 All subdivision street stubs (and underlying infrastructure) designed in a final plat shall be constructed at the same time as the other streets in the final plat.

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

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

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

TABLE #1: MINIMUM STREET DESIGN STANDARDS

	Arterial	Collector Street	Local Street	Frontage Road or Service Access Street	Alley
Rights-of-Way	as specified by city engineer	66'	60'	40'	20'
Surface Width	“	as specified by city engineer (Min. 44 feet)	as specified by city engineer (Min. 36 feet)	as specified by city engineer (Min. 26 feet)	as specified by city engineer (Min. 20 feet)
Case Specification	“	“	“	“	“
Minimum Horizontal Curve Radii*	400'	300'	300'	100'	100'
Minimum Tangent Between Curves	200'	200'	50'	50'	50'
Minimum Grade	0.4%	0.4%	0.4%	0.4%	0.4%
Maximum Grade	6%	8%	10%	10%	10%
Pavement Specifications	as specified by city engineer	as specified by city engineer	as specified by city engineer	as specified by city engineer	as specified by city engineer

*As measured from the centerline of the street.

622.6 Lots.

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and the type of use contemplated. All lots shall comply with the minimum lot frontage and area requirements specified in the Zoning Ordinance.

Every lot shall abut on a public street to assure access for fire protection, utilities, and other services.

Lot remnants which are less than the minimum lot size shall be added to adjacent lots.

Side lot lines shall be as near to right angles with streets having straight lines or radial to adjacent streets having curved lines as possible.

Residential lots fronting freeways, expressways, and major streets, where deemed appropriate by the City Council, shall be separated there from by the use of frontage roads, parallel streets, service drives, or alleys in order to eliminate direct access to the major street.

In the subdividing of any land, due regard, as determined by the City Council, shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.

Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not

be permitted except where lots back on, or are adjacent to, an arterial or collector street.

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

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

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

In areas zoned:

R-1	5% of the total land area	R-2	8% of the total land area
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No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved for the purpose to which they are to be dedicated. The parkland shall be graded to the contours set forth in the preliminary plat. The developer shall provide a minimum of three inches of black dirt over the entire park area and the area shall be seeded with a type of seed approved by the city. The financial guarantees by the developer to the city shall be in effect at least until such time that the parkland is graded and seeded.

The land dedicated for parks, open space or public use shall be suitable for active recreation use. Active recreation meaning organized playground activities such as softball, football, etc. These areas to be used for organized playground activities shall have a slope of less than 2% grade and be largely clear of forest vegetation. Some of the areas to be dedicated may be forested and may have steeper slopes, if allowed by the City Council.

When the subdivision is small or does not include a park or public area shown on the comprehensive plan, or if in the judgment of the Council the area proposed to be dedicated is not suitable or desirable for park/playground purposes because of location, size or other reason, the Council may require, in lieu of land dedication, a payment to the municipality of a sum equal to the percentage listed above of the undeveloped value of the land to be subdivided. The undeveloped land value shall be the value of the land when ready to be platted but not including utility costs; the estimated cost of grading and seeding the land shall be included in the land value. The City Council and/or its agents shall have the authority to make the final determination of the value of the land for purposes of park dedication. If requested, the City Council shall provide the developer or landowner with the methodology used to calculate the value of the land.

Such dedication of land for public use shall be without restrictions or reservations and shall be transferred to the City by deed or by plat. Money given to the City in lieu of land shall be used by the City only for acquiring or developing public parkland.

All parkland dedicated to the City shall be clearly marked and signed as a public park. The City shall not accept or maintain a park or parkland if its a private park in character or for use by only the surrounding and/or adjacent residents of the parkland. Public parks shall have adequate parking available for public occupancy when using the park.

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

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

622.12 Environmental Awareness Worksheet Or Environmental Impact Statement. If a proposed development is of sufficient size to trigger a mandatory EAW or EIS, the required reports must be prepared before the City Council can approve or deny the proposed development. The EAW/EIS must be made available at least 10 days before the scheduled public hearings in order to be available for citizen review.

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

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

622.15 Zero Lot Line Development. A two family dwelling may be split from one lot into two along the party wall to allow for individual ownership of each unit. The newly created lots shall each be in compliance with the lot requirements of the Land Management Ordinance, with the exception of lot width as addressed in section 15.5 below. The following conditions must be met before a zero-lot line development may be approved:

The property and structure must be able to be easily split into two (2) substantially equal portions.

The structure must meet current building code standards for fire wall separation. This shall also apply to existing structures.

Deed restrictions shall be recorded with the property requirements that the structure shall have a uniform exterior appearance in terms of color, design, and maintenance. In addition, if one unit is burned or destroyed, than the development shall be reconstructed in a uniform appearance.

Separate utility services must be provided (see also Article III §§21). If the property is already provided with a single one inch or larger water service, this water service shall be separated at the property line by installing a wye and two additional curb stops and boxes on the home side of the exiting curb stop and box. If, however, in the opinion of the City, it is feasible to make a second water service connection to the existing main, the existing water service shall not be split at the property line. If the existing water service is smaller than one inch diameter, a separate service connection shall be made to the City watermain. If a lot is intended to be used for a two-family dwelling unit under separate ownership and the public water system is under construction, reconstruction, or if the street is under reconstruction making access to the water system feasibility, separate services shall be extended to the lot at that time. Separate sanitary sewer service shall be provided by splitting an existing sanitary sewer service at the property line with a wye and two clean-outs. However, if conditions exist as stated above for water services making extension of separate services from the City sewer system feasible, such extension shall be made.

Zero lot line development are permitted in R1 and R2 zoning districts. However, they shall also be allowed in Transition Districts if the Transition District abuts either an R1 or R2, as provided for in Article X, Section 3. The lot width for each of the new parcels of the zero lot line development in an R1 shall be a minimum of at least 50 feet, as opposed to the 60 feet normally required. There shall be no minimum lot width for zero lot lines in an R2 zoning district. The newly created lots shall each be in compliance with the setback requirements of the Land Management Ordinance, with the exception of the side setback along the common party wall.

Townhouses and condominiums may reduce side yard setback to zero on common walls. The applicant shall record a covenant and deed restriction on all property which will abut the common lot line. Said covenant and deed restriction shall contain the following conditions:

Provide access to the abutting property for the adjacent property owner and/or his agent, employee or representative for the purpose of construction, reconstruction, repair, and maintenance of either side of the total property;

Provide easements for necessary encroachments for footings, eaves, and provide for mutual perpetual easements in the event of encroachment by the party wall;

Provide for restrictions to limit changes of color, construction material, and design of the dwelling as to compatible with the attached unit;

Provide for furnishing separate services to each dwelling unit for sanitary sewer and water.

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

The intent of the cluster development is to centralize structures in one portion of a tract of land while leaving a significant portion (25-50%) of the property undeveloped, thus

creating meaningful open space. If a proposed development has structures spread throughout the tract of land, it will not create meaningful open space and thus shall not qualify as a bona fide cluster development.

The tract shall be a development of land under unified control at the time of application is to be planned and scheduled to be developed as a whole. No authorization or permits shall be granted for such development unless the applicant has acquired actual ownership of or executed a binding sales contract for all of the property comprising such tract.

The minimum total lot area of the development shall be no less than five acres. The total lot area requirement can include street and park land that will be dedicated to the public.

The total number of dwelling units allowed in a development shall be determined by the area standards of the zoning district in which the proposed development is to be located. For example, if 30 single family homes are planned for cluster development in an R-1, the total area must be at least 225,000 square feet (7,500 square feet times 30). As is stated in section 16.3 above, the minimum total area for development must be at least 5 acres in size. There is no minimum lot width for individual lots within a cluster development, so long as all other conditions set forth in this ordinance are met.

All structures must conform to setback regulations from property lines.

No building permits shall be granted for any building or structure which does not conform to the approved final plan or final plat.

Proposed dwelling units for a cluster development must conform to permitted or conditional uses (if approved) in its zoning district.

Common area in a cluster development must be maintained by either a landlord or a landowners or homeowners association. If a landowners/homeowners association is established, the following conditions must apply:

1. Membership must be mandatory for each owner and any successive buyer,
2. The Association must be responsible for liability insurance for common areas and for the reasonable maintenance of exterior, residential, and other facilities,
3. Any restrictions on open space must be permanent, not for a given period of time.

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

622.18 Building Permits For Lots In New Developments. No building permit shall be issued for any development (other than necessary infrastructure improvements) until the first lift of the road surface has been laid.

623 ZONING AND LAND MANAGEMENT, REQUIRED IMPROVEMENTS AND PAYMENT

623.1 Overall Specifications. Unless otherwise stated, all of the required improvements shall conform to engineering standards and specifications as required by the City Council. Such improvements shall be subject to inspection and approval by, and shall be made in sequence as determined by the City.

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

623.3 Street Grading. Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the City. All street grading and gravel base construction shall be in accordance with the City's specifications. Grading shall be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after completion of the installation of underground utilities.

623.4 Street Surfacing. Following the City's approval of street grading and after utility installation, streets shall be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the City, and approved by the City Council.

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

623.6 Sidewalks. Rough grading for sidewalks shall be provided. Sidewalks shall be required in all new subdivisions.

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

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

623.9 Water Supply. Water distribution facilities adequate to serve the subdivision shall be installed in accordance with the latest plans and specifications of the Engineer and shall

meet the requirements of the master plan for water main extensions of this municipality. All new construction shall be connected to this municipal water system and pay a water access fee, as determined by the City Council. The developer is responsible for water mains and laterals to the lot line, water hydrants, and water main shutoffs.

623.10 Storm Sewer. Storm sewer and/or other surface drainage facilities shall be installed as determined to be necessary by the City for the proper drainage of surface waters. All subdivisions and developments shall conform to the City's Storm Water Pollution Control Ordinance.

623.11 Other Utilities. The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.

623.12 Utility Poles. Any developer of a new subdivision in the City of Plainview shall pay the cost of placement and erection of utility poles used for the transmission of electrical energy to streetlights within the subdivision. All such poles shall be of a material, size, and weight, and shall be erected so as to meet or exceed all specifications promulgated by both the city's public works director and the city's electrical franchisee. Said utility poles shall be paid for and erected within 90 days of the issuance of the first building permit by the city council for the new subdivision. If all utility poles are not erected by that time, no further building permits shall be issued until all the poles have been erected.

623.13 Public Acceptance Of Improvements. Improvements within a subdivision which have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the engineer shall certify that he is satisfied that the existing improvements conform to applicable standards and are in a state of good repair.

623.14 Installation Of Required Improvements. Prior to the installation of any required improvements and prior to approval of the plat, the subdivider shall enter into a contract in writing with the city requiring the subdivider to furnish and construct said improvements in accordance with plans and specifications and usual contract conditions. This shall include provision for supervision of details of construction by the engineer and shall grant to the engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder with any other work being done or contracted by the city in the vicinity. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof shall be determined by the governing body upon recommendation of the engineer after consultation with the subdivider. What is a reasonable time shall depend upon the work to be done, the seasons of the year, and proper correlation with construction activities in the plat and subdivision.

623.15 Public Improvements. Final plans for required public improvements shall be prepared in accordance with the City's Public Improvement Policy. All costs of required improvements shall be allocated as outlined in the City's Public Improvement Policy.

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

623.17 Private Finance Of Improvements. In the event the developer elects to privately finance and administer improvements, the developer must comply with the following provisions:

623.17.1 Completion of Improvements. Before the plat is signed, all applicants shall be required to complete, in accordance with the City Council's decision and the satisfaction of the municipal engineer, all the street, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plat, and as approved by the City Council, and to dedicate same to the local government free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

623.17.2 Payment and Performance Bond.

1. The City Council, in its discretion, may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the subdivision plat and that, as an alternative, the applicant post a bond at the time of application for final subdivision approval in an amount estimated by the municipal engineer and the City Council as sufficient to secure to the local government the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The payment and performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.
2. Such payment and performance bond shall comply with all statutory requirements and shall be satisfactory to the municipal attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Council in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not, in any event, exceed two (2) years from date of final approval.
3. Such bond shall be approved by the governing body as to amount and surety and conditions satisfactory to the governing body. The City Council may, upon proof of difficulty, recommend to the governing body extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The governing body may, at any time during the period of such bond, accept a substitution of principal of sureties on the bond upon recommendation of the City Council.
4. In the event the subdivider defaults in the terms or conditions of the contract with the city for such improvements, the city may complete the project referred to in the contract and assess all costs of the completion incurred by the city against the real property being subdivided, a special assessment and collect it the same as if it were any other special assessment levied by the city against real property. All assessments shall be pursuant to Chapter 429 of Minnesota State Statutes.

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

623.19 General Benefit To The Community. The required improvements as listed in this ordinance are to be furnished and installed at the sole expense of the subdivider. However, by the judgment of the City Council, if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same. In such a situation, the City Council may require that the subdivider be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision. For benefiting properties beyond subdivisions, a deferred assessment or hook-up charge can be enacted by ordinance, collectible upon development of the property.

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

624 VARIANCES AND BOARD OF ADJUSTMENT POWERS AND DUTIES

624.1 Variances, Conditions Governing Applications, Procedures. A variance from the terms of this ordinance as will not be contrary to the public interest shall be authorized by the City Council upon petition in specific cases where, owing to special conditions, literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the City Council unless and until:

The applicant for a variance shall submit in writing, at least three (3) weeks (21 days) prior to the hearing, the permit request to be heard. A written application for a variance shall demonstrate the following:

1. that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. that literal interpretation of the provisions of this ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. that the special conditions and circumstances do not result from the actions of the applicant;
4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
5. Applicants will be financially responsible for the published notices as well as filing fees with the County Recorder's/Registrar of Title's Office.

The City Council shall grant or deny each variance request after holding a public hearing.

1. Notice of public hearing shall be given at least fifteen (15) days in advance of the public hearing. Such notice of hearings shall be posted at City Hall and one other public place.
2. The public hearing shall be held. Any party may appear in person or by agent or attorney.
3. If the variance is granted, the Council shall make written findings that the requirements of Section 1.1 have been met by the applicant for a variance. The Council shall make further findings that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

In granting any variance, the City Council may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation 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 ordinance.

Under no circumstances shall the City Council grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

If the variance is denied, the Council shall make written findings and state the reasons for denial.

624.2 Creation Of Board Of Adjustment. According to M.S.A. §462.354, Subdivision 2, there is hereby created a Board of Adjustment.

The Board of Adjustment shall consist of members whose appointment, term of office, or removal from the Board shall be as provided in the resolution creating the Board of Adjustment.

Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board, in its rules of procedure, may specify.

The Board of Adjustment shall elect a chairman and vice chairman from its members and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for transaction of its business and shall keep a public record of its transactions, findings, and determinations.

624.3 Board Of Adjustment -- Powers And Duties. The Board of Adjustment shall have the following powers and duties:

To hear and decide appeals by an aggrieved party where it is alleged that there is an error in any order, requirements, decisions, or determination made by the zoning administrator, Planning and Zoning Commission, or City Council in the enforcement of this ordinance.

“Aggrieved party” shall be defined as follows:

1. a person whose requested relief has been denied by the Planning and Zoning

- Commission, City Council, or zoning Administrator;
- 2. a person owning land within a zoning district which is affected by any decision of the Planning and Zoning Commission, City Council, or Zoning administrator;
- 3. a person owning land immediately adjacent to land affected by any order or decision of the Planning and Zoning Commission, City Council, or Zoning Administrator.

To hear and decide appeals or variance requests which have been denied or approved by the City Council pursuant to Section 1.3 above. In deciding such appeal, the Board shall follow the steps set forth above in Section 1.3 and shall also hold a public hearing as therein set forth.

624.4 Board Has Powers Of Zoning Administrator On Appeals; Reversing The Decision Of City Council. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning administrator from whom the appeal is taken.

A 4/5 vote of the members of the Board shall be necessary to reverse any order, requirements, decisions, or determinations of the City Council, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance.

624.5 Re-Submission Of Use Permit And Variance Requests And Subdivision Plats. Following denial by the City Council of a use permit request, variance request, or subdivision plat, an applicant may not re-submit the same request again to the City Council within one year of the date of denial of said request, unless the applicant has made a good faith effort to change his request as instructed by the City Council in its findings denying the original request.

624.6 Appeals From The Board Of Adjustment. Any person or persons, or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Adjustment may seek judicial review, in the manner provided by the state statutes.

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

625.1 New Tower or Antennas. A proposal for a new tower or antennas shall not be approved unless the City finds that the telecommunications equipment planned for the proposed structure cannot be accommodated on an existing or approved tower or structure within a two (2) mile search radius of the proposed tower due to one or more of the following reasons:

- 1 The planned equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a qualified and licensed professional engineer, and the existing or approved tower or structure cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost;
- 2 The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or structure as documented by a qualified and licensed professional engineer or qualified radio frequency engineer and the interference cannot be prevented at a reasonable cost;

3 Existing or approved towers and structures within the search radius that are 60 feet or over in height that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer;

4 Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or structure.

Any proposed tower shall be designed (structurally, electrically and in all other respects) to accommodate both the applicant antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height, or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

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

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

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

626 OUTDOOR SOLID FUEL BURNERS

626.1 Purpose

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

626.2 Applicability

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

626.2.1 This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in appliances intended for cooking or grilling other than outdoor solid fuel burners.

626.2.2 This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

626.2.3 This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

626.2.4 This ordinance does not apply to campfires which are small outdoor fires on the ground using clean wood intended for recreation or cooking. However, it shall be unlawful for any person to create a campfire intended for disposal of waste wood, garbage, or refuse.

626.3 Definitions

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

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

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

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

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

623.4 Operation of Outdoor Solid Fuel Burners

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

623.5 Non-Conforming Use

626.5.1 The lawful use of any existing outdoor wood-burning unit or outdoor solid fuel-fired heating device existing at the time of the effective date of this ordinance may be continued, although such use may not conform to the provision of this ordinance.

626.5.2 No pre-existing, non-conforming outdoor wood-burning unit or outdoor solid fuel-fired heating device shall hereafter be replaced, extended, enlarged, or expanded.

626.5.3 At such time as the useful life of an outdoor non-conforming wood-burning unit or outdoor solid fuel-fired heating device has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used, and removed from the property immediately.

626.5.4 All outdoor wood burning or solid fuel burners in existence prior to the date that this ordinance was adopted must be registered and recorded at City Hall. Owner must supply the following information to City Hall: date the solid fuel burner was installed, manufacturer name, model number, and a photocopy of the manufactures’ recommendations and operating instructions, and the last time the owner maintained the device per manufactures recommendations. The City may also require inspections of the devices.

623.6 Severability

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

623.7 Liability

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

623.8 Penalty

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