

**ARTICLE I
GENERAL GOVERNMENT PROVISIONS**

Section 1. TITLE: This ordinance shall be known and may be referred to as the Land Management Ordinance of the City of Zumbro Falls, Minnesota.

Section 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:

- (1) To implement the policies of the City of Zumbro Falls,
- (2) Protect and promote the public health, safety, morals, and general welfare,
- (3) 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

Section 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 Zumbro Falls 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.

Section 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.

Section 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.

Section 6. ENFORCEMENT: This ordinance shall be enforced by the City Council of Zumbro Falls, Minnesota, as set forth herein.

Section 7. JURISDICTION: This Land Management Ordinance shall apply to all lands as defined herein, located within the corporate limits of Zumbro Falls.

Section 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 July 14, 2004, and all the amendments shall be effective August 1, 2004.

Section 9. RESERVATIONS AND APPEALS: Upon the adoption of this ordinance according to law, any previous zoning or subdivision regulations of the City of Zumbro Falls, 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 August 1, 2004, must conform to all specifications and regulations of the Land Management Ordinance.

Section 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.

Section 11. PLATTING. Any subdivision creating parcels, tracts or lots after the adoption of these regulations shall be platted.

Section 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 Article III.

Section 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.

13.1 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.

13.2 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 be declared to be unlawful, the violation of this Ordinance shall be punished as a misdemeanor; and in addition thereto shall pay all the costs and expenses involved in the case, including, but not limited to attorney's fees necessitated in the prosecution of the case. The term "misdemeanor" shall be defined by Minnesota Statutes, section 609.02, subdivision 3; provided, however, the City's prosecution attorney shall have the discretion to charge any violation of this Ordinance as a petty misdemeanor as defined by Minnesota Statutes, section 609.02, subsection 4a. Each day any violation of any provision of this Ordinance shall continue shall be considered a separate offense.

13.3 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.

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

ARTICLE II 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 structure or Building.** A subordinate structure or building on the same lot which is incidental and subordinate to the principal use of the primary or main building.
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 Zumbro Falls.
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. **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.
10. **Buildable Area.** The portion of a lot remaining after required yards have been provided.
11. **Building.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

12. Building Official. The officer charged with the administration and enforcement of this ordinance or his regularly authorized deputy.
13. 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.
14. City, Municipality, or City of Zumbro Falls. The City of Zumbro Falls, Minnesota.
15. City Council. Governing body of the City.
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 City.
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, sections §327.31 to §327.36, and mobile homes complying with Minnesota Statutes, sections §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 City in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the 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 Zumbro Falls.
 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 streets.

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 the Register of Title, or a lawful lot or parcel described by metes and bounds, the deed of which has been recorded in the office of the county recorder or the Register of Title on or before August 1, 2004, or one for which the City has granted a waiver from platting.
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 Zumbro Falls to furnish legal assistance for the administration of these regulations.
63. Municipal Engineer. The licensed engineer designated by the City of Zumbro Falls 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 zoning 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.

**ARTICLE III
ADMINISTRATIVE PROCEDURES**

Section 1. PUBLIC HEARINGS: No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon 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 Zumbro Falls 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.

Section 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.

Section 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 majority vote of the City Council.

Section 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 majority vote of the City Council.

Section 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.

Section 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:

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.

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 Zumbro Falls after the Planning and Zoning Commission holds a public hearing pursuant to Section 1 above and the City Council holds a public meeting. The applicant for a conditional use permit shall submit in writing, at least 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.

6.2.1 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.

6.2.2

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.
- x. The applicant must enter into a conditional use permit agreement, drafted and passed by resolution by the City, to be recorded against the property at the applicant's expense.

The City Clerk 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 Zumbro Falls'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.

- 6.3 Accessory Building Use Permits. Any person desiring a use permit or a building permit for an accessory building as defined under Article II of this ordinance, shall accompany such permit request with the following information:
- 6.3.1 A scale drawing of the proposed building to include front, side, and rear elevations.
 - 6.3.2 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.
 - 6.3.3 Structures exceeding \$10,000.00 in cost would require blueprints submitted in addition to the above.
 - 6.3.4 All other information as requested by the City Council or the Planning and Zoning Commission.

ARTICLE IV GENERAL REGULATIONS

Section 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.

Section 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.

Section 3. **DAMAGED NON-CONFORMING BUILDINGS:** No building which has been damaged to the extent of more than sixty-five percent (65%) of the fair market value of the building immediately prior to damage shall be restored except in conformity with the regulations of this ordinance.

Section 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.

Section 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.

Section 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 Article XVI, §15.

Section 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.

7.1 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

7.2 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.

7.3 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.

Section 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		

Section 10. RESUBDIVISION OF LAND: Procedure for Resubdivision. 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 is subject to the review and approval by the Planning Commission by the same procedures, rules, and regulations as for a subdivision. However, this process shall not apply to a lot split as set forth in Article 4, Section 22.

Section 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 section 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.

Section 12. QUICK PLATS: On application of the owner, the City of Zumbro Falls may approve a quick plat under the following circumstances:

- 12.1 Platted Land: the City Council, 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:
 - 12.1.1 When it is desired to detach a portion of multiple platted lots and add them to adjoining platted lot.
 - 12.1.2. When it is desired to divide platted lots into more parcels and the dedication of public utility and street easements is not involved.
- 12.2 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:
 - 12.2.1 That the restriction against such a quick plat will create an unnecessary hardship.
 - 12.2.2 That a quick plat will not interfere with purposes of the subdivision regulations.
 - 12.2.3 That the dedication of public utility or street easements is not involved.
 - 12.2.4 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.

Section 13. SETBACK COMPUTATIONS: 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:

- 13.1 Cornices, canopies, or eaves may extend into the required yard a distance not exceeding two feet, six inches. Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches. 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.
- 13.2 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.

Section 14. COSTS: Whenever an application is made, a prequalification meeting is held, 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, zoning change, 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 shall include but not limited to all costs of research to determine who are the owners of affected property, cost of mailing notice, and costs of posting notice, and City consultant and legal fees. The Applicant shall be required to provide the City with an escrow, in an amount determined by the City, to pay for said fees. Further, all fees for any applications under this Ordinance shall be set forth by resolution of the City Council. Applications that do not contain the required fees and escrow shall be deemed incomplete.

The costs referred to above shall be borne by those persons requesting the following:

- 14.1 Approval of general development plans, preliminary plats, final plats, and quick plats under Article III, Section 22 and Article XIV
- 14.2 Zoning ordinance amendments or district changes under Article III, Section 1, 3, and 4.

Section 15. DWELLING, SINGLE FAMILY: A detached residential dwelling unit designed for and occupied by one family only shall meet the following specifications:

- 15.1 At least 24 feet wide at its narrowest point measured from the face of the exterior walls;
- 15.2 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;
- 15.3 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;
- 15.4 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);
- 15.5 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, section 327.31 et. seq.
- 15.6 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.

Section 16. FENCES:

- 16.1 Permit required. No person shall erect a fence without first having received a zoning permit.
- 16.2 Prohibited fences: Except as specifically provided below in division 16.3, the following types of dangerous or hazardous fences shall not be permitted in the city:
 - a. Barbed wire fences
 - b. Electrical fences
 - c. Spiked fences
 - d. Fences with broken glass or other sharp points imbedded
 - e. Any other type of fence that could result in injuries to persons climbing over
 - f. Fences that are leaning in such a manner that an angle of 15 degrees or more is produced when measured from the vertical.

- 16.3 Exceptions for hazardous fencing. Hazardous or dangerous fences, such as those listed in division 16.2, shall only be permitted in the city for the following uses:
- a. Public utility structures (at least eight feet above grade level)
 - b. Communication support structures (at least eight feet above grade level)
- 16.4 General requirements:
- a. All fences shall be maintained in good and sound condition and shall not create a harborage for rodents.
 - b. No fence shall be constructed in such a manner as to impede or alter the natural surface water drainage of the property upon which the fence is constructed or any adjoining property.
 - c. If the fence is to be painted, it shall be painted with a non-lead base paint.
 - d. The finished side of all fences shall face out.
 - e. No fence in a residential district may exceed six feet in height.
 - f. In any residential district, except as provided in 16.4 g, no fence shall be constructed in a front setback past the front building line.
 - g. In any residential area, an open fence may be erected on a premise anywhere, including the front setback past the building line and the front and side setbacks past the building lines in the case of corner lots. The height of such fences shall not exceed four feet.
 - h. Fences that are constructed in a nonresidential district may be either open or solid fences and shall not exceed eight feet in height.
 - i. Any fences erected around a recreational activity, such as a tennis court or a baseball backstop, may exceed the height requirements set forth in this section.
- 16.5 Should an applicant request a permit for a fence that does not meet the requirements listed in 16.4, they may request a conditional use permit. As part of this request, the applicant shall explain in writing how the proposed fence does not meet the general requirements of division 16.4 and why those requirements cannot be met.

Section 17. SIGNS: The following regulations are provided to maintain the attractiveness and orderliness of the city and to protect public safety.

- 17.1 Type of signs defined:
- a. Business sign: A sign, including any supporting or framing structure, which directs attention to a business or profession conducted upon the premises, or to a commodity, service, or entertainment sold or offered upon the premises on which the sign is located.
 - b. Free standing sign: Any sign erected on a freestanding framework supported and affixed by one or more uprights or braces in pr upon the ground.
 - c. Roof sign: any sign attached to the roof of a building.
 - d. Wall sign: Any sign attached to the wall of the building.
- 17.2 Permit required: No sign, outdoor advertising structure, or display of any character shall be permitted except in conformity with the following regulations: A zoning permit is required for the erection construction, placement, or replacement of any sign to be permanently attached to a building or to be permanently erected as a free-standing sign.

17.3 General regulations for signs:

a. Flashing, moving, glaring signs prohibited. No illuminated sign shall be of excessive brightness or shall flash, scintillate, or move. Time and temperature or message signs not otherwise prohibited under this regulation will be allowed, provided they do not create hazardous or annoying glare.

b. No sign shall be so located as to hide from views or so illuminated as to interfere with the effectiveness of any traffic-control device or signal.

c. No business sign or sign structure shall be located in such a manner as to materially impede the motorist's view at any street or highway intersection.

d. No sign shall be permitted to be placed on any wall, fence, or standard facing the side of any adjoining lot which shares a lot line and is located in a residential district, except for those signs permitted in residential districts as provided herein.

e. Signs indicating the time and place of meetings of civic organizations are permitted on the main entry roads into town provided only one sign structure is utilized to accommodate all such notices on each major entry road.

f. Portable signs mounted on wheels or a chassis so as to be readily moved from place to place are prohibited.

g. No free-standing sign shall extend over the right-of-way line of any street or highway, except for one foot of flush business signs where existing buildings have no front or side yards or setbacks from the street or road right-of-way.

h. All signs shall be maintained in good and safe structural condition.

i. No sign or part thereof shall be located on any private property without the consent of the owner, holder, lessee, agent, or trustee.

j. Signs exempt from regulation:

1. Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice and signs erected or maintained by a public agency or official, or required by law to be displayed by a public utility for directional warning or informational purposes, are not subjected to the regulations of this chapter.

2. Informational and directional signs (which may include a corporate identity symbol) are exempt from this regulation.

3. Residential nameplate signs of not more than one square foot, one per dwelling except for corner lots which may have one nameplate sign facing each street.

4. Temporary special event signs, portable signs and banners for commercial, community, and non-profit sponsored events, providing they are in use for no more than 14 days.

5. Temporary garage sale, house sale, or real estate sale and construction project signs providing they are removal after the sale or completion of the construction project.

6. Temporary child operated refreshment stand sign.

7. All non-commercial signs of any size may be posted from August 1 in a state general election year until ten days following the state general election.

17.4 Sign regulations within residential districts. The following sign regulations shall pertain to all residential districts:

a. For each multi-family dwelling, identification signs indicating only the name and address of the building and the name of the management, not exceeding a total of 16 square feet in area. Such signs may not be closer than eight feet to any other zoning lot. On corner lots, identification signs shall be permitted per street.

b. A residential project having a number of buildings shall be permitted one additional sign at the major entry with the name of the project only. Such sign shall not be greater than 32 square feet in area and located not closer than 16 feet to any other zoning lot.

c. Church bulletins, cemetery signs, educational institutions, social facilities, and other similar uses: A single identification sign not exceeding 20 square feet except that on corner lots, where two 20 square foot signs will be permitted, one facing each street.

d. Signs designating parking area entrances or exits are limited to one sign for each entrance or exit of no more than three square feet sign ares for each sign face. One additional sign shall be permitted designating the conditions of use and name of business served by the parking provided the sign does not exceed nine square feet. No advertising is permitted on parking area signs.

e. No attached sign shall project higher than one story or ten feet, whichever is lower. No free-standing sign shall project more than 12 inches from the wall to which it is attached.

17.5 Sign regulations within the C-1 Commercial District and I-1 Industry District: Signs in the C-1 and I-1 districts are permitted subject to the following conditions:

a. Signs permitted in residential districts are permitted in the C-1 district.

b. The gross area in square feet of all free-standing business signs shall not exceed one square foot per lineal foot of frontage of the zoning lot.

c. The gross area in square feet of attached signs shall not exceed twenty percent (20%) of the wall area per fascia to which it is attached or of which it is a part.

d. No free-standing business sign shall exceed 25 feet in height.

e. No attached business sign shall project more than 12 inches from the wall to which it is attached nor extend above the roof line.

Section 18. HOME OCCUPATION: Home occupations may be allowed as a conditional use provided that:

- 18.1 No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation, except that barber shops and beauty parlors shall be limited to a maximum of two chairs.
- 18.2 The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- 18.3 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated and mounted flat against the wall of the principal building.
- 18.4 Any materials and/or equipment that are related to the home occupation shall be stored or contained within the building in which the home occupation is conducted.
- 18.5 No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood; and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- 18.6 The home occupation shall 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.
- 18.7 Issuance of the home occupation permit is contingent upon receipt by the City Council of the following:
 - a. A certificate of insurance at the time of application showing that the applicant has obtained comprehensive general liability insurance listing the specific home occupation. The applicant shall continue to provide proof that applicant continues to hold comprehensive general liability insurance during any term in which the applicant is conducting the home occupation. Such proof shall be given by providing, at least annually on the anniversary date of the policy, to the City Clerk a certificate of insurance indicating that comprehensive general liability insurance listing the specific home occupation continues to be in full force and effect. If the premiums for such policy are payable more than once per year, and/or the applicant changes insurers, then applicant shall provide a certificate of insurance at each date when premiums are due, regardless of whether applicant changes insurers, reflecting continuous coverage during any term in which applicant is conducting the home occupation.
 - b. A certificate of insurance showing that the applicant has obtained worker's compensation insurance under Minnesota law or an affidavit from the applicant showing that the applicant is exempt from the worker's compensation insurance requirement under Minnesota Statute.

c. Proof that the City of Zumbro Falls has been listed as a loss payee or that the City of Zumbro Falls shall be notified by the insurance carrier of any cancellation of the insurance. If the applicant changes insurers while conducting a home occupation, applicant shall provide proof to the City Clerk in the form of a policy binder that insurance continues to be in full force and effect.

- 18.8 Businesses which the City Council deems more appropriate for a commercial district, because of the factors listed above, shall not be permitted as a home occupation. Examples of such businesses include, but are not limited to, auto repair, welding, and large equipment repair.

Section 19. PRIVATE GARAGES: Garages shall not contain more than 768 square feet or seventy-five percent (75%) of the ground floor square footage of the dwelling unit to which the garage is an accessory use, whichever is the larger. A garage shall not exceed 1,200 square feet in any event. Detached garages shall meet the same setback requirements as the principal use. The architectural style, color, and facing material of a garage shall be compatible with the dwelling unit. A garage must have a minimum width of 12 feet and a minimum depth of 18 feet. No detached garage shall exceed 17 feet in height. Cornices, canopies, or eaves may extend a distance not exceeding two feet, six inches without affecting the footprint or square footage requirements. 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.

Section 20. ACCESSORY BUILDING. Normal accessory buildings for any of the use activities allowed within the district shall be permitted, provided they comply with all regulations applicable to the principal use and the following:

- 20.1 No accessory building shall exceed the height of the principal building. However, no garage which is an accessory building shall exceed 17 feet in height.
- 20.2 No accessory buildings for uses such as plant growing, storage, or play shall be located within any yard other than the rear yard. Gazebos may be located in a side yard provided setback and other zoning requirements are met.
- 20.3 All accessory buildings must meet setback requirements of the districts in which they are being built.
- 20.4 All accessory buildings in R-1 and R-2 districts shall additionally conform to the following requirements:
- 20.4.1 There shall be no more than one (1) accessory building in addition to one (1) garage on a lot.
- 20.4.2 All accessory buildings shall be securely affixed to the ground in a manner that will resist movement from storms or vandalism.
- 20.4.3 No accessory building, except a garage as noted in Section 20.1, may exceed 200 square feet in area or 15 feet in height.

Section 21. TOWNHOUSES; WATER/SEWER LINES: In order to obtain a building permit for a townhouse development in the City of Zumbro Falls, the following is required:

- 21.1 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.
- 21.2 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.

Section 22. LOT SPLIT

- 22.1 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.
- 22.2 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.
- 22.3 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.
- 22.4 Upon receipt, the completed application and survey/plat drawing shall be submitted to the Planning Commission Chairperson 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, among other things, minimum size, setbacks, 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.
- 22.5 If approved, the Zoning Commissioner 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 set forth in Article XVIII.

**ARTICLE V
MANUFACTURED HOME PARKS**

GENERAL REQUIREMENTS: Manufactured home parks shall comply with all statutes of the State of Minnesota, including but not limited to statutes sections 327.14 to 5327.28, 5327.31 to 5327.35, and 5327C.01 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.

All references in this article to lots, sites, manufactured home lots, or manufactured home sites shall mean manufactured home park spaces or manufactured home park lots as defined in Article II, Number 54.

Section 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 Zumbro Falls 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:

- 1) Permit Application: Application for a manufactured home park permit shall be filed with the City Clerk and shall contain the following information:
 - a. all requirements of a conditional use application;
 - b. name and address of the applicant;
 - c. 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.
- 2) 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.
- 3) 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.

Section 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.

Section 3. DRIVEWAYS: All lots shall be provided with an all-weather surface driveway that shall be a minimum of 12 feet in width.

Section 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.

Section 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 Zumbro Falls 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.

Section 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.

Section 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.

Section 8. RESPONSIBLE ATTENDENT: 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.

Section 9. CONSTRUCTION REQUIRMENTS: 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 Zumbro Falls 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.

Section 10. ADDITIONAL REQUIREMENTS: In addition to the foregoing, the City of Zumbro Falls 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.

**ARTICLE VI
LAND MANAGEMENT DISTRICTS**

Section 1. **PURPOSE:** Areas of the City of Zumbro Falls 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.

Section 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.

- 2.1 Permitted uses are those uses allowed in the district. These uses are the primary activity of the district.
- 2.2 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.

Section 3. **LAND MANAGEMENT DISTRICTS:** The City of Zumbro Falls, Minnesota is hereby divided into 7 classes of districts as follows:

- 3.1 AG: Agricultural District
- 3.2 R-1: Residential District
- 3.3 R-2: Residential District
- 3.4 T: Transition District
- 3.5 C-1: Central Business District
- 3.6 C-2: Service Commercial District
- 3.7 I: Industrial District

Section 4. **BOUNDARIES:** The boundaries of these districts are indicated upon the District Boundary Map of the City of Zumbro Falls, 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 Zumbro Falls.

Section 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.

Section 6. **ANNEXATION.** All territory which may hereafter be annexed to the City of Zumbro Falls shall be considered as being in the "AG" Agricultural District until otherwise changed by ordinance.

**ARTICLE VII
AG AGRICULTURAL DISTRICT**

Section 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.

Section 2. PERMITTED USES:

- 2.1 Single family dwellings
- 2.2 Agricultural use and the usual agricultural buildings and structures.

Section 3. CONDITIONAL USES:

- 3.1 Retail sale of agricultural products produced on premises.
- 3.2 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, sections 327.10 through 327.28 of the State of Minnesota manufactured Home Park and Recreational Camping Area Law.
- 3.3 Any additional commercial uses the City Council deems appropriate for the area and community welfare of Zumbro Falls.

Section 4. LOT AREA, FRONTAGE, AND YARD REQUIREMENTS:

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

**ARTICLE VIII
R-1 RESIDENTIAL DISTRICT**

Section 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.

Section 2. PERMITTED USES: Single-family dwellings.

Section 3. CONDITIONAL USES:

- 3.1 Public uses, such as public parks, public schools, etc.
- 3.2 Semi-public uses such as churches, private schools, etc.
- 3.3 Cemeteries, funeral parlors
- 3.4 Two-family dwellings/units
- 3.5 Nursing or convalescent homes
- 3.6 Residential care facilities, providing there are no more than 12 residents
- 3.7 Home occupation.

Section 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.

Section 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).

Section 6. PARKING: Two off-street parking spaces shall be provided for each dwelling unit as defined in Article IV; Section 7.

**ARTICLE IX
R-2 RESIDENTIAL DISTRICT**

Section 1. INTENT AND PURPOSE: The R-2 Residential District is established to identify and promote the construction and reconstruction of multi-family residential areas.

Section 2. PERMITTED USES:

- 2.1 Single-family dwellings
- 2.2 Two-family dwellings/units
- 2.3 Public uses such as public parks, public schools, etc.
- 2.4 Semi-public uses such as private schools, churches, etc.
- 2.5 Cemeteries, funeral parlors
- 2.6 Nursing or convalescent homes
- 2.7 Residential care facility.

Section 3. CONDITIONAL USES:

- 3.1 Multi-family dwellings/units
- 3.2 Professional offices
- 3.3 Manufactured home parks
- 3.4 Home occupations.

Section 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 dwelling unit	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.

Section 5. EXCPETIONS 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.

Section 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 Article V Manufactured Home Parks.

**ARTICLE X
T TRANSITION DISTRICT**

Section 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.

Section 2. PERMITTED USES:

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

Section 3. CONDITIONAL USES:

- 3.1 Single family dwellings
- 3.2 Two family dwellings/units
- 3.3 Multi-family dwellings/units
- 3.4 Automotive sales, service, and storage
- 3.5 Retail sales
- 3.6 Personal services
- 3.7 Home improvement services and trades
- 3.8 Repair shops
- 3.9 Offices
- 3.10 Home occupations
- 3.11 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.)

Section 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.

Section 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.

**ARTICLE XI
C-1 CENTRAL BUSINESS DISTRICT**

Section 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.

Section 2. PERMITTED USES:

- 2.1 Retail sales
- 2.2 Restaurants
- 2.3 Automotive sales and service
- 2.4 Entertainment
- 2.5 Home improvement trades
- 2.6 Printing and related trades
- 2.7 Parking garages and lots
- 2.8 Appliance sales and service
- 2.9 Repair shops
- 2.10 Banks and savings & loans
- 2.11 Offices
- 2.12 Personal services
- 2.13 Hotels and motels
- 2.14 Dwelling Unit-Single-Family and Dwelling Unit-Two-Family in Existence Prior to August 1, 2004**

Section 3. CONDITIONAL USES:

- 3.1 Animal hospitals and clinics
- 3.2 Automotive storage
- 3.3 Farm equipment, sales, storage, and repair
- 3.4 Food processing
- 3.5 Wholesaling and warehousing
- 3.6 Multi-family dwellings/units

Section 4. LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Use	Lot Area (sq. ft.)	Lot Frontage	Rear		Side Yards	
			Yard/ Front Yard	Any Side	Sum of Both Sides	
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	

**ARTICLE XII
C-2 SERVICE COMMERCIAL DISTRICT**

Section 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.

Section 2. PERMITTED USES:

- 2.1 Retail sales
- 2.2 Restaurants
- 2.3 Banks and savings & loans
- 2.4 Home improvement trades
- 2.5 Animal hospitals and clinics
- 2.6 Offices
- 2.7 Repair shops
- 2.8 Personal services
- 2.9 Automotive sales and services

Section 3. CONDITIONAL USES:

- 3.1 Automotive storage
- 3.2 Farm equipment sales, storage, and repair
- 3.3 Any additional commercial uses the City Council deems appropriate for the area and community welfare of Zumbro Falls.

Section 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

Section 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.

Section 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.

Section 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.

**ARTICLE XIII
INDUSTRIAL DISTRICT**

Section 1. INTENT AND PURPOSE: The I Industrial District is established to enhance and promote Zumbro Falls as a community for industrial development and still maintain its quality environment.

Section 2. PERMITTED USES:

- 2.1 Wholesaling and warehousing
- 2.2 Manufacturing
- 2.3 Food productions and processing
- 2.4 Agriculture related uses, such as grain elevators
- 2.5 Farm equipment sales, storage, and repair
- 2.6 Contractor's storage yard
- 2.7 Land consumptive business necessitating outdoor storage

Section 3. CONDITIONAL USES:

- 3.1 Any of the above uses where excessive odor, noise, smoke, etc. may be generated.
- 3.2 Any uses the City Council deems appropriate for the area and the community welfare and growth of Zumbro Falls.

Section 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	½ acre	75 ft.	35 ft.	20 ft.	40 ft.

Section 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.

Section 6. SCREENING REQUIREMENT: Same as in the C-2 Commercial District.

ARTICLE XIV: PROCEDURES FOR SUBMISSION OF PLATS

Section 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. Any submissions made to the City hereunder shall not be deemed an application and shall not be processed accordingly.

Section 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. The City shall require from each applicant/subdivider an escrow, in an amount to be determined by the City, to pay for any fees incurred by the City associated with the application.

Section 3. 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 Zumbro Falls 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.

Section 4. 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 | i. | U.S. Post Office |
| b. | County Assessor | j. | City Clerk |
| c. | County Surveyor | k. | Public Works Director |
| d. | County Zoning Administrator | l. | Zumbro Falls Fire Department |
| e. | City Engineer | m. | Lake City Ambulance Service |
| f. | Excel Company | | |
| g. | Sprint Telephone Company | | |
| h. | Minnesota Dept. of Transportation | | |

Section 5. 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 Article III, Section 1.

Section 6. 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.

Section 7. 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 Article III, Section 2.

Section 8. 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.

Section 9. 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.

Section 10. 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.

Section 11. 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 Article 3, Section 2. 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.

Section 12. 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.

Section 13. 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.

Section 14. 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.

Section 15. 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.

Section 16. 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 Article III, Section 2.

Section 17. 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.

Section 18. 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.

Section 19. 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.

Section 20. 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 by Article III, Section 2.

Section 21. CITY PLANNING COMMISSION ACTION -- QUICK PLATS: Same as Section 9 Planning and Zoning Commission Action -- Preliminary Plat.

Section 22. CITY COUNCIL ACTION – QUICK PLAT: Same as Section 14, City Council Action – Final Plat.

ARTICLE XV: APPLICATION GUIDELINES

Section 1. APPLICATION FOR GENERAL DEVELOPMENT PLAN:

- 1.1 A copy of the application on a form approved by the City Council
- 1.2 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.

Section 2. APPLICATION FOR PRELIMINARY PLAT: An application for approval of a preliminary plat shall include the following:

- 2.1 A copy of the application on a form approved by the Planning and Zoning Commission.
- 2.2 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.
- 2.3 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.
- 2.4 Two copies of existing or proposed private deed restrictions, if any.

Section 3. APPLICATION FOR A FINAL PLAT: An application for approval of a final plat shall include the following:

- 3.1 Two copies of the application on a form approved by the Planning and Zoning Commission.
- 3.2 Fifteen copies of the final plat on black or blue line prints.
- 3.3 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.

- 3.4 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.
- 3.5 A copy of boundary closure calculations.
- 3.6 Two copies of existing or proposed private deed restrictions, if any.
- 3.7 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.
- 3.8 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.

Section 4. APPLICATION FOR QUICK PLAT: Same as Section 3, Application for Final Plat, except for subsections 3.3 and 3.8.

Section 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.

Section 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.
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

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| <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 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 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.

ARTICLE XVI
SUBDIVISION DESIGN STANDARDS

Section 1. GENERAL: The design of each subdivision and resubdivision shall conform to the design standards contained in this ordinance.

Section 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.

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 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.

- 2.10 The City Council shall issue street names; names shall not duplicate the names of other streets.
- 2.11 A tangent of at least 150 feet shall be introduced between reverse curves on collector streets and 100 feet on lesser streets.
- 2.12 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.
- 2.13 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.
- 2.14 Private streets shall be prohibited.
- 2.15 Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.
- 2.16 Each subdivision shall have at least two public accesses available to every lot.
- 2.17 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.
- 2.18 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.
- 2.19 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.

Section 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.

Section 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.

Section 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.

Section 6. LOTS:

- 6.1 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.
- 6.2 Every lot shall abut on a public street to assure access for fire protection, utilities, and other services.
- 6.3 Lot remnants which are less than the minimum lot size shall be added to adjacent lots.
- 6.4 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.
- 6.5 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.
- 6.6 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.

6.7 Double Frontage Lots - 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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 Zumbro Falls.

Section 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 non-economic hardship not created by the applicant/ property owner, the applicant may apply for avariance as stipulated in these regulations. The variance must be applied for, and granted, before or at the same time that the general development plan, preliminary plat, or final plat is approved by the City Council.

Section 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:

- 15.1 The property and structure must be able to be easily split into two (2) substantially equal portions.
- 15.2 The structure must meet current building code standards for fire wall separation. This shall also apply to existing structures.
- 15.3 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. Further, if the deed restriction is not included and/or there is a violation of the same and this subsection, then the City may treat such a violation as a violation of this Ordinance.

- 15.4 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.
- 15.5 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.
- 15.6 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:
1. 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;
 2. Provide easements for necessary encroachments for footings, eaves, and provide for mutual perpetual easements in the event of encroachment by the party wall;
 3. Provide for restrictions to limit changes of color, construction material, and design of the dwelling as to compatible with the attached unit;
 4. Provide for furnishing separate services to each dwelling unit for sanitary sewer and water.

Section 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.

- 16.1 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.
- 16.2 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.

- 16.3 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.
- 16.4 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.
- 16.5 All structures must conform to setback regulations from property lines.
- 16.6 No building permits shall be granted for any building or structure which does not conform to the approved final plan or final plat.
- 16.7 Proposed dwelling units for a cluster development must conform to permitted or conditional uses (if approved) in its zoning district.
- 16.8 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.

Section 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.

Section 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.

ARTICLE XVII
REQUIRED IMPROVEMENTS AND PAYMENT

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 6. **SIDEWALKS.** Rough grading for sidewalks shall be provided. Sidewalks are to be encouraged in subdivisions, and the City Council may require them.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 12. UTILITY POLES: Any developer of a new subdivision in the City of Zumbro Falls 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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:

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.

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, or other form of surety acceptable to the City Council, 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 City the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The payment and performance bond, or other form of surety acceptable to the City Council, shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.
2. Such payment and performance bond, or other form of surety acceptable to the City Council, shall comply with all statutory requirements and shall be satisfactory to the City 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, or other form of surety acceptable to the City Council, and shall not, in any event, exceed two (2) years from date of final approval.
3. Such bond shall be approved by the City Council as to amount and surety and conditions satisfactory to the City Council. The City Council may, upon proof of difficulty, recommend to the City Council extension of the completion date set forth in such bond, or other form of surety acceptable to the City Council, for a maximum period of one (1) additional year. The governing body may, at any time during the period of such bond, or other form of surety acceptable to the City Council,, accept a substitution of principal of sureties on the bond, or other form of surety acceptable to the City Council, 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.

Section 18. WARRANTY. Unless specifically waived by the City Council, the Developer shall be required to give a 2 year warranty for improvements (sewer, water, street, curb, gutter, etc.) from the date the public accepted 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.

Section 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 judgement 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.

Section 20. CITY ACCEPTANCE OF PRIVATE INFRASTRUCUTRE. 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.

ARTICLE XIX
AN ORDINANCE PROVIDING FOR REGULATION OF SATELLITE DISHES

Section 1. PURPOSE: The purpose of this ordinance is to establish provisions for the installation and placement of satellite television antennas and dishes as regulated by this ordinance. "Satellite television antennas and dishes" are defined as dish type antennas greater than one meter (39.37 inches) in diameter used in the reception of television communication signals from orbiting satellites. These antennas shall be allowed to be placed in a position to receive "usable satellite signals" in accordance with the provisions of this ordinance. "Usable satellite signals" shall constitute signal strengths capable of providing television receiver picture quality equivalent with reception from local commercial stations or cable television. If a "usable satellite signal" is not obtainable under the provisions of this ordinance, the applicant may request a variance upon demonstration of such inability to receive a "usable satellite signal".

SECTION 2. INSTALLATION AND LOCATION REQUIREMENTS:

- 2.1 Prior to the installation and erection of the satellite dish, the property owner shall apply for and a permit shall be obtained from the City Council to install said satellite dish.
- 2.2 Satellite television antennas shall be placed in the rear or side yards only in all zoning districts. All satellite television antennas shall have setbacks from adjacent property lines pursuant to the zoning district in which the antenna is to be located according to Zumbro Falls's Land Management Ordinance.
- 2.3 Satellite television antennas may be placed on the roof of a building in accordance with Uniform Building Code requirements and accepted engineering standards.
- 2.4 The distance of guy wires or any supportive device for satellite television antennas shall be at least two feet from the property line.
- 2.5 All satellite television antennas shall be properly grounded and have their electrical wiring securely supported or buried underground in accordance with the National Electrical Code.
- 2.6 Satellite television antennas placed in required yards shall not exceed a height of 20 feet.
- 2.7 Not more than one satellite television antenna shall be allowed in any single family (R-1) zone on any lot less than one-half acre in. size. Any non-commercial satellite television antenna may not exceed 12 feet in diameter.
- 2.8 In all residential districts, satellite television antennas shall be located and designed to reduce visual impact from surrounding properties and public streets.
- 2.9 All satellite television antennas must be placed in a permanent foundation within 30 days of operation. In the event that inclement weather makes such placement unobtainable within said 30-day period, an owner of a satellite television antenna may apply to the City Council for an extension of time not to exceed an additional 30 days.

Non-conforming satellite television antennas existing as of the effective date of this ordinance shall have six months from said effective date to comply with the provisions of this ordinance.