

CHAPTER IV BUILDING, PLATTING AND ZONING

Section 400. ADOPTION OF THE BUILDING AND CONSTRUCTION CODE, AND THE ELECTRICAL CODE

Editor's Note: The Ordinance from which this 400.00 through 400.20 was adopted passed October 7, 1980.

Section 400:00. AN ORDINANCE ADOPTING THE MINNESOTA BUILDING CODE; PROVIDING FOR ITS ADMINISTRATION AND ENFORCEMENT: REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF LORETTO: PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Section 400:05. BUILDING CODE.

Subdivision 1. Adoption of Building Code. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75, is hereby adopted as the building code for this jurisdiction. The code is hereby incorporated in this chapter as if fully set out herein.

Subd. 2. The Minnesota State Building Code includes the following chapters of Minnesota Rules: *(Amended, Ord. 99-01, Ord. 2003-05)*

- (a) 1300 Minnesota Building Code
- (b) 1301 Building Official Certification
- (c) 1302 State Building Code Construction Approvals
- (d) 1303 Minnesota Provisions

- (e) 1305 Adoption of the International Building Code
- (f) 1307 Elevators and Related Devices
- (g) 1309 Adoption of the International Residential Code
- (h) 1311 Minnesota Conservation Code for Existing Buildings
- (i) 1315 Adoption of the National Electrical Code
- (j) 1325 Solar Energy Systems
- (k) 1330 Fallout Shelters
- (l) 1335 Floodproofing Regulations
- (m) 1341 Minnesota Accessibility Code
- (n) 1346 Minnesota Mechanical Code
- (o) 1350 Manufactured Homes
- (p) 1360 Prefabricated Structures
- (q) 1361 Industrialized/Modular Buildings
- (r) 1370 Storm Shelters (Manufactured Home Parks)
- (s) 4715 Minnesota Plumbing Code
- (t) 7670, 7672, 7674, 7676, and 7678 Minnesota Energy Code

Subd. 3. In addition to those items listed above, the following optional appendix chapters of the 1997 Uniform Building Code are hereby adopted and incorporated as part of the building code for the city:

- (a) None

(Amended, Ord. 95-05; Ord. 99-01)

Section 400:10. APPLICATION, ADMINISTRATION AND ENFORCEMENT. The application, administration and enforcement of the code shall be in accordance with Minnesota State Building Code Chapter 1300. This code shall be enforced by the Minnesota Certified Building Official designated by the city council to administer the code. *(Amended, Ord. 95-05; Ord. 2003-05; Ord. 2004-01)*

Section 400:15. *(Repealed, Ord. 95-05)*

Section 400:20. *(Repealed, Ord. 95-05)*

Section 405. THE CONSTRUCTION OR ALTERATION OF BUILDINGS.

Section 405:00. *(Repealed, Ord. 95-05)*

Section 405:05. *(Repealed, Ord. 95-05)*

Section 405:10. PERMITS, INSPECTION AND FEES. The issuance of permits, conduction of inspections and collection of fees shall be as authorized in Minnesota Statutes, section 16B.62, subdivision 1 and as provided for in chapter 1 of the 1997 Uniform Building Code and Minnesota Rules parts 1305.0106 and 1305.0107. The city council shall establish by resolution the permit fees to be assessed for work governed by the building code. In addition to the permit fees established by the city council, a surcharge shall be collected when required by state statute. *(Amended, Ord. 95-05; Ord. 99-01)*

Section 405:15. WELLS. No wells shall be drilled where Loretto's water system is accessible.

Section 405:20. SIZE. No house shall be smaller than 996 square feet of floor space. *(Amended, 3/7/89)*

Section 405:25. REJECTION. The city council reserves the right to reject any building plans not in accordance with the neighboring houses.

Section 405:30. PENALTY. The erection, construction, alteration or relocation hereafter of any building or structure of any kind in violation hereof shall be a misdemeanor.

Section 410. THE CONNECTION OF INDIVIDUAL LOTS TO SEWER LINE AND TO WATER MAINS OF THE CITY OF LORETTO.

Section 410:00. APPLICATION. Any property owner desiring a connection to either sewer or water mains shall apply to the city clerk for a connection permit. No permit shall issue until the property owner has paid the fees provided herein. *(Amended, 7/5/87)*

Section 410:05. CONNECTION AND MAINTENANCE RESPONSIBILITY. The property owner is responsible for the installation of all water and sewer lines from the main to the residence or other structure. If a service is existing, the connection shall be made at the property lot line or curb stop. All connections and repairs shall be made according to city specifications and inspected by a city inspector. Repairs and maintenance of water and sewer lines from the curb stop or property line to the residence or other structure shall be the responsibility of the property owner, including any necessary repairs to the curb stop box and any necessary upgrades and street repairs. The property owner is also responsible for maintaining the lines in a free-flowing condition from the main to the residence or other structure, including but not limited to, freeze-ups and plugs due to debris and roots. Repairs from the main to the curb stop or property line shall be the responsibility of the city. *(Amended, 7/5/87; Ord. 2005-11)*

Section 410:10. CONNECTION FEES. For the purposes of paying administrative and inspection costs related to connections made to the city's sewer and water systems, there is hereby established a connection fee, pursuant to Minnesota Statutes, section 444.075. The amount of the connection fee for water or sewer shall be fixed from time to time by resolution of the city council and shall be paid at the time of application for a connection permit. *(Amended, 7/5/87)*

Section 410:15. SEWER AND WATER AVAILABILITY CHARGE.

Subdivision 1. For the purpose of paying costs of constructing, reconstructing, repairing, enlarging, improving, and maintaining, the city's sewer and water systems, there is hereby established a sewer and water availability charge, pursuant to Minnesota Statutes, section 444.075. *(Added, 7/5/87)*

Subd. 2. A sewer and water availability charge is imposed on each building or structure in the city and each connection, direct or indirect, to the city's sewer or water system. The charge shall be payable upon the issuance of a building permit or a connection permit, as the case may be, but no charge shall be due upon the issuance of a connection permit if a charge was paid upon issuance of a building permit. *(Added, 7/5/87)*

Subd. 3. The charge for each building or structure shall be equal to the number of units of sewage volume which it will discharge, multiplied by the current charge as fixed from time to time by resolution of the city council. A unit of sewage volume shall be 100,000 gallons per year and shall be assigned as follows:

- (a) Single family houses, townhouses, and duplex units shall each comprise one unit;
- (b) Condominiums and apartments shall each comprise 80 percent of one unit;
- (c) Mobile homes shall each comprise 80 percent of one unit;
- (d) Other buildings and structures shall be assigned one unit for each 100,000 gallons of flow or part thereof which it is estimated they will discharge; the estimated gallons of flow will be determined by reference to the Metropolitan Waste Control Commission's Reserve Capacity Charge Manual (Rev. 1987), a copy of which shall be kept on file by the city clerk, or for buildings and structures not covered by the Reserve Capacity Charge Manual, the estimated gallons of flow shall be estimated by the city inspector.
- (e) Public housing units and housing units subsidized under any federal program for low and moderate income housing shall be counted as 75 percent of the unit equivalent for that type of housing. *(Added, 7/5/87)*

Section 410:20. OPENING HYDRANTS. No person, except authorized city employees or fire department members, may open any fire hydrant in the water system for any purpose, without first obtaining permission from the city staff. *(Added, Ord. 2007-01)*

Section 410:25. WATER AND SEWER RATES AND ACCOUNTS. *(Added, 5/8; Deleted, Ord. 2005-06; Added, Ord. 2005-06)*

Subdivision 1. Accounts. All accounts shall be carried in the name of the owner who personally, or by owner's authorized agent, applied for such service. The owner shall be liable for water, sewer, and other utility services supplied to the property, whether owner is occupying the property or not, and any unpaid charges shall be a lien upon the property.

Subd. 2. Billing. Water, sewer, and other utility service charges shall be billed on one bill as applicable to each account. All charges for water, sewer, and other utility service charges shall be due by the 25th of each month and considered past due if not received by three days after the due date and considered delinquent 30 days after the due date. All bills shall contain the address and telephone number of the city. Bills shall be mailed to customers and specify the water consumed and the sewer and other utility service charges in accordance with the current fee schedule set by ordinance of the city council.

Subd. 3. Water Charges. The rates due and payable to the city for use of city water will be established, from time to time, by ordinance of the city council. The city council may, from time to time, by ordinance establish minimum rates for water services. The owner of a property with a structure(s) that includes indoor plumbing is required to pay the minimum monthly rate for water service regardless of water usage or occupancy as long as water service is connected. *(Amended, Ord. 2005-09)*

Subd. 4. Sewer Charges. Sewer service rates and charges will be based upon the actual use of water on the premises for the last preceding winter quarter (December, January, February). Where it appears that metered water use for the winter quarter is not normal, by reason of the fact that for some or all of the winter quarter the premises have not been occupied or there have been other interruptions in the normal use of water, the volume of water to be used for the purposes of establishing sewer charges may be based upon water usage at comparable occupied premises elsewhere in the city. Sewer charges so established will be determined by the city clerk, subject to appeal to and final determination by the city council. The owner of a property with a structure(s) that includes indoor plumbing is required to pay the minimum monthly rate for sewer service regardless of water usage or occupancy as long as water service is connected. *(Amended, Ord. 2005-09)*

Subd. 5. Temporary Uses – Application for Service. When water is desired for construction purposes and other temporary uses, the applicant must request such service from the city and supply billing and other information as requested. The city council shall, from time to time, by ordinance establish rates for temporary water use charges.

Subd. 6. Inspections. Regular inspections will be made of all fire service connections with all piping, fire gates, and other attached appurtenances. The owner or occupant of the premises must allow the inspector to have access to the premises for such inspection and the inspector must keep a record of all inspections made.

Subd. 7. Delinquent Accounts. Delinquent accounts shall be subject to the following procedures:

- (a) Penalties. A late payment penalty of ten percent shall be assessed on all accounts with a past due balance.
- (b) Shut-off for non-payment. Water shall not be shut-off until notice and an opportunity for a hearing before the city council has been provided to the occupant and owner of the premises involved.
 - (1) If any bill is not paid by 30 days after the due date listed on the bill, the city shall send a letter by first class mail demanding payment within 30 days of the date of the letter.
 - (2) If any bill is not paid by 60 days after the due date listed on the bill, the city shall send a second letter by first class mail stating that if payment is not made within 20 days of the date of the letter, water service to the premises will be shut-off for nonpayment.
 - (3) The first and second letters shall contain the title, address and telephone number of the official in charge of billing.
 - (4) The city clerk shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.
 - (5) The letters shall also state that any occupant or owner has the right to a hearing before the water service is shut-off. The owner or occupant may be represented in person and by counsel or any other person of owner's choosing. The owner or occupant may present orally or in writing their complaint to the city council.
 - (6) If an occupant or owner requests a hearing, the water shall not be shut-off until the hearing process is complete.
 - (7) If a customer fails to pay and fails to request a hearing under this part, service will be shut-off at the time specified in the notice.

- (c) Certification for collection with taxes.
- (1) Unpaid charges on water, sewer, and other utility services shall not be certified to the county auditor until notice for a hearing has been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made by September 25, the entire amount unpaid plus a penalty of ten percent will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.
 - (2) The owner of the property shall have the option of paying the balance due on the account by September 25. After this date, the certified roll will be finalized. After the date the certified roll is finalized, payments will still be accepted but will include the ten percent penalty.
 - (3) A hearing shall be heard on the matter by the city council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the city council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this section, the city may certify the unpaid charges to the county auditor for collection as other taxes are collected.
 - (4) For each certification sustained, the property owner shall have the following options after the hearing:
 - (i) To pay the delinquent amount listed on the preliminary roll, but without additional penalties after the hearing, before the certified roll is finalized on September 25.
 - (ii) To pay the certified charges as billed to them by Hennepin County on their property tax statement with a collection term of one year.
 - (5) By October 1, the certified roll, minus any payments, shall be mailed to Hennepin County.

Subd. 8. Reconnection Charge. In the event of reconnection after discontinuance of service, either due to a delinquent account or upon request made by the property owner, a reconnection charge will be assessed. The amount of the charge will be established from time to time by ordinance of the city council.

Section 410:30. WATER METERS. *(Added, 5/16/89)*

Subdivision 1. Water Meter Required. Except for extinguishment of fires, no person except authorized city employees may use water from the water supply system of the city or permit water to be drawn therefrom, unless the water passes through a water meter. *(Added, 5/16/89)*

Subd. 2. Installation Costs. The owner or consumer is responsible for the initial cost of the meter and remote register and its installation. The owner or consumer is responsible for the purchase, installation, maintenance and replacement of all meter setting devices, gate valves, backflow preventers, and other fixtures inside the building. The city will specify the type of meter, remote register, meter horn, and backflow preventer to be installed. For premises connected to the city water supply system as of the effective date of this chapter, the meter, remote, horn and backflow preventer must be purchased from the city. At the option of the owner or consumer, the purchase price may be paid in full upon pick-up from the city or may be paid in four equal installments through the consumer's water service bill. *(Added, 5/16/89)*

Subd. 3. Installation Standards. All water meters shall be installed in accordance with the following rules:

- (a) The service pipe from the water main to the meter shall be brought through the floor in a vertical position. The gate valve shall be installed about 12 inches above the floor.
- (b) The meter shall be located so that the bottom is from six to 48 inches above the finished floor line. The meter shall be set no more than 12 inches, measured horizontally from the inside line of the basement wall, unless an alternative method is approved by the city building inspector. A meter horn of a type specified by the city to support the meter in a proper vertical position and to prevent noise from vibration must be provided.
- (c) All meter installations shall have a gate valve on the street side of the meter. In no case shall there be more than 12 inches of pipe exposed between the point of entrance through the basement floor and the gate valve. A gate valve shall also be installed on the house side of the meter.
- (d) Meter setting devices shall be of copper pipe tubing from the terminus of the service pipe up to and including the house side stop and waste valve.
- (e) A backflow preventer of a type specified by the city shall be installed on the house side of the meter.
- (f) The above standards do not apply to premises connected to the city water supply system as of the effective date of this chapter, where compliance with the standards would constitute a hardship because of the location of existing facilities on the premises. *(Added, 5/16/89)*

Subd. 4. Maintenance, Repair and Replacement. The city shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where, however, any replacement or repair or adjustment of any meter is necessary because of damage from hot water backup, damage from freezing water, or damage from any act, carelessness or negligence of the owner or occupants of any premises, any expense incurred by the city to repair the damage will be added to the water consumer's bill for water service. Delinquencies in paying such expenses will be handled in the manner provided by the Loretto city code for handling delinquent water accounts. *(Added, 5/16/89)*

Subd. 5. Complaints; Meter Testing. When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread upon request of the owner or occupant. If the consumer remains dissatisfied, the consumer may request in writing that the city test the meter. The written request for testing must be accompanied by a deposit in an amount equal to the cost of making the test (including staff time). If the test shows the meter over reads the amount of water consumed by five percent or more, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request. The minimum charge shall not be affected. If the test shows an accurate measurement of water, the amount deposited shall be retained by the city to cover the expenses of making the test. If the test shows that the meter under reads the amount of water consumed, the amount deposited shall be retained by the city to cover the costs of making the test and an accurate meter shall be installed. *(Added, 5/16/89; Amended, Ord. 2005-09)*

Subd. 6. Meters Property of City. Water meters shall be the property of the city and may be removed or replaced as to size and type by the city when deemed necessary. *(Added, 5/16/89)*

Subd. 7. Meter Reading and Inspection. Each owner or occupant of premises connected to the city water supply system shall allow authorized meter readers to have free access at reasonable hours of the day to all parts of the premises in order to read, maintain, repair, or replace meters and make inspections. Each owner or occupant of premises shall properly complete and return any meter reading card furnished by the city for purposes of recording meter readings by the due date specified on the meter reading card. If an owner or occupant fails to complete and return a meter reading card by the due date, the water usage for the premises will be estimated by the city clerk. If an owner or occupant fails to timely complete and return the meter reading card for two or more consecutive months, the city clerk may direct an authorized meter reader to read the meter on the premises, and the owner or occupant will be billed for a meter reading charge in an amount as established from time to time by resolution of the city council. *(Added, 5/16/89; Amended, 5/24/89)*

Subd. 8. Unauthorized Tampering with Meter. No person not authorized by the city shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use. No person shall obstruct a meter or a remote register so as to unreasonably interfere with the reading or repairing of the meter. *(Added, 5/16/89)*

Subd. 9. A surcharge of \$100 shall be added to the bill of a property owner or occupant for any property not in compliance with this chapter, including but not limited to, a refusal to allow the city free access at reasonable hours of the day to all parts of the premises in order to install, read, maintain, repair or replace meters and make inspections. Said surcharge shall be added each month until the property is in compliance. *(Added, Ord. 2006-02)*

Subd. 10. Penalty. Violation of the terms of this chapter by an owner or occupant shall be grounds for the city to disconnect the premises from the city water supply system, under the procedures provided by the Loretto city code for handling delinquent water accounts. *(Added, 5/16/89; Amended, Ord. 2006-02)*

Section 410.35. STORM WATER UTILITY. *(Added, Ord. 2002-08)*

Subdivision 1. Storm Water Utility Established. A municipal storm water utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes, section 444.075 from which revenues will be derived subject to the provisions of this chapter and Minnesota Statutes.

Subd. 2. Definitions. Unless the context clearly indicates otherwise, the following words or phrases have the meanings given in this subdivision.

- (a) Residential Equivalent Factor (REF). Rates and charges for the use and availability of the system are to be determined through the use of a “residential equivalent factor”. For the purposes of this section, one REF is defined as the ratio of the average volume of surface water runoff generated by one acre of a particular land use, to the average volume of runoff generated by one acre of typical single-family residential land, during a standard one-year rainfall event.
- (b) Storm Water Utility Rate. The charge to a typical single family and duplex residential parcel shall be the storm water utility rate. All developed single family and duplex residential parcels shall be considered to have an acreage of one-fourth acre.

Subd. 3. Calculation of Fee.

- (a) Storm water drainage fees for Land Use Classifications shall be on a per parcel basis. The REF values for the various land uses are as follows:

<u>Classification</u>	<u>Typical Land Uses</u>	<u>REF</u>
1.	Residential Single Family, Duplex, Townhomes and Condominiums	1.0
2.	Schools and Churches	1.25
3.	Commercial, Industrial and Apartments	3.0

(Amended, Ord. 2008-01)

- (b) Other Land Uses. Other land uses not listed in the foregoing table shall be classified by the city council by assigning them to the classes most nearly like the listed uses from the standpoint of impervious coverage and run-off produced.
- (c) Storm Water Utility Rate. The storm water utility rate shall be determined by the city council on an annual basis in the same manner as for other utilities, and shall be charged to all parcels not listed as exempt in subdivision 4.

Subd. 4. Exemptions. The following land uses are exempt from storm water utility fees.

- (a) Public rights of way.
- (b) Vacant land (e.g. undeveloped land, agricultural land without a dwelling).
- (c) Unoccupied Public Land (open space, parks without permanent staff).

Subd. 5. Billing and Payment. Storm water utility charges shall be computed and billed periodically with, and included as a charge on, bills issued by the city for water and sewer. If a parcel of land subject to the storm water utility is not served by other utilities, a separate bill shall be issued every month.

Subd. 6. Penalties and Remedies for Delinquencies. Penalties and remedies for late payments or non-payment of billings are the same as those applicable to billings for water and sanitary sewer service.

Subd. 7. Establishment of Fund. All fees collected for the storm water utility shall be placed in a fund for storm water purposes. Revenues shall be used to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of the facilities, and all other purposes as permitted by Minnesota Statutes, section 444.075.

Section 410:40 DECLARATION OF CRITICAL WATER DEFICIENCY (*Added, Ord. 2021-02*)

- (a) **Purpose.** Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the city council, or the official city bulletin board. The city shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.
- (b) **Mandatory emergency water conservation measures.** Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:
- (1) Outdoor irrigation of yards, gardens, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited.
 - (2) Washing or spraying of sidewalks, driveways, parking areas, tennis courts, play courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.
 - (3) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.
 - (4) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.

- (5) Operation of outdoor misting systems used to cool public areas is prohibited.
 - (6) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.
 - (7) The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.
- (c) **Variances.** The Public Works Director or their designee, is authorized to grant variances to this ordinance where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City Clerk-Treasurer. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.
- (d) **Violations.**
- (1) Violations shall be determined and cited by the Public Works Director or his/her designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.
 - (2) Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.
 - (3) Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy.
Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

- (e) **Enforcement.** The Public Works Director or his/her designee is authorized to designate city employees or law enforcement personnel to enforce the provisions of this ordinance.
- (f) **Severability.** If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalid.

Section 412. STORM WATER POLLUTION PREVENTION AND CONTROL *(Deleted, Ord. 2005-01; Added, Ord. 2005-01)*

Section 412:05. PURPOSE. The purpose of this section is to control storm water pollution including soil erosion and sedimentation. It establishes standards for conservation practices, which minimize storm water pollution to a practical extent.

Section 412:10. SCOPE. This section sets forth rules and regulations to control land disturbances, land fill, soil storage, and erosion and sedimentation resulting from such activities. This section establishes procedures for issuance, administration and enforcement of a permit.

Section 412:15. DEFINITIONS.

Subdivision 1. When used in this section, the following words shall have the meanings ascribed to them in this section.

Subd. 2. Applicant: any person, firm, sole proprietorship, partnership, corporation, state agency, or political subdivision that applies for a building permit, subdivision approval, or a permit for land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's or group's direction. The term "applicant" also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.

Subd. 3. Best Management Practices (BMPs): erosion and sediment control and water quality management practices that are effective and practicable means of controlling, preventing, and minimizing pollution of surface water.

Subd. 4. Borrow: earth material acquired from an off-site location for use in grading on a site.

Subd. 5. Buffer: a protected vegetated zone located adjacent to a water of the state that is subject to direct or indirect human alteration.

Subd. 6. Issuing Authority: the Loretto building official and official's duly authorized designees.

Subd. 7. Civil Engineer: a professional engineer registered in the state of Minnesota to practice in the field of civil works.

Subd. 8. Civil Engineering: the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

Subd. 9. Common Plan of Development or Sale: a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

Subd. 10. Compaction: the densification of a fill by mechanical means.

Subd. 11. Developer: any person, group, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

Subd. 12. Development: any land disturbance activity that changes the site's runoff characteristics.

Subd. 13. Discharge: the release, conveyance, channeling, runoff, or drainage of storm water from a site.

Subd. 14. Drainageway: a natural or man-made channel that collects and intermittently or continuously conveys storm water runoff.

Subd. 15. Earth Material: any rock, natural soil or fill and combination thereof.

Subd. 16. Energy Dissipation: this refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: aprons, riprap, splash pads, and gabions.

Subd. 17. Erosion: the wearing away of the soil.

Subd. 18. Erosion Control: refers to methods employed to prevent erosion. Examples include silt fences, horizontal slope grading, temporary or permanent cover, and construction phasing.

Subd. 19. Final Stabilization: means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, e.g., without large bare areas) perennial vegetative cover with a density of 75 percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization.

Subd. 20. Impervious Surface: a constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off.

Subd. 21. Land Disturbing Activity: any land change that may result in soil erosion, including construction, clearing and grubbing, grading, excavating, transporting and filling of land. Certain exclusions apply; however, any person performing any of these excluded activities must not adversely affect neighboring properties by altering existing storm water drainage flows, causing sedimentation flows, littering neighboring properties, or otherwise adversely affecting a neighboring property. Excluded activities include:

- (a) Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.
- (b) Additions or modification to existing single family or commercial/industrial structures if the disturbed area is less than 3,000 square feet.
- (c) New construction, if the disturbed area is less than 3,000 square feet.
- (d) Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines, or individual service connections to these utilities, which result in creating under 5,000 square feet of exposed soil or impervious surface.
- (e) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

Subd. 22. Paved Surface: a constructed hard, smooth surface made of asphalt, concrete, or other pavement materials.

Subd. 23. Permanent Cover: means "final stabilization." See definition of "final stabilization".

Subd. 24. Permit: within the context of this rule a "permit" is a written warrant or license granted for construction, subdivision approval, or to allow land disturbing activities.

Subd. 25. Permittee: the applicant in whose name a valid permit is duly issued pursuant to this chapter and applicant's agents, employees and others acting under applicant's direction.

Subd. 26. Phased Project or Development: clearing a parcel of land in distinct phases, with at least 50 percent of the project's preceding phase meeting the definition of "final stabilization" and the remainder proceeding toward completion, before beginning the next phase of clearing.

Subd. 27. Runoff Coefficient: the fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls, that will appear at the conveyance as runoff. This coefficient is usually estimated for an event or on an average annual basis.

Subd. 28. Sediment: the product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.

Subd. 29. Sedimentation: the process or action of depositing sediment.

Subd. 30. Sediment Control: the methods employed to prevent sediment from leaving the development site. Examples of sediment control practices are silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Subd. 31. Site: a parcel or parcels of real property owned by one or more than one person which is being or is capable of being developed as a single project.

Subd. 32. Slope: an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Subd. 33. Soil: the unconsolidated mineral and organic material on the immediate surface of the earth. Temporary stockpiles of clean sand, gravel, aggregate, concrete, or bituminous materials (which have less stringent protection) are not considered "soil" stockpiles.

Subd. 34. Soils Engineer: a civil engineer experienced and knowledgeable in the practice of soils engineering.

Subd. 35. Soils Engineering: the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

Subd. 36. Stabilized: the exposed ground surface after it has been covered by sod, erosion control blanket, riprap, pavement or other material that prevents erosion.

Subd. 37. Steep Slope: any slope steeper than 15 percent {15 feet or rise for every 100 feet horizontal run}.

Subd. 38. Storm Water: precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.

Subd. 39. Storm Water Pollution Control Plan: a joint storm water and erosion and sediment control plan that is a document containing the requirements of the MPCA, that when implemented will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.

Subd. 40. Structure: anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

Subd. 41. Subdivision: any tract or land divided into building lots for private, commercial, industrial, etc. development.

Subd. 42. Temporary Protection: short-term methods employed to prevent erosion. Examples of such protection include straw, mulch, erosion control blankets, wood chips, and erosion netting.

Subd. 43. Very Steep Slope: any slope steeper than one foot or rise for each three feet of horizontal run 33 percent slope).

Subd. 44. Waters of the State: all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Subd. 45. Wet Detention Facility: a permanent man-made structure, containing a permanent pool of water, used for the temporary storage of runoff.

Subd. 46. Wetlands: those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 412:20. OTHER LAWS. Neither this chapter nor any administrative decision made under it:

- (a) Exempts the permittee from procuring other required permits or complying with the requirements and conditions of such a permit; or
- (b) Limits the right of any person to maintain, at any time, any appropriate action at law or in equity, for relief or damages against the permittee arising from the permitted activity.

Section 412:25. SEVERABILITY AND VALIDITY. If any part of this section is found not valid, the remainder of this section shall remain.

Section 412:30. PROHIBITING ILLICIT CONNECTIONS AND DISCHARGES TO THE CITY STORM WATER SYSTEM.

(Amended, Ord. 2005-12)

- (a) **Purpose/Intent.** The purpose of this section is to provide for the health, safety, and general welfare of the citizens of Loretto through the regulation of non-storm water discharges to the storm water system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:
(Added, Ord. 2005-12)
- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user.
 - (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
 - (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this section.

- (b) **Definitions.** For the purposes of section 412:30, the following shall mean:
(*Added, Ord. 2005-12*)

BEST MANAGEMENT PRACTICES (BMPS): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. section 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES Construction Permits. NPDES Storm Water Phase II permits are required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL OR ILLICIT DISCHARGE. Any direct or indirect non-storm water discharge to the storm water system, except as exempted in section X of this section.

ILLICIT CONNECTIONS. Any illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm water system (sump connections are allowed) including, but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm water system and any connections to the storm water system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm water system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Permits as defined in 40 CFR, section 122.26(b)(14).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USD section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORM WATER DISCHARGE. Any discharge to the storm water system that is not composed entirely of storm water.

PERSON. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STORM WATER (OR DRAINAGE) SYSTEM. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER POLLUTION PREVENTION PLAN. A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

- (c) **Applicability.** This section shall apply to all water entering the storm water system generated on any developed and undeveloped lands unless explicitly exempted by the city. *(Added, Ord. 2005-12)*
- (d) **Responsibility for Administration.** The Public Works Administrator shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the Public Works Director may be delegated in writing to persons or entities acting in the beneficial interest of or in the employ of the city. *(Added, Ord. 2005-12)*
- (e) **Severability.** The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section. *(Added, Ord. 2005-12)*
- (f) **Ultimate Responsibility.** The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. *(Added, Ord. 2005-12)*

(g) **Discharge Prohibitions.** *(Added, Ord. 2005-12)*

Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm water system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm water system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this section: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- (2) Discharges specified in writing by the city as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the city prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm water system.

Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm water system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Waste Disposal Prohibitions. No person shall throw, deposit, leave, maintain, or keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, trail, component of the storm water system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution.

Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the public works administrator prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

- (h) **Suspension of MS4 Access.** Suspension due to Illicit Discharges in Emergency Situations. The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons. *(Added, Ord. 2005-12)*

Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the city for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city.

- (i) **Industrial or Construction Activity Discharges.** Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4. *(Added, Ord. 2005-12)*

(j) **Monitoring of Discharges.** *(Added, Ord. 2005-12)*

- (1) **Applicability.** This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.
- (2) **Access to Facilities.**
 - (i) The city shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.
 - (ii) Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
 - (iii) The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's storm water discharge.
 - (iv) The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

- (v) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (vi) Unreasonable delays in allowing the city access to a permitted facility is a violation of a storm water discharge permit and of this section. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the city reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
- (vii) If the city has been refused access to any part of the premises from which storm water is discharged, and they are able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

- (k) **Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.** The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm water system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit. *(Added, Ord. 2005-12)*
- (l) **Watercourse Protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. *(Added, Ord. 2005-12)*

- (m) **Notification of Spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm water system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the city in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. *(Added, Ord. 2005-12)*

- (n) **Enforcement.** *(Added, Ord. 2005-12)*
- (1) **Notice of Violation.** Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this section, the city may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (i) The performance of monitoring, analyses, and reporting;
 - (ii) The elimination of illicit connections or discharges;
 - (iii) That violating discharges, practices, or operations shall cease and desist;
 - (iv) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
 - (v) Payment of a fine to cover administrative and remediation costs; and
 - (vi) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- (o) **Appeal of Notice of Violation.** Any person receiving a notice of violation may appeal the determination to the city council. The notice of appeal must be received within ten days from the date of the notice of violation. Hearing on the appeal before the city council shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the city council shall be final. *(Added, Ord. 2005-12)*

- (p) **Enforcement Measures After Appeal.** If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 20 days of the decision of the city council upholding the decision, then representatives of the city shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above. *(Added, Ord. 2005-12)*
- (q) **Cost of Abatement of the Violation.** Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. *(Added, Ord. 2005-12)*
- (r) **Injunctive Relief.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. If a person has violated or continues to violate the provisions of this section, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. *(Added, Ord. 2005-12)*
- (s) **Compensatory Action.** In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the city may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. *(Added, Ord. 2005-12)*

- (t) **Violations Deemed a Public Nuisance.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. *(Added, Ord. 2005-12)*

- (u) **Criminal Prosecution.** Any person that has violated or continues to violate this section shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to the maximum criminal penalty in effect. The city may recover all attorney's fees, court costs and other expenses associated with enforcement of this section, including sampling and monitoring expenses. *(Added, Ord. 2005-12)*

- (v) **Remedies not Exclusive.** The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. *(Added, Ord. 2005-12)*

Section 412:35. DISCHARGE OF SURFACE WATERS PROHIBITED. *(Added, Ord. 2013-01)*

Subdivision. 1. Generally. It shall be unlawful to discharge or cause to be discharged into the city sanitary sewer system, either directly or indirectly, any storm water from roofs, paved areas, yards, courtyards, area drains or subsoil drains.

Subd. 2. Subsoil Drain. Where subsoil drains are placed under the cellar or basement floor or are used to surround the outer walls of a building, they shall be made of open jointed or horizontally split or perforated clay tile or cement tile not less than 4 inches in diameter. They shall be part of the building storm drain or be discharged into a properly designed sump.

Subd. 3. Building Subdrains. Building subdrains located below the public storm sewer level shall be discharged into a sump or receiving tank. The sump shall be constructed substantially in compliance with plans and specifications on file with the City and the contents of the sump shall be automatically lifted and discharged to the outside of the building. The contents of the sump shall not be discharged directly into the street.

Subd. 4. Air Conditioning Discharge. No water shall be discharged from any air conditioning unit or system either directly or indirectly into the city sanitary sewer system.

Section 412:40. Reserved.

Section 412:45. STORM WATER POLLUTION CONTROL PLAN AND PERMIT. Unless exempted, every applicant for a building permit, subdivision approval, or a permit to allow land disturbing activities must submit a storm water pollution control plan to the city. No building permit, subdivision approval, or a permit to allow land disturbing activities shall be issued until the city approves this plan. At a minimum these pollution abatement control practices must conform to those in the Minnesota Pollution Control Agency (MPCA) Phase II Rules. If the project will disturb one acre or more, the applicant must acquire a construction storm water permit from the MPCA prior to the issuance of a building permit.

Section 412.50. GENERAL EXEMPTIONS. All land-disturbing or land-filling activities or soil storage shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this chapter if the activity is not considered a land disturbing activity as defined in section 412:15, subdivision 21; however, any person performing any of these excluded activities must not adversely affect neighboring properties by altering existing storm water drainage flows, causing sedimentation flows, littering neighboring properties, or otherwise adversely affecting a neighboring property.

Section 412:55. APPLICATION. The application for a permit to allow land disturbance activities must include all of the following items:

- (a) City of Loretto Planning and Zoning Application Form and Site Plan/Storm Water Pollution Control Plan Addendum Application Form.
- (b) Two copies of the site map with erosion control plan showing silt fence location and other appropriate BMPs as determined by the city.
- (c) Storm Water Pollution Control Plan.
 - If area disturbed is less than 3,000 square feet – exempt; however, any person performing any of these excluded activities must not adversely affect neighboring properties by altering existing storm water drainage flows, causing sedimentation flows, littering neighboring properties, or otherwise adversely affecting a neighboring property.
 - If area disturbed is between 3,000 square feet and just under one acre – applicant shall submit items (a), (b), and (g), (h), (i), and (j) in this section.
 - If area disturbed is one acre or more – applicant shall submit all items in this section.
- (d) If necessary, evidence of a construction storm water permit from the MPCA.
- (e) Soil engineering report, where required.
- (f) Engineering geology report, where required.
- (g) Approval from Pioneer-Sarah Creek Watershed Management Commission, where required.
- (h) Application fees.
- (i) Performance bond or other acceptable security (See section 412:80).
- (j) Any supplementary material required by the issuing authority.

Section 412:60. SITE PLAN/STORM WATER POLLUTION CONTROL PLAN ADDENDUM APPLICATION FORM. The following information is required on the addendum application form:

- (a) Name, address, and telephone number of the applicant.
- (b) Names, addresses and telephone numbers of any and all contractors, subcontractors or persons actually doing the land-disturbing and land-filling activities and their respective tasks.
- (c) Name(s), address(es), and telephone number(s) of the person(s) responsible for the preparation of the site map and erosion control/grading plan.
- (d) Name(s), address(es), and telephone number(s) of the person(s) responsible for the preparation of the storm water pollution control plan.
- (e) Name(s), address(es) and telephone number(s) of the registered engineer(s) responsible for the preparation of the soil engineering and engineering geology reports, where required.
- (f) A vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures.
- (g) Date of the application.
- (h) Signature(s) of the owner(s) of the site or of an authorized representative.

Section 412:65. SITE MAP AND GRADING PLAN (GRADING PLAN). The site map and grading plan shall conform to the MPCA construction permit requirements.

Section 412:70. SOILS ENGINEERING REPORT. A soil engineering report, when required by the issuing authority, shall be based on adequate and necessary test borings, and shall contain all the following information:

- (a) Data regarding the nature, distribution, strength, and erodibility of existing soils.
- (b) Data regarding the nature, distribution, strength and erodibility of soil to be placed on the site, if any.
- (c) Conclusions and recommendations for grading procedures.
- (d) Conclusions and recommended designs for interim soil stabilization devices and measures for permanent soil stabilization after construction is completed.
- (e) Design criteria for corrective measures when necessary.
- (f) Opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the issuing authority shall be incorporated in the grading plans or specifications.

Section 412:75. ENGINEERING GEOLOGY REPORT. An engineering geology report, when required by the issuing authority, shall be based on adequate and necessary test borings and shall contain the following information:

- (a) An adequate description of the geology of the sites.
- (b) Conclusions and recommendations regarding the effect of geologic conditions on the proposed development.
- (c) Opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the issuing authority shall be incorporated in the grading plans or specifications.

Section 412:80. SECURITY. The applicant shall provide security for the performance of the work described and delineated on the approved grading plan in an amount equal to:

- \$1,000 if the amount of land disturbed is between 3,000 square feet and just under one acre, or
- \$3,000 per acre of exposed soil, if the amount of land disturbed is one acre or more. The city may request a greater financial security, if the city considers that the development site is especially prone to erosion, or the resource to be protected is especially valuable.

The form of security shall be one or a combination of the following to be determined by the issuing authority.

- (a) Bond or bonds issued by one or more duly authorized corporate sureties. The form of the bond or bonds shall be subject to the approval of the city attorney.
- (b) Deposit, either with the city or a responsible escrow agent or trust company at the option of the city, of money, negotiable bonds or the kind approved for securing deposits of public monies, or other instrument of credit from one or more financial institutions subject to regulation by the state or federal government wherein said financial institution pledges funds are on deposit and guaranteed for payment.
- (c) Cash in U.S. currency.

Section 412:85. FEES. Fees are to be paid pursuant to a schedule of fees adopted, and amended from time to time by separate resolution of the city council.

Section 412:90. DECISION ON A PERMIT. The issuing authority shall review all documents submitted pursuant to this chapter and, if necessary, request additional data, clarification of submitted data or correction of defective submissions within ten working days after the date of submission. The issuing authority shall notify applicant of applicant's decision on the permit within 20 days of submission by the applicant, which submission shall include action by any affected permitting authority having jurisdiction.

Section 412:95. NOTICE. Applicant shall be notified of the issuing authorities decision on the application within three working days of the decision.

Section 412:100. PERMIT DURATION. Permits issued under this chapter shall be valid for the period during which the proposed land-disturbing or filling activities and soil storage takes place or is scheduled to take place, whichever is shorter. Permittee shall commence permitted activities within 60 days of the scheduled commencement date for grading or the permittee shall resubmit all required application forms, maps, plans, schedules and security to the issuing authority except where an item to be resubmitted is waived by the issuing authority.

Section 412:105. PERMIT DENIAL. If the city determines that the storm water pollution control plan does not meet the requirements of this section, the city shall not issue a permit for the land disturbance activity. The applicant may request a hearing before the city council within five working days of notification of a permit denial. The hearing shall be held at the earliest possible regularly scheduled city council meeting following the date of the request for a hearing.

Section 412:110. ASSIGNMENT OF PERMIT. A permit issued pursuant to this chapter may be assigned, provided:

- (a) The permittee notifies the issuing authority of the proposed assignment.
- (b) The proposed assignee:
 - (1) submits an application form as required by this chapter; and
 - (2) agrees in writing to all the conditions and duties imposed by the permit; and
 - (3) agrees in writing to assume responsibility for all work performed prior to the assignment; and
 - (4) provides security as required by this chapter; and
 - (5) agrees to pay all applicable fees.
- (c) The issuing authority approves the assignment.

The issuing authority shall set forth in writing the reasons for authority's approval or disapproval of an assignment.

Section 412:115. MODIFICATION OF PLAN. An approved storm water pollution control plan may be modified on submission of a written application for modification to the city, and after written approval by the city engineer. In reviewing such an application, the city engineer may require additional reports and data.

Section 412:120. NO IMPROVEMENTS PLANNED. Where an applicant does not plan to construct permanent improvements on the site, or plans to leave portions of the site graded but unimproved, applicant must:

- (a) Meet all the requirements of this chapter except that an interim storm water pollution control plan designed to control runoff and erosion on the site for the period of time during which the site, or portions thereof, remain unimproved must be submitted in lieu of a final plan; and
- (b) Submit executed contract(s) as defined in section 412:140 after completion of grading.

Section 412:125. ISSUANCE OF PERMITS. Issuing authority shall issue a permit upon approval of a grading plan, storm water pollution control plan, and where required, soils and engineering report, and engineering geology report, deposit of appropriate security and payment of fees. Permit shall be issued subject to the following conditions:

- (a) The permittee shall maintain a copy of the permit, approved plans and reports required under section 31 on the work site and available for public inspection during all working hours.
- (b) The permittee shall, at all times, be in conformity with approved grading plan and storm water pollution control plan.

Section 412:130. IMPLEMENTATION OF PERMITS – PERMITTEE’S DUTIES. In addition to performing as required under section 412:150:

- (a) Unless this requirement is waived by the issuing authority, permittee shall notify the issuing authority within 72 hours of:
 - (1) the beginning of the permitted activity;
 - (2) the completion of rough grading;
 - (3) the completion of finished grading;
 - (4) the installation of all erosion control devices and the completion of planting requirements;
 - (5) readiness of the site for final inspection, including but not limited to, finished grading, installation of drainage devices and final erosion control measures.

- (b) Permittee shall submit to the issuing authority, reports if:
 - (1) there are delays in obtaining materials, machinery, services or manpower necessary to the implementation of the grading, interim or final plans as scheduled;
 - (2) there are any delays in land-disturbing or filling activities or soil storage;
 - (3) the work is not being done in conformance with the approved grading, interim or final plans;
 - (4) there are any departures from the approved grading plan which may affect implementation of the interim or final plans as scheduled;
 - (5) there are any delays in the implementation of the interim or final plans;
 - (6) there are any other departures from implementation of the interim or final plans;

- (c) Unless this requirement is waived by the issuing authority, permittee shall submit recommendations for corrective measures, if necessary and appropriate, with the reports made under subsection (b).
- (d) Permittee shall establish procedures for construction site operators to control waste, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site.
- (e) Permittee must not adversely affect neighboring properties by altering existing storm water drainage flows, causing sedimentation flows, littering neighboring properties, or otherwise adversely affecting neighboring property.

Section 412:135. IMPLEMENTATION OF PERMITS.

- (a) The issuing authority shall review all reports submitted by permittee. The issuing authority may require permittee to modify the grading plan or storm water pollution control plan, and maintenance methods and schedules. The issuing authority shall notify the permittee in writing of the requirement and specify a reasonable period of time within which permittee must comply. All modifications are subject to issuing authority's approval.
- (b) The issuing authority may inspect the site:
 - (1) upon receipt of a report by permittee under provisions of section 412:130(a) and (b);
 - (2) to verify completion of modifications required under section 412:135(a);
 - (3) during and following any rainfall;
 - (4) at any other time, at the issuing authority's discretion.

- (c) Upon completion of the rough grading work and at the final completion of the work, the issuing authority may require the following reports and drawings and supplements thereto:
 - (1) an as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. The engineer shall provide approval that the work was done in accordance with the final approved grading plan.
 - (2) a soil grading report prepared by the soils engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The engineer shall provide approval as to the adequacy of the site for the intended use.
 - (3) a geologic grading report prepared by the engineering, geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. The engineer shall provide approval as to the adequacy of the site for the intended use as affected by geologic factors.

Section 412:140. POST GRADING PROCEDURES. Upon completion of final grading and permanent improvements, where such permanent improvements are planned at the time grading is performed, permittee shall submit:

- (a) Executed contract(s) for maintenance and upkeep of final plan runoff and erosion control measures for a two year period.

Section 412:145. SUSPENSION OR REVOCATION OF PERMIT.

The issuing authority shall first have resort to the procedures set forth in this section before any other enforcement procedure set forth in this chapter.

- (a) The issuing authority shall suspend the permit and issue a stop work order, and permittee shall cease all work on the work-site, except work to remedy the cause of the suspension, upon notification of such suspension when:
 - (1) the issuing authority determines that the permit was issued in error or on the basis of incorrect information supplied, or in violation of any section or regulation or the provisions of this chapter;
 - (2) Permittee fails to submit reports when required under sections 412:130 and 412:135(c);
 - (3) Inspection by the issuing authority under section 412:160(b) reveals that the work or the work site:
 - (i) is not in conformity with the grading plan, interim or final plan as approved or as modified under section 412:135(a), or
 - (ii) is not in compliance with an order to modify under section 412:135(a);
 - (4) Permittee fails to comply with an order to modify within the time limits imposed by the issuing authority (see section 412:135(a));
 - (i) The issuing authority shall revoke the permit and issue a stop work order, and permittee shall cease work if permittee fails or refuses to cease work, as required under section 412:145(a) above, after suspension of the permit and receipt of a stop work order and notification thereof.
 - (ii) The issuing authority shall reinstate a suspended permit upon permittee's correction of the cause of the suspension.
 - (iii) The issuing authority shall not reinstate a revoked permit.

Section 412:150. FINES AND PENALTIES. Any person, firm, corporation or agency acting as principal agent, employee or otherwise, who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than \$100 and not more than \$500, or by imprisonment in the county jail for not more than 30 days, or by both, for each separate offense. Each day any violation of this chapter 412 shall continue shall constitute a separate offense.

Section 412:155. ACTION AGAINST THE SECURITY. The issuing authority may act against the appropriate security if any of the conditions listed in subsections (a)-(e) below exists. The issuing authority shall use funds from the appropriate security to finance remedial work undertaken by the city or a private contractor under contract to the city and to reimburse the city for all direct costs incurred in the process of the remedial work.

- (a) The permittee ceases land-disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
- (b) The permittee fails to conform to the grading plan or storm water pollution control plan as approved or as modified under section 412:135(a) and has had the permit revoked under section 412:145.
- (c) The techniques utilized under the storm water pollution control plan fail within one year of installation, or before a final plan is implemented for the site or portions of the site, whichever is later.
- (d) The issuing authority determines that action by the city is necessary to prevent excessive erosion from occurring on the site or there is failure of the storm water pollution control plan (see procedures under Section 412:165).
- (e) The developer fails to reimburse the city for corrective action taken.

Section 412:160. RELEASE OF SECURITY. Security deposited with the city for faithful performance of the grading and storm water pollution control work and to finance necessary remedial work shall be released according to the following schedule: Any unspent amount of the financial security deposited with the city for faithful performance of the storm water pollution control plan and any storm water and pollution control plan related remedial work must be released one full year after the completion of the installation of all storm water pollution control measures, as shown on the grading and/or storm water pollution control plan, and establishment of final stabilization.

Section 412:165. NOTIFICATION OF FAILURE OF THE STORM WATER POLLUTION CONTROL PLAN. The city shall promptly investigate any notification of failure of the storm water pollution control plan or non-compliance, whether notified by the public, city official, or other party. Written or verbal notice shall be submitted to city hall for consideration. The city shall follow the steps below to notify the permittee of failure of the storm water pollution control plan and take action as indicated:

- (a) Notification by the city. The initial contact will be to the party or parties listed on the application and/or storm water pollution control contacts. Except during an emergency action, 48 hours after notification by the city or 72 hours after the failure of erosion control measures, whichever is less, the city at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the city has been unable to establish contact, the city may proceed with the corrective work.
- (b) Erosion off-site. If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within 48 hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the city, shall more than seven calendar days go by without corrective action being taken. If in the discretion of the city, the applicant does not repair the damage caused by the erosion, the city may do the remedial work required and charge the cost to the applicant.

- (c) Erosion into streets, wetlands, or water bodies. If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, prevention strategies, cleanup and repair must be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.
- (d) Failure to do corrective work. When an applicant fails to conform to any provision within the time stipulated, the city may take the following actions:
- (1) Withhold the scheduling of inspections and/or the issuance of a certificate of occupancy.
 - (2) Suspend or revoke any permit issued by the city to the applicant for the site in question or any other of the applicant's sites within the city's jurisdiction.
 - (3) Direct the correction of the deficiency by city forces or by a separate contract. The issuance of a permit for land disturbance activity constitutes a right-of-entry for the city or its contractor to enter upon the construction site for the purpose of correction erosion control deficiencies.
 - (i) All costs incurred by the city in correcting storm water pollution control deficiencies must be reimbursed by the applicant. If payment is not made within 30 days after costs are incurred by the city, payment will be made from the applicant's financial security.
 - (ii) If there is an insufficient financial amount in the applicant's financial securities to cover the costs incurred by the city, then the city may assess the remaining amount against the property. As a condition of the permit for land disturbance activities, the owner shall waive notice of any assessment hearing to be conducted by the city, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights by virtue of Minnesota Statutes, section 429.081 to challenge the amount or validity of the assessment.

Section 412:170. VARIANCES. Variances to the provisions of this section shall be reviewed in accordance with the procedures in the zoning regulations of the city of Loretto code or ordinances.

Section 412:175. CUMULATIVE ENFORCEMENT PROCEDURES. The procedures for enforcement of a permit, as set forth in this chapter, are cumulative and not exclusive.

Section 413. FLOOD PLAIN MANAGEMENT. *(Added, Ord. No. 2016-03, Deleted Ord. No. 2004-05)*

Section 413:00. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE.

Subdivision. 1. Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Loretto, Minnesota, does ordain as follows.

Subd. 2. Purpose.

- (a) This ordinance regulates development in the flood hazard areas of the city of Loretto. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- (b) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- (c) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Section 413:05. GENERAL PROVISIONS.

Subdivision 1. How to Use This Ordinance: This ordinance adopts the floodplain maps applicable to the city of Loretto and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

- (a) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 413:15 or 413:20 will apply, depending on the location of a property.
- (b) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 413:15 apply unless the floodway boundary is determined, according to the process outlined in Section 413:25. Once the floodway boundary is determined, the Flood Fringe District standards in Section 413:20 may apply outside the floodway.

Subd. 2. Lands to Which Ordinance Applies. This ordinance applies to all lands within the jurisdiction of the city of Loretto shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

- (a) The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

Subd. 3. Incorporation of Maps by Reference: The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the City Clerk's office.

Effective Flood Insurance Rate Map panels: **27053C0142F**.

Subd. 4. Regulatory Flood Protection Elevation: The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Subd. 5. Interpretation: The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

- (a) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The City Engineer must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
- (b) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City Council and to submit technical evidence.

Subd. 6. Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Subd. 7. Warning and Disclaimer of Liability: This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the city of Loretto or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Subd. 8. Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

Subd. 9. Definitions: Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

- (a) Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (b) Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

- (c) Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- (d) Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
 - (1) Certain conditions as detailed in the zoning ordinance exist.
 - (2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- (e) Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
- (f) Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (g) Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- (h) Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.
- (i) Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

- (j) Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- (k) Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Hennepin County, Minnesota.
- (k-2) Flood Insurance Rate Map (FIRM) – an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
- (l) Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).
- (m) Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- (n) Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- (o) Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- (p) Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
- (q) Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”

- (r) New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.
- (s) Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- (t) One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).
- (u) Principal Use or Structure – all uses or structures that are not accessory uses or structures.
- (v) Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- (w) Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- (x) Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- (y) Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

- (z) Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- (aa) Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- (bb) Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (cc) Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 413:40, Subd. 2(b) and other similar items.
- (dd) Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (ee) Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes

structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

Subd. 10. Annexations: The Flood Insurance Rate Map panels adopted by reference into Subd. 3 above may include floodplain areas that lie outside of the corporate boundaries of the city of Loretto the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the city of Loretto after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

Section 413:10. ESTABLISHMENT OF ZONING DISTRICTS.

Subdivision 1. Districts:

- (a) Floodway District. The Floodway District includes those areas determined through the floodway/flood fringe evaluation outlined in Section 413:25, Subd. 2. Section 413:15 applies if the proposed use is determined to be in the Floodway District.
- (b) Flood Fringe District. The Flood Fringe District includes those areas determined through the floodway/flood fringe evaluation outlined in Section 413:25, Subd. 2. Section 413:20 applies if the proposed use is determined to be in the Flood Fringe District.
- (c) General Floodplain District. The General Floodplain District includes those areas within Zone A that do not have a delineated floodway as shown on the Flood Insurance Rate Map adopted in Section 413:05, Subd. 3.

Subd. 2. Applicability: Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Sections 413:15, 413:20 and 413:25 are prohibited. In addition, critical facilities, as defined in Section 413:05, Subd. 9(e), are prohibited in all floodplain districts.

Section 413:15. FLOODWAY DISTRICT (FW).

Subdivision 1. Permitted Uses: The following uses, subject to the standards set forth in Section 413:15, Subd. 2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- (a) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- (b) Industrial-commercial loading areas, parking areas, and airport landing strips.
- (c) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
- (d) Residential lawns, gardens, parking areas, and play areas.
- (e) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

Subd. 2. Standards for Floodway Permitted Uses:

- (a) The use must have a low flood damage potential.
- (b) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
- (c) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

Subd. 3. Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 413:45, Subd.4 of this ordinance and further subject to the standards set forth in Section 413:15, Subd. 4, if otherwise allowed in the underlying zoning district or any applicable overlay district.

- (a) Structures accessory to the uses listed in Section 413:15, Subd. 1(a)-(c) above and the uses listed in Section 413:15, Subd. 3(b)-(c) below.
- (b) Extraction and storage of sand, gravel, and other materials.
- (c) Marinas, boat rentals, docks, piers, wharves, and water control structures.
- (d) Storage yards for equipment, machinery, or materials.
- (e) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in Section 413:05, Subd. 9(h), are permitted uses.
- (f) Travel-ready recreational vehicles meeting the exception standards in Section 413:40, Subd. 2.
- (g) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

Subd. 4. Standards for Floodway Conditional Uses:

- (a) All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
- (b) Fill; Storage of Materials and Equipment:
 - (1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (2) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

- (3) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
- (c) Accessory Structures. Accessory structures, as identified in Section 413:15, Subd. 3(a), may be permitted, provided that:
- (1) structures are not intended for human habitation;
 - (2) structures will have a low flood damage potential;
 - (3) structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
 - (4) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
 - (5) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
 - (6) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

- (ii) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- (d) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
- (e) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- (f) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Section 413:20. FLOOD FRINGE DISTRICT (FF).

Subdivision 1. Permitted Uses: Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Section 413:20, Subd. 2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

Subd. 2. Standards for Flood Fringe Permitted Uses:

- (a) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
- (b) Accessory Structures. As an alternative to the fill requirements of Section 413:20, Subd. 2(a), structures accessory to the uses identified in Section 413:20, Subd. 1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
 - (1) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
 - (2) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation
 - (3) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

- (i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (ii) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- (c) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 413:20, Subd. 2(a), or if allowed as a conditional use under Section 413:20, Subd. 3(c) below.
- (d) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
- (e) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- (f) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (g) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
- (h) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.
- (i) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

- (j) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
- (k) Manufactured homes and recreational vehicles must meet the standards of Section 413:40.

Subd. 3. Conditional Uses: The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 413:45, Subd. 4.

- (a) Any structure that is not elevated on fill or floodproofed in accordance with Section 413:20: Subd. 2(a) and (b).
- (b) Storage of any material or equipment below the regulatory flood protection elevation.
- (c) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 413:20, Sub.d 2(a).
- (d) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 413:20, Subd. 4(f).

Subd. 4. Standards for Flood Fringe Conditional Uses:

- (a) The standards listed in Section 413:20, Subd. 2(d) through Section 413:20, Subd. 2(j) apply to all conditional uses.
- (b) Basements, as defined by Section 413:05, Subd. 9(c), are subject to the following:
 - (1) Residential basement construction is not allowed below the regulatory flood protection elevation.
 - (2) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 413:20, Subd. 4(c).

- (c) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (d) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - (1) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - (2) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
 - (3) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- (e) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
- (f) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - (1) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating,

ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

- (2) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (i) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - (ii) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

Section 413:25. GENERAL FLOODPLAIN DISTRICT (GF).

Subdivision 1. Permitted Uses:

- (a) The uses listed in Section 413:15, Subd. 1, Floodway District Permitted Uses, are permitted uses.
- (b) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 413:25, Subd. 2 below. Section 413:15 applies if the proposed use is determined to be in the Floodway District. Section 413:20 applies if the proposed use is determined to be in the Flood Fringe District.

Subd. 2. Procedures for Floodway and Flood Fringe Determinations:

- (a) Upon receipt of an application for a permit or other approval within the General Floodplain District, the City Engineer must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
- (b) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Section 413:25, Subd. 2(c) below.
- (c) The determination of floodway and flood fringe must include the following components, as applicable:
 - (1) Estimate the peak discharge of the regional (1% chance) flood.
 - (2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

- (d) The City Engineer will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The City Engineer may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the City Engineer may recommend approval or denial of the application by the City Council.

- (e) Once the Floodway and Flood Fringe District boundaries have been determined, the City Clerk must process the permit application consistent with the applicable provisions of Sections 413:15 and 413:20 of this ordinance.

Section 413:30. SUBDIVISIONS.

Subdivision 1. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

- (a) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- (b) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- (c) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- (d) In the General Floodplain District, applicants must provide the information required in Section 413:25, Subd. 2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- (e) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (3) Adequate drainage is provided to reduce exposure of flood hazard.

Subd. 2. Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

- (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Constructed with materials and utility equipment resistant to flood damage;
- (c) Constructed by methods and practices that minimize flood damage; and
- (d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Section 413:35. PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES.

Subdivision 1. Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

Subd. 2. Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 413:15 and 413:20 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

Subd. 3. On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of

flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

Section 413:40. MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.

Subdivision 1. Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

- (a) Placement or replacement of manufactured home units is prohibited in the Floodway District.
- (b) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 413:20 and the following standards.
 - (1) New and replacement manufactured homes must be elevated in compliance with Section 413:20 and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - (2) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 413:30, Subd. 1(b).

Subd. 2. Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

- (a) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 413:40, Subd. 2(b):
 - (1) Individual lots or parcels of record.
 - (2) Existing commercial recreational vehicle parks or campgrounds.

- (3) Existing condominium-type associations.
- (b) Criteria for Exempt Recreational Vehicles:
- (1) The vehicle must have a current license required for highway use.
 - (2) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 - (3) No permanent structural type additions may be attached to the vehicle.
 - (4) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
 - (5) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 413:40, Subd. 2(b).
 - (6) An accessory structure must constitute a minimal investment.
- (c) Recreational vehicles that are exempt in Section 413:40, Subd. 2(b) lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 413:20. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

Section 413:45. ADMINISTRATION.

Subdivision 1. Zoning Administrator: The City Clerk or other official designated by the City Council must administer and enforce this ordinance.

Subd. 2. Permit Requirements:

- (a) Permit Required. A permit must be obtained from the City Clerk prior to conducting the following activities:
 - (1) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
 - (2) The use or change of use of a building, structure, or land.
 - (3) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
 - (4) The change or extension of a nonconforming use.
 - (5) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - (6) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 - (7) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
 - (8) Any other type of “development” as defined in this ordinance.
- (b) Application for Permit. Permit applications must be submitted to the City Clerk on forms provided by the City Clerk. The permit application must include the following as applicable:
 - (1) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

- (2) Location of fill or storage of materials in relation to the stream channel.
 - (3) Copies of any required municipal, county, state or federal permits or approvals.
 - (4) Other relevant information requested by the City Clerk as necessary to properly evaluate the permit application.
- (c) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the City Clerk stating that the use of the building or land conforms to the requirements of this ordinance.
- (d) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.
- (e) Record of First Floor Elevation. The City Clerk must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The City Clerk must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
- (f) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the City Clerk must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- (g) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the City Clerk must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

Subd. 3. Variances:

- (a) Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 420:61 of the zoning ordinance/code.
- (b) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- (c) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - (1) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (2) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Flood Insurance Notice. The City Clerk must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (e) General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

- (1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (3) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
 - (4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - (5) The importance of the services to be provided by the proposed use to the community;
 - (6) The requirements of the facility for a waterfront location;
 - (7) The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - (9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (f) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Clerk must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

- (g) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (h) Record-Keeping. The City Clerk must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

Subd. 4. Conditional Uses:

- (a) Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 420:70 of the zoning ordinance/code.
- (b) Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 413:45, Subd. 3(e).
- (c) Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - (1) Modification of waste treatment and water supply facilities.
 - (2) Limitations on period of use, occupancy, and operation.
 - (3) Imposition of operational controls, sureties, and deed restrictions.
 - (4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - (5) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (d) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Clerk must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

- (e) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Section 413:50. NONCONFORMITIES.

Subdivision 1. Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 413:05, Subd. 9(ee)(2), are subject to the provisions of Section 413:50, Subd. 1(a)-(f).

- (a) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in Section 413:50, Subd. 1(b) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- (b) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Section 413:50, Subd. 1(a) and (g) below.
- (c) If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Section 413:15 or Section 413:20 for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.
- (d) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the City Clerk in writing of instances of nonconformities that have been discontinued for a period of more than one year.
- (e) If any nonconformity is substantially damaged, as defined in Section 413:05, Subd. 9(dd), it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Section 413:15 or Section 413:20 will apply

depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

- (f) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 413:05, Subd. 9(z), it must not be reconstructed except in conformity with the provisions of this ordinance.
- (g) Any substantial improvement, as defined in Section 413:05, Subd. 9(ee), to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 413:15 or Section 413:20 for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

Section 413:55. PENALTIES AND ENFORCEMENT.

Subdivision 1. Violation Constitutes a Misdemeanor: Violation 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 conditional uses) constitute a misdemeanor and will be punishable as defined by law.

Subd. 2. Other Lawful Action: Nothing in this ordinance restricts the city of Loretto from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

Subd. 3. Enforcement: Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 420:85 of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The city of Loretto must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

Section 413:60. AMENDMENTS.

Subdivision 1. Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

Subd. 2. Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

Subd. 3. Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 413:05, Subd. 3.

Section 415. ESTABLISHMENT OF A COMMISSION TO PLAN FOR THE PHYSICAL DEVELOPMENT OF THE CITY AND TO RECOMMEND A ZONING PLAN.

The city council of Loretto shall have full responsibility for the planning, physical development and zoning of the city.

Section 415:00. *(Reserved)*

Section 415:05. *(Reserved)*

Section 415:10. *(Reserved)*

Section 415:15. *(Reserved)*

Section 415:20. PREPARATION OF CITY PLAN. It shall be the function of the city council to prepare and certify a comprehensive city plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the city. Such plan may be prepared in sections, each of which shall relate to a major subject of the plan.

Section 415:25. PROCEDURE FOR ADOPTION OF PLAN. Before adopting the city plan or any section of it or any substantial amendment thereof, the council shall hold at least one public hearing thereon, notice of the time and place of which shall be given by publication in a newspaper of general circulation at least ten days before the day of the hearing. The adoption of the city plan or of any section or amendment thereof shall be by resolution of the council. The council may from time to time amend or add to the city plan or section thereof as herein provided for the certification of the original plan whenever changed conditions or further studies by the council indicate that such amendment or addition is necessary.

Section 415:30. MEANS OF EXECUTING PLAN. Upon the certification of the city plan or any section thereof, it shall be the responsibility of the council for putting into effect such plan or section thereof following a public hearing in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for the efficient expenditure of the funds thereof relating to the subjects of such city plan.

Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the city, a long term program of capital expenditures and such other matters as will accomplish the purposes of this section.

Section 415:35. ZONING PLAN. The city shall have and sustain zoning regulations of the use of land, the location and the use of buildings and the arrangement of building on lots and the density of population. The same procedure shall apply for the preparation of any plan of proposed rights of way for future streets or highways, or the future widening of existing streets or highways, or for the reservation of lands for other public purposes.

Section 415:40. OFFICIAL MAP OF STREET EXTENSIONS.

The council, with the assistance of the city engineer, may prepare an official map of the platted and unplatted portions of the city and adjoining territory, or portions thereof, indicating upon such map the proposed future extension or widening of streets of the city within such existing platted and developed territory or across such unplatted territory.

After such map has been prepared and a hearing on it has been held as provided the council may adopt it or any part of it. Before such adoption by the council, a public hearing shall be held upon the proposal at least ten days after a notice thereof has been published in a newspaper in the city. After such map has been adopted by the council and filed with the county recorder, whenever any existing street or highway is widened or improved, or any new street is opened, or lands for other public purpose are acquired by action of the city it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit after the filing of such a map within the limits of the mapped street, or outside of any building line that may have been established upon the existing street, or within any area thus reserved for public purposes.

Section 415:45. PLATS. Every proposed plat of land within the city shall be submitted to the city council before being filed and no plat of land shall be filed unless and until the same shall first have been approved by the city council.

Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use of any plat before such plat has been approved by the city council in accordance with the provisions of this section shall be guilty of a misdemeanor. The council shall act upon all plats of land within the city following a public hearing and in accordance with chapter 505 of Minnesota Statutes.

Section 415:50. PROCEDURE FOR CHANGES. No change shall be made in the zoning plan, future street and public lands plan, or regulations governing the platting of land after such plans or regulations until a public hearing has been held thereon by the council.

Section 415:55. LIST OF RECOMMENDED PUBLIC WORKS. Each officer, department, board or commission of or in the city whose function include recommending, preparing plans for, or constructing public works shall, at least three months before the end of each fiscal year, submit to the council a list of the proposed public works recommended by such officer, department, board of commission for planning, initiation, or construction during the ensuing fiscal year.

Section 420. REGULATION OF THE USE OF LAND, THE LOCATION AND THE USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF LORETTO, MINNESOTA.

Section 420:00. DEFINITIONS. For the purpose of this section certain terms used herein are defined as follows:

APARTMENT: A room or suite of rooms which is designed for, intended for or occupied by one family and equipped with cooking facilities.

AUTOMOBILE CAMP: Land or premises used or intended for occupancy by campers traveling by automobile or otherwise, or for occupancy by trailers or movable dwellings, rooms or sleeping quarters of any kind.

AUTOMOBILE COURT: A group of two or more detached or semi-detached buildings containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which is designed, intended or used primarily for the accommodation of automobile travelers; including groups designated as auto cabins, motor lodges, and by similar designations.

AUTOMOBILE WRECKING: See junk yards.

BLOCK: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets and railroad right of way or unsubdivided acreage.

BUILDING ACCESSORY: A subordinate building, the use of which is incidental to that of a main building on the same lot.

BUILDING MAIN: A building in which is conducted the principal use of the lot upon which it is situated.

COURT: An open, unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

DRIVEWAY: A paved or otherwise clearly delineated area providing vehicular access between a street and off-street parking or loading area. *(Added, Ord. 2004-04)*

DWELLING: A building or portion thereof used exclusively for residence occupancy, including one-family, two-family, and multiple dwellings but not including hotels, or lodging or boarding houses.

DWELLING, ONE-FAMILY: A building used exclusively for occupancy by one family.

DWELLING, TWO-FAMILY: A building used exclusively for occupancy by two families living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof used for occupancy by three or more families living independently of each other.

DWELLING UNIT: A dwelling or portion of a dwelling or of an apartment hotel used by one family for cooking, living or sleeping.

ENCROACHMENT: A structure located within a required setback. (*Added, Ord. 2005-10*)

FAMILY: One or more persons occupying a premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family includes necessary servants.

GARAGE, PRIVATE: An accessory building for only the storage of self-propelled vehicles.

GARAGE, PUBLIC: Any premises, except those herein defined as a private or storage garage, used for the storage or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

HEIGHT OF BUILDING: The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the main height between eaves and ridge for gable, hip, and gambrel roofs.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling by the occupants only, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, hospitals, barber shops, beauty parlors, and animal hospitals are not home occupations.

HOTEL: Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in an individual room or apartment.

INTERIM USE: A temporary use of property until a particular date or until the occurrence of a particular event as stated in the interim use permit, or until zoning regulations no longer permit it. *(Added, Ord. 2011-01)*

INTERIM USE PERMIT (IUP): A permit issued by the city council in accordance with procedures specified in this chapter. *(Added, Ord. 2011-01)*

JUNK YARD: Land or buildings used for the storage or keeping of junk, including scrap metals, or for the dismantling or “wrecking” of automobiles or other vehicles or machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this section for a building site in the district in which such lot is situated, and having its principal frontage on a street.

LOT, CORNER: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT, KEY: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

MANUFACTURING, LIGHT: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and manufacturing. *(Added, Ord. No. 2017-01)*

NONCONFORMITY: Any use, occupancy, building or structure lawfully in existence on the effective date of this section and not conforming to the regulations for the district in which it is situated, except that such a use is not non-conforming if it would be authorized under conditional use permit where located. *(Amended, Ord. 2005-03)*

SETBACK: The minimum distance away from a front, side, or rear property line where buildings or other improvements may be constructed. (*Added, Ord. 2005-10*)

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY-HALF: That portion of a building under a gable, hip or gambrel roof the wall plates of which, on at least two opposite exterior walls, are not more than two feet above the floor of such story.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

USE: The purpose of which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use.

VARIANCE: A modification or variation of the provisions of this Zoning Ordinance as applied to a specific property and granted pursuant to the standards and procedures of this Section, except that a variance shall not be used for modification of the allowable uses within a district and shall not allow uses that are prohibited. (*Added, Ord. 2016-01*)

YARD: An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in section 420:45 of this chapter. In measuring a yard, the line of a building means a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in section 420:45 of this chapter as not to be considered in measuring yard dimensions or as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line.

YARD, FRONT: The area extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building. (*Amended, Ord. 2005-10*)

YARD, REAR: The area extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. (*Amended, Ord. 2005-10*)

YARD, SIDE: The area between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard. (*Amended, Ord. 2005-10*)

Section 420:05. ESTABLISHMENT OF DISTRICTS. For the purpose of this Chapter the City of Loretto is divided into use districts as shown on the accompanying map entitled “Zoning Map of Loretto, Minnesota,” which is hereby made a part of this chapter as follows: *(Amended, Ord. 98-10, Ord. 2003-04, Ord. 2012-02)*

- R-1 RESIDENTIAL
- R-2 MULTIPLE DWELLING
- A AGRICULTURAL
- GC GENERAL COMMERCIAL
- TC TRADITIONAL COMMERCIAL
- I LIGHT INDUSTRIAL
- P PUBLIC
- PUD PLANNED UNIT DEVELOPMENT

Any land annexed to the city in the future shall be placed in the residential district until placed in another district by action of the city council.

Section 420:10. PROHIBITIONS IN DISTRICTS. Except as provided in section 420:45 in each district land and structures shall be used only for the purposes listed by this chapter as permitted in the district. In each district every building hereafter erected or structurally altered shall be provided with the yards specified, shall be on a lot of the area and width specified, and shall not exceed the height specified in this chapter for the district. No open space or lot required for a building shall during its existence be occupied by, or counted as open space for another building.

Section 420:15. REGULATIONS FOR “R-1” RESIDENTIAL DISTRICTS.

Subdivision 1. Permitted Uses. The following uses are permitted in the R-1 Residential District: *(Amended, Ord. No. 2005-10)*

- (a) One family dwelling and their accessory buildings. *(Amended, Ord. No. 2005-10)*
- (b) *(Amended, 1/27/87; Deleted, Ord. 2005-10)*
- (c) Public parks and playgrounds; *(Amended, Ord. 2005-10)*
- (d) Churches, schools, memorial buildings, including name plates and bulletin boards placed in back of the prescribed set back lines. *(Amended, Ord. 2005-10)*
- (e) Home occupations.
- (f) Manufactured homes built in conformance with Minnesota Statutes, sections 327.31 to 327.35. *(Added, 1/27/87)*
- (g) Governmental buildings or facilities. *(Added, Ord. 7/7/98)*

Subd. 2. Conditional Uses. The following are conditional uses in the R-1 Residential District and require securing a conditional use permit. Each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in section 420:70 of this chapter in addition to any criteria cited below. *(Added, Ord. 2005-10)*

- (a) Oversized detached garages and accessory buildings not meeting the standards in section 420:15, subdivision 7.
- (b) Two family dwellings.
- (c) Libraries and museums.

Subd. 3. Height Regulations. In the R-1 Residential District no building shall hereafter be erected or structurally altered to exceed 35 feet or 2-1/2 stories in height. *(Amended, Ord. 2005-10)*

Subd. 4. Area Regulations. In the R-1 Residential District, every building designed for the housing of one or two families, together with its accessory buildings, shall be located on a building site in one ownership having an area of not less than 11,250 square feet; except that the following parcels may be used as building sites for dwellings if all other regulations for the district required by this chapter are complied with: *(Amended, Ord. 2005-10)*

- (a) Any parcel under one ownership at the time of the adoption of this chapter when the owner thereof owns no adjoining land.

Subd. 5. Setback Requirements. The following table depicts the required setbacks in the R-1 Residential District for principal structures, detached garages, and accessory structures: *(Added, Ord. 2005-10)*

<u>Type of Building</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Principal Structure¹	35 feet	15 feet	20% of depth of lot up to a maximum of 25 feet
Detached Garage	35 feet	5 feet ²	5 feet ²
Accessory Building	35 feet	5 feet ²	5 feet ²

¹ For homes built prior to 1987 the required front setback is 20 feet, the required side setback is 10 feet, and the required rear setback is 15 feet.

² If the side lot line or rear lot line abuts a street the required setback is 15 feet.

Subd. 6. Permitted Encroachments. The following are permitted encroachments in the R-1 Residential District: *(Added, Ord. 2005-10)*

- (a) Cornices, canopies, or eaves may extend into the required front, side, and rear setbacks a distance not exceeding two feet, six inches.
- (b) Fire escapes may extend into the required front, side, and rear setbacks a distance not exceeding four feet, six inches.
- (c) A landing place or porch may extend into the required front setback to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building.
- (d) No porch, terrace or outside stairway shall project more than three feet into any required side or rear setback and then, in the case of an outside stairway (except fire escape), only if it is unroofed and unenclosed above and below the steps.
- (e) No wall or fence more than three feet high, except a retaining wall, shall be constructed in the front yard without a conditional use permit and, in the rear or side yard, no wall or fence more than six feet high shall be constructed without a conditional use permit. The better face of any fence must face the adjacent property or street (if on a corner lot).
- (f) On all corner lots, no structures or plantings above three feet in height shall be permitted within a traffic visibility triangle defined as follows: beginning at the intersection of the projected curb lines of two intersecting streets, extending along each of the curb lines a distance of 15 feet and the third side extending diagonally between the latter two endpoints.

Subd. 7. Detached Garages and Accessory Buildings. Up to one detached garage and one other detached accessory building shall be permitted on any lot in the R-1 Residential District. Such structures shall meet the following requirements: *(Added, Ord. 2005-10)*

Height: Detached garage – 22 feet, not to exceed one story; other accessory building – 15 feet, not to exceed one story.

Garage door height: 8 feet.

Lot coverage: Not to exceed 30 percent of any rear and side yard.

Setbacks: See section 420:15, subdivision 5 (above).

Subd. 8. Parking Requirements. All off-street parking shall be located on the same lot as the principal use it is intended to serve. All driveways shall be surfaced with asphalt, concrete, pavers, or other material approved by the city planner. The number of required parking stalls, etc., shall be consistent with the requirements in section 420:50. Driveway surface/pavement must be setback at least three feet from side and rear lot lines. Driveway surface/pavement is not allowed within an established drainage or utility easement unless allowed by the city engineer. *(Amended, Ord. 2004-04; Ord. 2005-10)*

Subd. 9. Additional Requirements. *(Added, 1/27/87; Amended, Ord. 2004-04; Ord. 2005-10)*

- (a) All dwellings, including manufactured homes, shall have a depth of at least 20 feet for at least 50 percent of their width and a width of at least 20 feet for at least 50 percent of their depth.
- (b) All dwellings shall have a permanent foundation in conformance with the state building code.

Section 420:20. REGULATIONS FOR “R-2” MULTIPLE DWELLING DISTRICT.

Subdivision 1. Permitted Uses. The following uses are permitted in the R-2 Multiple Dwelling District: *(Amended, Ord. 2005-10)*

- (a) All uses permitted in the R-1 Residential District. *(Amended, Ord. 2005-10)*
- (b) All apartments, flats and hotels; but no business shall be conducted therein unless it is incidental and only for guests and such businesses which occupy no more than ten percent of the building floor area and can be entered only from the inside of the building.
- (c) Clubs, lodges, fraternity and sorority houses without services to the public customarily carried on as a business.
- (d) Boarding and lodging houses.
- (e) Two family dwellings. *(Amended, Ord. 2005-10)*

Subd. 2. Conditional Uses. The following are conditional uses in the R-2 Multiple Dwelling District and require securing a conditional use permit. Each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in section 420:70 of this chapter in addition to any criteria cited below. *(Added, Ord. 2005-10)*

- (a) Oversized detached garages and accessory buildings not meeting the standards in 420:20, subdivision 7.

Subd. 3. Height Regulations. In the R-2 Multiple Dwelling District no building shall hereafter be erected or structurally altered to exceed two stories in height. *(Amended, Ord. 2005-10)*

Subd. 4. Area Regulations. In the R-2 Multiple Dwelling District every building designed for the housing of one or two families together with its accessory buildings, shall be located on a building site in one ownership having an area of not less than 11,250 square feet. Every building designed for more than two families shall be located on a building site in one ownership having not less than 11,250 square feet for the first two dwelling units on site and an additional 500 square feet for each additional dwelling unit on site. *(Amended, Ord. 2005-10)*

Subd. 5. Setback Requirements. The following table depicts the required setbacks for the R-2 Multiple Dwelling District for principal structures, detached garages, and accessory structures: *(Added, Ord. 2005-10)*

<u>Type of Building</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Principal Structure	35 feet	35 feet	20% of depth of lot up to a maximum of 25 feet
Detached Garage	35 feet	5 feet ¹	5 feet ¹
Accessory Building	35 feet	5 feet ¹	5 feet ¹

¹ If the side lot line or rear lot line abuts a street the required setback is 15 feet.

Subd. 6. Permitted Encroachments. The following are permitted encroachments in the R-2 Multiple Dwelling District: *(Added, Ord. 2005-10)*

- (a) Cornices, canopies, or eaves may extend into the required front, side, and rear setbacks a distance not exceeding two feet, six inches.
- (b) Fire escapes may extend into the required front, side, and rear setbacks a distance not exceeding four feet, six inches.
- (c) A landing place or porch may extend into the required front setback to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building.
- (d) No porch, terrace or outside stairway shall project more than three feet into any required side or rear setback and then, in the case of an outside stairway (except fire escape), only if it is unroofed and unenclosed above and below the steps.
- (e) No wall or fence more than three feet high, except a retaining wall, shall be constructed in the front yard without a conditional use permit and, in the rear or side yard, no wall or fence more than six feet high shall be constructed without a conditional use permit. The better face of any fence must face the adjacent property or street (if on a corner lot).
- (f) On all corner lots, no structures or plantings above three feet in height shall be permitted within a traffic visibility triangle defined as follows: beginning at the intersection of the projected curb lines of two intersecting streets, extending along each of the curb lines a distance of 15 feet and the third side extending diagonally between the latter two endpoints.

Subd. 7. Detached Garages and Accessory Buildings. Up to one detached garage and one other detached accessory building shall be permitted on any lot in the R-2 Multiple Dwelling District. Such structures shall meet the following requirements: *(Added, Ord. 2005-10)*

Height: Detached garage – 22 feet, not to exceed one story; other accessory building – 15 feet, not to exceed one story.

Garage door height: eight feet.

Lot coverage: Not to exceed 30 percent of any rear and side yard.

Setbacks: See section 420:20, subdivision 5 (above).

Subd. 8. Parking Requirements. All off-street parking shall be located on the same lot as the principal use it is intended to serve. All driveways shall be surfaced with asphalt, concrete, pavers, or other material approved by the city planner. Driveway surface/pavement must be setback at least three feet from side and rear lot lines. Driveway surface/pavement is not allowed within an established drainage or utility easement unless allowed by the city engineer. The number of required parking stalls, setbacks, etc., shall be consistent with the requirements in section 420:50. *(Amended, Ord. 2004-04; Ord. 2005-10)*

Section 420:25. REGULATIONS FOR “TC” TRADITIONAL COMMERCIAL DISTRICT.

(Added, Ord. 2002-02)

Subdivision 1. Purpose. The purpose of the Traditional Commercial district is to provide for a variety of retail, service, office and residential uses within the framework of the traditional downtown commercial core of the city.

Subd. 2. Permitted Uses. The following uses are permitted in the Traditional Commercial district:

- (a) Bakery, delicatessens, and other specialty food stores such as: bagel shops, coffee shops, ice cream shops, and other similar;
- (b) Bars or taverns;
- (c) Government buildings or facilities, including city government offices, post office, library;
- (d) Liquor stores (off-sale);
- (e) Professional offices, including doctor, dentist, lawyer, real estate, and other similar;
- (f) Restaurants - sit-down restaurants with or without liquor licenses;
- (g) Retail stores;
- (h) Services, such as barber/beauty shops, clothing and shoe repair, photo-copy service and supplies, tanning salons, and other similar;
- (i) Parks and plazas;
- (j) Public utilities and railroads;
- (k) Other uses deemed acceptable by the city council.

Subd. 3. Accessory Uses. The following uses are allowed as accessory uses in the Traditional Commercial district provided they are subordinate to and associated with a primary permitted use:

- (a) Off-street parking, subject to the requirements in section 420:50;
- (b) Outdoor sales and display, provided:
 - (1) Items displayed consist solely of products sold or associated with the principal use;
 - (2) Sales and display area is located adjacent to the principal structure and primary building entrance and does not occupy more than 40 square feet;
 - (3) Sales and display area does not block any public sidewalks or otherwise hinder pedestrian movement;
 - (4) Items shall only be displayed during regular business hours of the principal use.
- (c) Outdoor seating and service of food and alcoholic beverages, provided:
 - (1) The outdoor seating area is screened from any adjacent residential use by landscaping, a wall or fence.
 - (2) No speakers or other electronic devices, which emit sound are permitted outside of the principal structure if the use is located within 500 feet of a residential use.
 - (3) Additional parking shall not be required if the outdoor seating area does not exceed ten percent of the gross floor area of the restaurant/bar. Parking will be required at the same rate as the principal use for that portion of the outdoor seating area that exceeds ten percent of the gross floor area of the restaurant/bar.
 - (4) Access to and from the outdoor area shall be through the indoor seating area.

- (d) Storage, assembly or service related to a permitted use and occupying no more than 25 percent of the gross floor area of the principal structure;
- (e) Trash enclosure, provided:
 - (1) Exterior wall treatment of the enclosure is similar or complements that of the principal building.
 - (2) The enclosure has gates or doors that provide 90 percent solid screening.
 - (3) The enclosure is located in the rear or side yard and complies with required building setbacks.
 - (4) The enclosure is of sufficient size to enclose all trash and recycling containers and be not less than six feet or more than ten feet in height.
- (f) Detached garages and accessory buildings, provided: *(Amended, Ord. 2005-10)*
 - (1) Building materials complement the principal structure. *(Added, Ord. 2005-10)*
 - (2) Buildings meet the setbacks listed in section 420:50, subdivision 3(b). *(Added, Ord. 2005-10)*
 - (3) Height of building does not exceed 22 feet. *(Added, Ord. 2005-10)*
 - (4) Maximum lot coverage is 30 percent of rear and side yard. *(Added, Ord. No. 2005-10)*
- (g) Other uses customarily associated with, but subordinate to a permitted use. *(Added, Ord. No. 2005-10)*

Subd. 4. Conditional Uses. The following are conditional uses in the Traditional Commercial district and require securing a conditional use permit. Each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in section 420:70 of this chapter in addition to any criteria cited below. (*Amended, Ord. 2003-04*)

- (a) Any use contributing over 300 gallons per day of wastewater.
- (b) Apartments, provided:
 - (1) They are located on the first floor of a structure and they do not abut the street front of the structure; or
 - (2) In situations of corner lots or lots abutting two or more street fronts, they are located on the first floor of a structure and they do not abut any street front of the structure; or
 - (3) They are located on the second story or above of a structure;
 - (4) A minimum of 60 percent of the square footage on the first floor must be used for commercial purposes; and
 - (5) Required off-street parking shall be screened from public streets and adjacent property.
- (c) Bed and breakfast establishments, provided:
 - (1) The facility shall be owner-occupied.
 - (2) Required off-street parking shall be screened from public streets and adjacent property.
 - (3) Food service shall be limited to breakfast.
 - (4) Rented rooms shall not contain cooking facilities.
 - (5) Parking shall not be located within the front yard.

- (d) Drive-through window on any use, provided:
 - (1) Adequate vehicle stacking shall be provided on-site in order to maintain safe ingress and egress from the property and not create off-site traffic problems.
 - (2) Drive-through window shall be located to maintain safe on-site vehicular and pedestrian circulation.
 - (3) Drive-through window shall not be located on the front building facade.

- (e) Dry cleaner, provided:
 - (1) Only retail service is provided.
 - (2) Cleaning shall consist only of non-chemical treatments.

- (f) Seasonal sales, provided:
 - (1) The sales area shall maintain a minimum setback of ten feet from all property lines.
 - (2) No portion of the sales area shall be located within 100 feet of any residential use.
 - (3) The sales area shall be kept in a neat and orderly manner and the display of items shall not take up required parking spaces or landscaping areas.
 - (4) The sales area shall not interfere with any pedestrian or vehicular movement, emergency access and/or existing business activities on the property.
 - (5) All signs for the sales venue shall comply with the city's sign regulations outlined in section 435:00.
 - (6) Hours of operation shall comply with the city's regulations governing hours of operation of commercial businesses.

- (g) Storage, assembly or servicing related to a permitted use occupying more than 25 percent of the gross floor area of the principal structure, provided:
 - (1) Use occurs entirely within the primary building or enclosed structure.

Subd. 5. District Standards. In the Traditional Commercial district no structure or land may be used except in conformance with the following:

(a) **Building Setbacks:**

- (1) **Front Yard:** Buildings fronting on public streets shall meet the established building facade line (build-to line as established by the council) on the block where they are located for at least 65 percent of the length of their front facade. Small setbacks (ten to 15 feet) shall be allowed for the remaining 35 percent of the facade to emphasize entries or to create outdoor seating and gathering areas.
- (2) **Side Yard:** No minimum side setback shall be required except as follows:
 - (i) On a corner lot where the rear lot line abuts property zoned or designated for residential use, the side setback adjacent to the street shall be a minimum of ten feet and a maximum of 15 feet measured from the right-of-way.
 - (ii) Where the side lot line directly abuts property zoned or designated for residential use in the comprehensive plan or city master plan. The side setback bordering the residential lot shall be a minimum of 15 feet.
- (3) **Rear Yard:** No rear setback shall be required except where a lot abuts property zoned or designated for residential use in the comprehensive plan or city master plan. The rear yard adjacent to the residential lot shall be a minimum of 20 feet.

(4) **Permitted Encroachments:** *(Added, Ord. 2005-10)*

- (i) Cornices, canopies, or eaves may extend into the required front, side, and rear setbacks a distance not exceeding two feet, six inches.
- (ii) Fire escapes may extend into the required front, side, and rear setbacks a distance not exceeding four feet, six inches.
- (iii) A landing place or porch may extend into the required front setback to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building.
- (iv) No porch, terrace or outside stairway shall project more than three feet into any required side or rear setback and then, in the case of an outside stairway (except fire escape), only if it is unroofed and unenclosed above and below the steps.
- (v) No wall or fence more than three feet high, except a retaining wall, shall be constructed in the front yard without a conditional use permit and, in the rear or side yard, no wall or fence more than six feet high shall be constructed without a conditional use permit. The better face of any fence must face the adjacent property or street (if on a corner lot).

(b) **Building Design Standards:**

(1) **General Design Guidelines:**

The following design guidelines (i-v) are intended to provide general guidance and the city council may allow flexibility in their application, without a formal variance, if they determine that the overall intent of the guidelines is being met. All other standards in this, and following sections, may only be waived or modified upon granting of a variance by the city council.

- (i) New buildings and/or building additions should maintain a high standard of architectural and aesthetic compatibility with surrounding properties by reflecting the original design of surrounding storefront buildings in scale and character. This can be achieved by maintaining similar setbacks, building height and proportions, cornice lines, horizontal lines of windows and openings, and compatible building materials and colors.
- (ii) buildings should be oriented with the primary axis perpendicular to the primary fronting street.
- (iii) The main entrance of a building should face the primary street, with secondary entrances located on the side or rear facades.
- (iv) Windows and doors should comprise at least 60 percent of the area of any ground floor and 40 percent of second floor facade facing a public street. Windows should have a general vertical orientation.
- (v) Windows and doors should comprise at least 25 percent of any ground level side or rear facade facing a public street, parking area or open space.

- (2) **Height:** Maximum building height shall not exceed two stories or 30 feet, whichever is greater. All other buildings may be either one or two stories in height.

- (3) **Permitted Exterior Materials:** Building facade finishes shall consist of high-quality materials comparable in grade and quality to the following:
- (i) Brick;
 - (ii) Natural stone;
 - (iii) Wood, consisting of horizontal lap siding with maximum exposure of five inches or wood shakes; surfaces must be painted or stained;
 - (iv) Precast concrete units and concrete block, provided that surfaces are molded, serrated or treated with a textured material in order to give the wall surface a three-dimensional character;
 - (v) Stucco;
 - (vi) Jumbo brick may be used on up to 25 percent of any facade, provided it is used only on the lower third of the building wall;
 - (vii) Vinyl, except on facades facing a public street or sidewalk;
 - (viii) Other materials determined acceptable by the city council.

- (4) **Prohibited Materials:**
- (i) Unadorned plain or painted concrete block;
 - (ii) Plywood;
 - (iii) Pre-fabricated steel or sheet metal panels;
 - (iv) Reflective glass;
 - (v) Scored plywood or synthetic wood;
 - (vi) Tilt-up concrete panels (this was deleted from list of permitted materials);
 - (vii) Vinyl (on building facades facing a public street or sidewalk) or metal siding.
- (5) **Accent Materials:** These materials may be used on up to 15 percent of a building facade to create design accents and contrast:
- (i) Architectural metal, excluding galvanized or unfinished steel or unfinished aluminum;
 - (ii) glass block;
 - (iii) Spandrel glass;
 - (iv) EIFS (exterior insulating finish system);

- (c) **Lighting:** Lighting of buildings, parking areas and public streets in the Traditional Commercial district should comply with the following:
- (1) Pedestrian-scale light fixtures, not exceeding 13 feet in height, should be located on walkways and adjacent to store entrances. City light standards, which may exceed 18 feet, may be used on all public streets.
 - (2) Light poles shall be made of metal, with a highly durable, dark enamel painted finish.
 - (3) Building mounted light fixtures should be compatible with the architecture of the building. This includes accent lighting for illumination of signs, awnings, or graphics.
 - (4) Security and service lighting should be provided at all service areas and entries. Wherever possible, such lighting shall be controlled by a motion detector so that light is provided when and where it is needed for safety.
 - (5) All light fixtures shall be focused, directed and arranged to prevent glare or direct illumination on adjoining property.
- (d) **Signage:** Signage in the Traditional Commercial district shall be subject to the requirements in section 435:00.

- (e) **Parking Standards:** The provision of off-street parking spaces in the Traditional Commercial district shall be subject to the requirements in section 420:50 and must be approved by the city council, except as modified below:
- (1) **Spaces Required:**
 - (i) Residential uses shall provide one off-street parking space for each dwelling unit.
 - (ii) Commercial developers, business and property owners are required to determine parking demand for their property use relative to the parking rates defined in section 420:50 and demonstrate that demand can be met by providing parking on-site, using off-street parking on another property subject to a joint use agreement, using available public parking, or a combination of these. The master plan shall be referred to for guidance.
 - (2) **Parking Location:** All off-street parking must be located behind the front building façade line. All other setback and screening requirements apply.
 - (3) **Loading Areas:** Loading docks are not permitted in the Traditional Commercial district.
- (f) **Landscape Standards:** Landscaping in the Traditional Commercial district is only required in conjunction with parking lot landscaping and screening. The location of flower boxes and/or planters may not impede pedestrian or vehicular movement or visibility.

Section 420:30. “A” AGRICULTURAL DISTRICT.

Subdivision 1. Use Regulations. In the agricultural district, buildings and land may be used for farming, uses normally a part of farming operation, exclusive of major feeding of livestock, public utility facilities and accessory structures, and residential as directly related to the farming activity. Any low density residential is limited to single family homes served by public sewer and water utilities. Except as provided in subdivision 1(a) of this section, landspreading of yard waste is a prohibited use in an agricultural district. *(Amended, 3/27/90; Ord. 7/7/98)*

Subd. 1a. Landspreading of Yard Waste. *(Added, 3/27/90)*

- (a) Definitions. For purposes of this section, the following terms have the meanings given them:
- (1) “Landspreading” means applying and incorporating yard waste on agricultural land for the purpose of improving the fertility of the soil or reducing soil erosion.
 - (2) “Yard waste” means leaves, grass clippings and herbaceous plant materials but does not include brush, tree trimmings or other woody plant materials.
 - (3) “Incorporating” means plowing or disking yard waste into the soil to a depth sufficient to prevent blowing of yard waste.
 - (4) “Active land management” means conducting a program of soil testing and introduction of additives when needed to correct ph or other soil imbalances.

- (b) Landspreading permitted. Yard waste may be landspreaded on property in an agricultural district only if the yard waste was generated on that property and only under the following conditions:
- (1) Yard waste may not be stored within 300 feet, nor spread within 100 feet, of any residential building, except the dwelling occupied by the property owner.
 - (2) No yard waste may be stored within 300 feet, nor spread within 100 feet, of any body of water or any area designated as class "A" on floodplain maps prepared by the Federal Emergency Management Agency.
 - (3) The landspreading operation, including storage, spreading and incorporation, must not generate off-site nuisances of a greater amount or different type than is typically associated with the farming. Such off-site nuisances include, but are not limited to, dust, odor and wind blown debris or yard waste. The operation must be free of litter and vermin.
 - (4) The property owner must comply with all applicable regulations and requirements of agencies, organizations, or entities having jurisdiction over landspreading activities.
 - (5) Landspreading operations must be suspended or terminated if at any time it is deemed that conditions exist constituting a fire hazard or if there is a threat to surface or ground water from runoff or leachate.
 - (6) Landspreading must be accompanied by a program of active land management designed to enhance fertility and reduce soil erosion.

Subd. 2. Yard Regulations. The yard regulations of the R-1 RESIDENTIAL district are applicable. *(Amended, 3/27/90)*

Section 420:35. REGULATIONS FOR “GC” GENERAL COMMERCIAL DISTRICT.

(Added, Ord. 2002-02)

Subdivision 1. Purpose: The purpose of the General Commercial district is to provide for moderate to high intensity retail or service activities that have a city-wide and multi-community consumer market.

Subd. 2. Permitted Uses. The following uses are permitted in the General Commercial district:

- (a) All uses permitted in the “Traditional Commercial” district;
- (b) Dry cleaner, provided;
 - (1) Only retail service is provided.
 - (2) Cleaning shall consist only of non-chemical treatments.
- (c) Medical clinics and dental offices;
- (d) Professional offices;
- (e) Other retail, service or office uses deemed acceptable by the city council.

Subd. 3. Accessory Uses. The following uses are allowed as accessory uses in the General Commercial district provided they are subordinate to and associated with a primary permitted use:

- (a) All accessory uses permitted in the “Traditional Commercial” district, except outdoor sales and display shall be subject to the following conditions:
 - (1) Items displayed consist solely of products sold or associated with the principal use;
 - (2) Sales and display area does not occupy more than 60 square feet in area;
 - (3) Sales and display area/items may not block any public sidewalks or otherwise hinder pedestrian or vehicular movement;
 - (4) Sales and display area/items cannot occupy any required parking or landscape area.

- (b) Trash enclosure, provided:
 - (1) Exterior wall treatment of the enclosure is similar or complements that of the principal building.
 - (2) The enclosure has gates or doors that provide 90 percent solid screening.
 - (3) The enclosure is located in the rear or side yard and complies with required building setbacks.
 - (4) The enclosure is of sufficient size to enclose all trash and recycling containers and be not less than six feet or more than ten feet in height.

- (c) Detached garages and accessory buildings, provided: *(Added, Ord. 2005-10)*
 - (1) Building materials complement the principal structure.
 - (2) Buildings meet the setbacks listed in section 420:50, subdivision 3(b).
 - (3) Height of building does not exceed 22 feet.
 - (4) Maximum lot coverage is 30 percent of rear and side yard

Subd. 4. Conditional Uses. The following are conditional uses in the General Commercial district and require securing a conditional use permit. Each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in section 420:70 of this chapter in addition to any criteria cited below for certain conditional uses. *(Amended, Ord. 2003-04)*

- (a) Any use contributing over 300 gallons per day of wastewater.
- (b) Drive-through window on any use, provided:
 - (1) Adequate vehicle stacking shall be provided on-site in order to maintain safe ingress and egress from the property and not create off-site traffic problems.
 - (2) Drive-through window shall be located to maintain safe on-site vehicular and pedestrian circulation.
 - (3) Drive-through window shall not be located on the front building facade.

- (c) Seasonal sales, provided:
 - (1) The sales area shall maintain a minimum setback of ten feet from all property lines.
 - (2) No portion of the sales area shall be located within 100 feet of any residential use.
 - (3) The sales area shall be kept in a neat and orderly manner and the display of items shall not take up required parking spaces or landscaping areas.
 - (4) The sales area shall not interfere with any pedestrian or vehicular movement, emergency access and/or existing business activities on the property.
 - (5) All signs for the sales venue shall comply with the city's sign regulations outlined in section 435:00.
 - (6) Hours of operation shall comply with the city's regulations governing hours of operation of commercial businesses.
- (d) Storage, assembly or servicing related to a permitted use occupying more than 25 percent of the gross floor area of the principal structure, provided:
 - (1) Use occurs entirely within the primary building or enclosed structure.
- (e) Other uses deemed acceptable by the city council.
- (f) Light manufacturing, as defined in Section 420:00 of this Code, provided;
(Added Ord. No. 2017-01)
 - (1) All assembly and/or manufacturing activities shall occur within the principal building.
 - (2) No portion of the site shall be devoted to the outside storage of materials and/or equipment.
 - (3) All GC, General Commercial District standards, as provided in Section 420:35, Subd. 6 of this Code, shall be satisfied.

- (4) Off-street parking and loading areas shall be screened from abutting residential uses and public rights-of-way in accordance with Section 420:50, Subd. 5 of this Code.
- (5) Hours of business operation shall be limited, as determined necessary by the City, to minimize the effects of nuisance factors such as traffic, noise and glare upon neighboring residential uses.
- (g) Small recreational vehicle repair conducted inside a building, including snowmobiles, ATV's and motorcycles, provided: *(Added, Ord. 2018-01)*
 - (i) The hours of operation are limited to Monday through Friday 8:00 a.m. to 7:00 p.m. and Saturday 8:00 a.m. to 4:00 p.m.
 - (ii) No merchandise, vehicles, parts, or equipment shall be kept, or parked outdoors, except during the hours of operation specified in this section.

Subd. 5. Interim Uses. The following are interim uses in the General Commercial district and require securing an interim use permit. Each request for an interim use permit shall be evaluated based upon the standards and criteria set forth in section 420:70 of this chapter. *(Added, Ord. 2011-01)*

- (a) Reserved. *(Added, Ord. 2018-01)*

Subd. 6. District Standards. In the General Commercial district no structure or land may be used except in conformance with the following: *(Amended, Ord. 2011-01)*

(a) **Building Setbacks:**

- (1) **Front Yard:** 30 feet.
- (2) **Side Yard:** 20 feet, except:
 - (i) Side setbacks shall be 30 feet from any adjacent property that is zoned or designated in the comprehensive plan for residential use.
 - (ii) On a side yard abutting a public street the minimum setback shall be 30 feet.

- (3) **Rear Yard:** 20 feet, except:
- (i) Rear setback shall be 30 feet from any adjacent property that is zoned or designated for residential use in the comprehensive plan.
- (4) **Permitted Encroachments:** *(Added, Ord. 2005-10)*
- (i) Cornices, canopies, or eaves may extend into the required front, side, and rear setbacks a distance not exceeding two feet, six inches.
 - (ii) Fire escapes may extend into the required front, side, and rear setbacks a distance not exceeding four feet, six inches.
 - (iii) A landing place or porch may extend into the required front setback to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building.
 - (iv) No porch, terrace or outside stairway shall project more than three feet into any required side or rear setback and then, in the case of an outside stairway (except fire escape), only if it is unroofed and unenclosed above and below the steps.
 - (v) No wall or fence more than three feet high, except a retaining wall, shall be constructed in the front yard without a conditional use permit and, in the rear or side yard, no wall or fence more than six feet high shall be constructed without a conditional use permit. The better face of any fence must face the adjacent property or street (if on a corner lot).
 - (vi) On all corner lots, no structure or plantings above three feet in height shall be permitted within a traffic visibility triangle defined as follows: beginning at the intersection of the projected curb lines of two intersecting streets, extending along each of the curb lines a distance of 25 feet and the third side extending diagonally between the latter two endpoints.

(b) **Lot Coverage:**

- (1) Maximum lot coverage, including building footprints, parking areas, driveways, and other impervious surfaces, shall be 75 percent of the lot area.

(c) **Building Design Standards:**

- (1) **Height:** Maximum building height shall not exceed three stories or 35 feet, whichever is greater.
- (2) **Permitted Exterior Materials:** Building facade finishes shall be constructed of high-quality materials comparable in grade and quality to the following:
 - (i) Brick;
 - (ii) Glass curtain wall panels;
 - (iii) Natural stone;
 - (iv) Integrally colored split face (rock face) concrete block;
 - (v) Jumbo brick;
 - (vi) Stucco or EIFS (exterior insulating finish system);
 - (vii) Tilt-up concrete panels;
 - (viii) Wood, consisting of horizontal lap siding with maximum exposure of five inches or wood shakes; surfaces must be painted or stained;
 - (ix) Other materials determined acceptable by the city council;
 - (x) Vinyl, except on facades facing a public street or sidewalk.

- (3) **Prohibited Materials:**
 - (i) Unadorned plain or painted concrete block;
 - (ii) Plywood;
 - (iii) Pre-fabricated steel or sheet metal panels;
 - (iv) Reflective glass.
- (4) **Accent Materials:** These materials may be used on up to 15 percent of a building façade to create design accents and contrast:
 - (i) Architectural metal, excluding galvanized or unfinished steel or unfinished aluminum;
 - (ii) Glass block;
 - (iii) Spandrel glass.
- (d) **Lighting:** Lighting of buildings, parking areas and public streets in the General Commercial district shall comply with the following:
 - (1) Pedestrian scale light fixtures, not exceeding 18 feet in height should be located on walkways, adjacent to building entrances and in parking lots. City light standards, which may exceed 18 feet, shall be used on all public streets.
 - (2) Light poles shall be made of metal, with a highly durable, dark enamel painted finish.
 - (3) Security and service lighting shall be provided at all service areas and entries. Such lighting shall be controlled by a motion detector so that light is provided when and where it is needed for safety.
 - (4) All light fixtures shall be focused, directed and arranged to prevent glare or direct illumination on adjoining property.
 - (5) No flickering or flashing lights shall be permitted except for holiday and decorative lighting such as “Christmas” lights used on trees and shrubs.

- (e) **Signage:** Signage in the General Commercial district shall be subject to the requirements in section 435:00.
- (f) **Parking Standards:** The provision of off-street parking spaces and design of off-street parking areas in the General Commercial district shall be subject to the requirements in section 420:50.
- (g) **Landscape and Screening Standards:** Landscaping in the General Commercial district is required in conjunction with all new construction or major reconstruction that affects over 25 percent of the existing building. Landscaping in addition to that required for parking lot screening shall be provided as follows:

- (1) All exposed ground areas not devoted to off-street parking, drives, sidewalks, patios or other such improvements shall be landscaped with grass, shrubs, trees or other ornamental landscape materials before the date of building occupancy, unless weather conditions prohibit planting.
- (2) A minimum of three units of landscaping shall be required for each 1,000 square feet or fraction thereof, of gross building area for the first 10,000 square feet. An additional two units of landscaping shall be required for each 1,000 square feet, or fraction thereof, of gross building area over 10,000 square feet. Each of the following is considered one landscape unit:

Overstory deciduous trees	2 inch diameter measured at breast height
Ornamental trees	1 1/4 inch diameter measured at breast height
Coniferous trees	6 feet in height
Shrubs (deciduous)	18 inch in height
Shrubs (evergreen)	5 gallon potted

- (3) No landscaped area shall be used for parking of vehicles or for storage or display of materials, supplies or merchandise, unless specifically approved by the city.
- (4) All landscaping, lawns, and screening shall be maintained in a neat, healthful condition. Any dead or diseased plants shall be removed and replaced in a timely manner with plants meeting the requirements of this section. Necessary repairs and maintenance of man-made screening devices shall be made in a timely manner.
- (5) Fences and/or plantings placed upon utility easements are subject to removal by the city or utility company if required for maintenance or improvement of the utility. In such case, costs for removal and replacement shall be the responsibility of the property owner. Trees on utility easements containing overhead wires shall be the property owner's responsibility to maintain.
- (6) The city shall require submission of a landscaping letter of credit equal to 150 percent of the value of the landscaping to ensure compliance with the intent of this subdivision. The letter of credit must be submitted prior to issuance of a certificate of occupancy and shall be released after two complete growing seasons.

(Added, Ord. 2002-02)

Section 420:40. REGULATIONS FOR “I” LIGHT INDUSTRIAL DISTRICT. *(Amended, Ord. No. 2017-02)*

Subdivision 1. Purpose. The purpose of the Light Industrial district is to provide for warehousing, light industrial and manufacturing uses. Because Light Industrial areas may abut residential neighborhoods and other lower-intensity uses, light industrial uses are regulated in height, lot coverage, setbacks, landscaping, loading and use type, to facilitate compatibility between these uses and lower-intensity uses.

Subd. 2. Permitted Uses. The following uses are permitted in the Light Industrial district:

- (a) Adult establishments; *(Amended, Ord. 2003-01)*
- (b) Assembly and packaging;
- (c) Automobile, truck or boat sales;
- (d) Car;
- (e) Manufacturing and processing;
- (f) Machine and welding shops;
- (g) Mini-storage facilities;
- (h) Office/showroom and office/warehouse;
- (i) Small engine repair;
- (j) Vehicle service and repair conducted inside a building;
- (k) Vehicle towing businesses;
- (l) Warehouses;
- (m) Wholesale operations;
- (n) Public utilities and railroads;
- (o) Other light industrial uses deemed acceptable by the city council.

Subd. 3. Accessory Uses. The following uses are allowed as accessory uses in the Light Industrial district provided they are subordinate to and associated with a primary permitted use:

- (a) Outside storage of vehicles, equipment and materials, provided:
 - (1) Stored material is associated with the principal business;
 - (2) Storage area is screened from view from abutting residential property, parks and public streets;
 - (3) Storage area must be located along the side or rear of the principal building and cannot encroach into a required setback area;
 - (4) Storage area cannot take up any required parking or landscape area.
- (b) Retail or service uses not exceeding 25 percent of the gross floor area of the principal structure and provided they are associated with the principal business.
- (c) Trash enclosure, provided:
 - (1) Exterior wall treatment of the enclosure is similar or complements that of the principal building.
 - (2) The enclosure has gates or doors that provide 90 percent solid screening.
 - (3) The enclosure is located in the rear or side yard and complies with required building setbacks.
 - (4) The enclosure is of sufficient size to enclose all trash and recycling containers and be not less than six feet or more than ten feet in height.

- (d) Detached garages and accessory buildings, provided: *(Added, Ord. 2005-10)*
 - (1) Building materials complement the principal structure.
 - (2) Buildings meet the setbacks listed in section 420:50, subdivision 3(b).
 - (3) Height of building does not exceed 22 feet.
 - (4) Maximum lot coverage is 30 percent of rear and side yard.

Subd. 4. Conditional Uses: The following are conditional uses in the Light Industrial district and require securing a conditional use permit. Each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in section 420:70 of this chapter in addition to any criteria cited below for certain conditional uses. *(Amended, Ord. 2003-04; Amended, Ord. No. 2017-02)*

- (a) Any use contributing over 300 gallons per day of wastewater.
- (b) Bulk fuel storage located above ground, provided:
 - (1) Storage facilities comply with the requirements and have appropriate permits indicating compliance with all state and local regulations.
- (c) Motor fuel sales, provided:
 - (1) The minimum required building setbacks shall apply to any canopy, weather protection, pump island or building.
 - (2) Where a motor fuel sales facility abuts property zoned or designed for residential use in the comprehensive plan, a solid six-foot high fence shall be erected and maintained along the side and rear property line that abuts the residential property.

- (d) Outside storage (as a primary use) of equipment, materials or commercial vehicles (over 12,000 pounds gross vehicle weight rating), provided:
 - (1) Storage area is enclosed (e.g. fenced) as deemed necessary by the city council to achieve appropriate security and containment for public safety reasons;
 - (2) Storage area is screened from adjacent residential property and/or public streets.
- (e) Other uses deemed acceptable by the city council.

Subd. 5. District Standards: In the Light Industrial district no structure or land may be used except in conformance with the following:

- (a) **Building Setbacks:**
 - (1) **Front Yard:** 30 feet.
 - (2) **Side Yard:** 20 feet, except:
 - (i) Side setbacks shall be 30 feet from any adjacent property that is zoned or designated in the comprehensive plan for residential use.
 - (ii) On a side yard abutting a public street the minimum setback shall be 30 feet.
 - (3) **Rear Yard:** 20 feet, except:
 - (i) Rear setback shall be 30 feet from any adjacent property that is zoned or designated for residential use in the comprehensive plan.

- (4) Permitted Encroachments: *(Added, Ord. 2005-10)*
- (i) Cornices, canopies, or eaves may extend into the required front, side, and rear setbacks a distance not exceeding two feet, six inches.
 - (ii) Fire escapes may extend into the required front, side, and rear setbacks a distance not exceeding four feet, six inches.
 - (iii) A landing place or porch may extend into the required front setback to a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building.
 - (iv) No porch, terrace or outside stairway shall project more than three feet into any required side or rear setback and then, in the case of an outside stairway (except fire escape), only if it is unroofed and unenclosed above and below the steps.
 - (v) No wall or fence more than three feet high, except a retaining wall, shall be constructed in the front yard without a conditional use permit and, in the rear or side yard, no wall or fence more than six feet high shall be constructed without a conditional use permit. The better face of any fence must face the adjacent property or street (if on a corner lot).
 - (vi) On all corner lots, no structures or plantings above three feet in height shall be permitted within a traffic visibility triangle defined as follows: beginning at the intersection of the projected curb lines of two intersecting streets, extending along each of the curb lines a distance of 25 feet and the third side extending diagonally between the latter two endpoints.

(b) **Lot Coverage:**

- (1) Maximum lot coverage, including building footprints, parking areas, driveways, and other impervious surfaces, shall be 85 percent of the lot area.

(c) **Building Design Standards:**

- (1) **Height:** Maximum building height shall not exceed three stories or 35 feet, whichever is greater.
- (2) **Permitted Exterior Materials:** Building facade finishes shall be constructed of high-quality materials comparable in grade and quality to the following:
 - (i) Brick;
 - (ii) Glass curtain wall panels;
 - (iii) Natural stone;
 - (iv) Integrally colored split face (rock face) concrete block;
 - (v) Jumbo brick;
 - (vi) Pre-fabricated steel or sheet metal panels;
 - (vii) Stucco or EIFS (exterior insulating finish system);
 - (viii) Tilt-up concrete panels;
 - (ix) Unadorned plain or painted concrete block;
 - (x) Other materials determined as acceptable by the city council.

- (3) **Prohibited Materials:** Only applies to new construction, additions, and major rehabilitation or reconstruction affecting over 25 percent of the existing structure.
 - (i) Plywood;
 - (ii) Reflective glass.
- (d) **Lighting:** Lighting of buildings, parking areas and public streets in the Light Industrial district should comply with the following:
 - (1) Pedestrian scale light fixtures, not exceeding 18 feet in height should be located on walkways, adjacent to building entrances and in parking lots. City light standards shall be used on all public streets and may exceed 18 feet in height.
 - (2) Light poles shall be made of metal, with a highly durable, dark enamel painted finish.
 - (3) Security and service lighting should be provided at all service areas and entries. Such lighting shall be controlled by a motion detector so that light is provided when and where it is needed for safety.
 - (4) All light fixtures shall be focused, directed and arranged to prevent glare or direct illumination on adjoining property.
 - (5) No flickering of flashing lights shall be permitted.
- (e) **Signage:** Signage in the Light Industrial district shall be subject to the requirements in section 435:00. (*Amended, Ord. No. 2017-02*)
- (f) **Parking Standards:** The provision of off-street parking spaces and design of off-street parking areas in the Light Industrial district shall be subject to the requirements in section 420:50. (*Amended, Ord. No. 2017-02*)

(g) **Landscape and Screening Standards:** Landscaping in the Light Industrial district is required in conjunction with all new construction or major reconstruction that affects over 25 percent of the existing building. Landscaping in addition to that required for parking lot screening shall be provided as follows:

- (1) All exposed ground areas not devoted to off-street parking, drives, sidewalks, patios or other such improvements shall be landscaped with grass, shrubs, trees or other ornamental landscape materials within one year following the date of building occupancy.
- (2) All areas used for outdoor storage of vehicles, equipment, or merchandise inventory shall be screened from view from public streets or adjacent parcels with different zoning. Screening must be a minimum of four feet at the time of installation and achieve a height of six feet within three years. Screening must be 75 percent solid at the time of installation.
- (3) A minimum of three units of landscaping shall be required for each 1,000 square feet or fraction thereof, of gross building area for the first 10,000 square feet. An additional two units of landscaping shall be required for each 1,000 square feet, or fraction thereof, of gross building area over 10,000 square feet. Each of the following is considered one landscape unit:

Overstory deciduous trees	2 inch diameter measured at breast height
Ornamental trees	1 1/4 inch diameter measured at breast height
Coniferous trees	6 feet in height
Shrubs (deciduous)	18 inch in height
Shrubs (evergreen)	5 gallon potted

- (4) No landscaped area shall be used for the parking of vehicles or for the storage of display of materials, supplies or merchandise, unless specifically approved by the city.
- (5) All landscaping, lawns, and screening shall be maintained in a neat, healthful condition. Any dead or diseased plants shall be removed and replaced in a timely manner with plants meeting the requirements of this section. Necessary repairs and maintenance of man-made screening devices shall be made in a timely manner.
- (6) Fences and/or plantings placed upon utility easements are subject to removal by the city or utility company if required for maintenance or improvement of the utility. In such case, costs for removal and replacement shall be the responsibility of the property owner. Trees on utility easements containing overhead wires shall be the property owner's responsibility to maintain.
- (7) The city shall require submission of a landscaping letter of credit equal to 150 percent of the value of the landscaping to ensure compliance with the intent of this subdivision. The letter of credit must be submitted prior to issuance of a certificate of occupancy and shall be released after two complete growing seasons.

(Added, Ord. 2002-02)

Section 420:41. REGULATIONS FOR “P” PUBLIC DISTRICT.

(Added, Ord. No. 2012-02)

Subdivision 1. Purpose. The purpose of the Public District is to provide a specific zoning district for facilities devoted to serving the public. The district is unique in that the primary objective of uses within this district is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development and that they will normally be located on an arterial street or thoroughfare.

Subd. 2. Permitted Uses. The following are permitted uses in the Public District:

- (a) Governmental or public regulated utilities, buildings or structures necessary for the health, safety, and general welfare of the City.
- (b) Publicly-owned civic or cultural buildings, such as libraries, city offices, auditoriums, public administration buildings and historical developments.
- (c) Public parks, play fields, recreational uses and directly related buildings and structures as a principal use.

Subd. 3. Accessory Uses. The following are allowed as accessory uses in the Public District provided they are subordinate to and associated with a primary permitted use:

- (a) Accessory buildings and structures provided that such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- (b) Parks, playgrounds, and athletic fields accessory to a principal use.

Subd. 4. District Standards. In the Public District, no structure or land may be used except in conformance with the following:

- (a) Minimum Lot Area: Twenty thousand (20,000) square feet.
- (b) Minimum Setbacks:
 - (1) Front Yard: Thirty feet (30').
 - (2) Side Yard: Twenty feet (20'), except thirty (30) feet from abutting public streets or property zoned or guided for residential use.
 - (3) Rear Yard: Twenty feet (20'), except thirty (30) feet from abutting property zoned or guided for residential use.
- (c) Building Height: Maximum building height shall not exceed three (3) stories or thirty five (35) feet, whichever is greater.

Section 420:42. PLANNED UNIT DEVELOPMENT DISTRICT.

Subdivision 1. Purpose. The purpose of the Planned Unit Development (PUD) district is to provide a zoning district which will encourage:

- (a) flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development;
- (b) compliance with the city's affordable housing goals;
- (c) energy conservation through the use of more efficient building designs and sitings and the clustering of structures and land uses;
- (d) preservation of desirable site characteristics and open space and protection of sensitive environmental features;
- (e) efficient and effective use of land, open space and public facilities through mixing of land uses and assembly and development of land in larger parcels;
- (f) use of design standards of high quality and compatible with surrounding land uses; and
- (g) development which is consistent with the comprehensive plan.

(Added, Ord. 98-10)

Subd. 2. Allowed Uses. Within the PUD district all permitted uses and accessory uses allowed within any zoning district are permitted. Within the PUD district all uses allowed by conditional use permit within any district are allowed by conditional use permit. Uses allowed by conditional use permit must be reviewed for compliance with the conditional use permit standards specified in this code.

Subd. 3. Development Standards. Within the PUD district all development must be in compliance with the following:

- (a) Each PUD must contain a minimum area of two acres;
- (b) The use or uses allowed in a PUD must be consistent with the comprehensive plan designation for the area included within the PUD;
- (c) A residential PUD or the residential portion of a mixed use PUD may have a unit density of to ten percent greater than the density which would be permitted if the area were developed without a PUD;
- (d) Within a PUD the building setbacks from the outside boundaries of the PUD shall not be less than 30 feet. Building setbacks from internal streets shall not be less than 20 feet. All other setbacks shall be a specified in the development plan;
- (e) More than one building may be placed on a platted or recorded lot in a PUD;
- (f) The park dedication requirements of the subdivision regulations of this code shall apply to PUD's;
- (g) Property to be included within a PUD must be under unified ownership or control or subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved development plan and final site and building plan;
- (h) Signs are restricted to those permitted in the development plan;
- (i) A PUD which involves a single land use type or housing type may be permitted provided that it is otherwise consistent with the objectives of this chapter and the comprehensive plan;

- (j) The uniqueness of each PUD requires that specifications and standards for streets, utilities, public facilities and subdivisions may be subject to modification from the applicable ordinances ordinarily governing them. The city council may approve streets, utilities, public facilities and land subdivisions which are not in compliance with usual specifications or ordinance requirements if it finds that strict adherence to such standards or requirements is not required to meet the intent of this chapter or to protect the health, safety or welfare of the residents of the PUD, the surrounding area or the city as a whole; and
- (k) No building or other permits shall be issued for any work on property included within a proposed or approved PUD nor may any work occur therein unless such work is in compliance with the proposed or approved development plan.

(Added, Ord. 98-10)

Subd. 4. Application.

- (a) Consideration of an application for a rezoning to PUD and approval of a development plan is subject to the procedures outlined in section 420:42 of this code related to a zoning map amendment. An application for a development plan must contain the following:
- (1) building location, height, bulk and square footage;
 - (2) type and square footage of specific land uses;
 - (3) number of dwelling units;
 - (4) street and utility locations and sizes;
 - (5) drainage plan, including location and size of pipes and water storage areas;
 - (6) grading plan;
 - (7) generalized landscape plan;
 - (8) generalized plan for signs and lighting;
 - (9) schedule of timing and phasing of the development;
 - (10) covenants or other restrictions proposed for the regulation of the development;
 - (11) renderings or elevations of proposed buildings; and
 - (12) such other information as the city considers necessary or desirable in order to review the application.

Approval of the development plan constitutes approval of the above items and will occur in conjunction with rezoning of the property to PUD. After rezoning of the property to PUD, nothing may be constructed within the PUD site except in conformance with the approved development plan and this chapter.

- (b) Application for approval of a final site and building plan for the entire PUD or for specific parts of the PUD shall be subject to the procedures outlined below. The final site and building plan application must contain the following:
 - (1) detailed site plan showing the locations of all buildings, streets, driveways, parking areas and other improvements;
 - (2) detailed utility, street, grading and drainage plans;
 - (3) detailed building elevations and floor plans;
 - (4) detailed landscaping, sign and lighting plans; and
 - (5) such other information as the city considers necessary or desirable in order to review the application.

- (c) The final site and building plan must be in substantial compliance with the approved development plan. Substantial compliance means that:
 - (1) all buildings, parking areas and roads are in substantially the same location as previously approved;
 - (2) the number of dwelling units has not increased or decreased by more than five percent from that approved in the development plan;
 - (3) the floor area of non-residential uses has not been increased by more than five percent nor has the gross floor area of any individual building been increased by more than ten percent from that approved in the development plan;
 - (4) there has been no increase in the number of stories in any building;
 - (5) open space has not been decreased or altered to change its original design or intended use; and
 - (6) all special conditions required on the development plan have been incorporated into the final site and building plan.

- (d) Applicants may combine review of the development plan with review of the final site and building plan by submitting all information required for both stages simultaneously.
- (e) The city council shall base its actions regarding approval of a PUD on consideration of the following:
 - (1) compatibility of the proposed plan with this chapter and the goals, policies and proposals of the comprehensive plan;
 - (2) effect of the proposed plan on the neighborhood in which it is to be located;
 - (3) internal organization and adequacy of various uses and densities, circulation and parking facilities, public facilities, recreation areas, open spaces, screening and landscaping; and
 - (4) such other factors as the city council deems relevant.

The city council may attach such conditions to its actions as it determines necessary or convenient to accomplish the purposes of this chapter.

- (f) Prior to construction within any PUD, the city and developer shall execute a development agreement in a form satisfactory to the city and containing such financial guaranties of completion of all PUD improvements as the city may require.

(Added, Ord. 98-10)

Subd. 5. Term of Approval.

- (a) An approved development plan shall be valid for a period of one year following the date upon which the rezoning to PUD becomes effective. Prior to the expiration of this period, the city council may grant an extension for such period of time as it deems appropriate but not exceeding one additional year. After the expiration of such period or periods, approval of the development plan shall be void.
- (b) If application has not been made for a final site and building plan approval pursuant to the approved development plan prior to the time approval of the development plan becomes void, the city council may rezone the property to the original zoning classification at the time of the PUD application or to a zoning classification consistent with the comprehensive plan.
- (c) If construction on the property included within an approved development plan has not commenced within one year following the date on which the final site and building plan is approved, the city council may rezone the property to the original zoning classification at the time of the PUD application or to a zoning classification consistent with the comprehensive plan.

(Added, Ord. 98-10)

Subd. 6. Amendments. Major amendments to an approved development plan may be approved by the city council. The notification and public hearing procedure for such amendment is the same as for approval of the original PUD. A major amendment is any amendment which:

- (a) substantially alters the location of buildings, parking areas or roads;
- (b) increases or decreases the number of residential dwelling units by more than five percent;
- (c) increases the gross floor area of non-residential buildings by more than five percent or increases the gross floor area of any individual building by more than ten percent;
- (d) increases the number of stories of any building;
- (e) decreases the amount of open space by more than five percent or alters it in such a way as to change its original design or intended use; or
- (f) creates non-compliance with any special condition attached to the approval of the development plan.

Any other amendment shall be considered a minor amendment and may be made after review and approval by the city council, without a public hearing.

(Added, Ord. 98-10)

Section 420:45. GENERAL PROVISIONS AND EXCEPTIONS.

Subdivision 1. The regulations specified in this section shall be subject to the interpretations and exceptions specified in this section.

Subd. 2. The following accessory uses, in addition to those hereinbefore specified shall be permitted in any residential district, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district:

- (a) The renting of rooms or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling, of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this chapter, unless permitted in the district.
- (b) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the district.
- (c) Recreation, refreshment and service buildings in public parks and playgrounds.
- (d) News and refreshment stands and restaurants in connection with passenger stations.

Subd. 3. On any property adjacent to a residential district any livestock permitted by the terms of this chapter, such livestock must be kept at least a distance of forty (40) feet from such property line. Such livestock shall be kept in buildings or structures or in outside enclosures subject to the approval of the city health officer.

Subd. 4. *(Repealed, Ord. 91-2)*

Subd. 5. Nothing in this chapter prohibits the excavating of natural materials for the construction of a building permitted in the district in which the same is to be located if the building is to be constructed on the lot from which the material is excavated. No use permit shall be required for such excavating.

Subd. 6. No filling station, public garage, or gasoline distributing station shall be located within 300 feet of a school, church, hospital, or other public meeting place having a seating capacity of more than 50 people.

Subd. 7. In any district with a height limit of less than 75 feet, public and semi-public buildings, schools, and churches, hospitals and other institutions permitted in the district may be erected to a height not exceeding 75 feet. The front, rear and side yards shall be increased one foot for each one foot by which the building exceeds the height limit established for such district.

Subd. 8. Dwellings in residential districts may be increased in height not to exceed ten feet and to a total of not exceeding three stories when two side yards of a width of not less than 15 feet each are provided.

Subd. 9. Upon the securing of a special use permit as provided in section 420:70 of this chapter, any buildings may be erected to a height exceeding that hereinbefore specified for the respective district, but the total floor area of the building shall not exceed that possible for a building in the district erected within the height limit specified in this chapter for the district.

Subd. 10. Subject to any provisions of law, towers, gables, spires, penthouses, scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located, with the following qualifications:

- (a) No such exception shall cover at any level more than 15 percent in area of the lot nor have an area at the base greater than 1,600 square feet.
- (b) No tower, gable, spire, or similar structure shall be used for sleeping or eating quarters or for any commercial purpose except one incidental to the permitted uses of the main building.

Subd. 11. Where the average slope of a lot is greater than one foot rise or fall in seven feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building is increased above the limit specified for the district.

Subd. 12. *(Amended, Ord. 99-04; Deleted, Ord. 2005-10)*

Subd. 13. In any one or two family residential district where 25 percent or more of the lots in any block located in the same district, exclusive of the frontage along the side of a corner lot, has been heretofore improved with buildings of a character permitted in the district and the front yards on the lots vary in depth for the district shall be disregarded in the block and instead the front yard required on each lot in the block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of 50 feet. The same rule shall apply in any other residential district but only in case the average depth of front yards on the lots on which are located such existing buildings are less than the depth of front yards otherwise required by this chapter.

Subd. 14. In determining the depth of rear yard for any building where the rear yard opens into any alley, one-half the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard subject to the following qualifications:

- (a) The depth of any rear yard shall not be reduced to less than ten feet by the application of this exception.
- (b) If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer to the center of the alley than a distance of 15 feet.

Subd. 15. In case any accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this chapter applicable to the main building. Any accessory building, unless attached to and made a part of the main building shall not be closer than five feet to the main building, except as otherwise provided in this section.

Subd. 16. A detached accessory building not over one story and not exceeding 15 feet in height may occupy not to exceed 30 percent of the area of any rear yard. *(Amended, Ord. 2004-04)*

Subd. 17. *(Amended, Ord. 2004-04; Deleted, Ord. 2005-10)*

Subd. 18. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Loretto opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings. *(Added Ord. No. 2016-04)*

Section 420:50. Off-Street Parking and Loading Space Requirements.

Subdivision 1: Purpose. The purpose of this section is to establish standards for the design and location of off-street parking facilities and loading space requirements.

Subd. 2: General Provisions:

- (a) **Lighting:** Lighting of off-street parking and/or loading areas shall be shaded or diffused to reflect light away from adjoining property and away from passing traffic. Overall lighting levels should be consistent with the character and intensity of the surrounding area and should be the minimum necessary to achieve safety and security objectives.
- (b) **Surface Treatment:** All off-street parking and loading areas shall be paved with asphalt, bituminous, concrete or similar impervious material, except:
 - (1) In the Light Industrial district, areas used strictly for outdoor storage and/or long-term parking of vehicles or equipment may be covered in a pervious pavement such as gravel, unless deemed inappropriate by the city council. (*Amended, Ord. No. 2017-02*)
- (c) **Visibility:** No landscaping or screening used for off-street parking and loading areas shall interfere with driver or pedestrian visibility of vehicles entering or existing a property.

Subd. 3. Parking Lot Design:

(a) **Parking Stall Size:**

- (1) Standard parking stalls shall be a minimum of nine feet by 18 feet or as shown in the table below.
- (2) Compact parking stalls shall be a minimum of eight feet by 16 feet. Up to 25 percent of any off-street parking area may be dedicated to compact parking stalls provided they are clearly signed as such.
- (3) Handicapped parking stalls shall be provided at a rate of one for every 25 total parking spaces provided in the parking lot. Regular accessible stalls shall be a minimum of 13 feet wide (includes five-foot striped embarking area) and 18-feet long and van-accessible stalls shall be 16 feet wide (includes eight foot striped embarking area) and 18-feet long.
- (4) Minimum drive aisle width for two-way circulation shall be 18 feet; and for one-way circulation shall be 14 feet, unless approved by the city council.

Minimum Parking Stall and Drive Aisle Dimensions

Dimension	90 degree	45 degree	60 degree	Parallel
Stall width	9	8.5	8.5	8.5
Stall length	18	22	20	22
Aisle width*	18 (two-way)	14 (one-way)	16 (one-way)	NA

* City council may approve narrower drive aisle width on a case specific basis.

(b) **Parking Area, Driveway, Attached Garage, Detached Garage, Accessory Building, and Loading Area Setbacks:** *(Amended, Ord. 2004-04; Ord. 2005-10)*

The following table depicts the required setbacks for off-street parking areas, driveways, attached garages, detached garages, accessory buildings, and loading area setbacks for the TC, C, I, and PUD districts (see 420:15 for R-1 requirements and 420:20 for R-2 requirements). *(Amended, Ord. 2005-10)*

Zoning District	Front or Street	Side	Side adj. to residential	Rear	Rear adj. to residential
TC	5 feet	5 feet (0 feet if shared lot)	5 feet	5 feet	5 feet
C	15	5	15	5	10
I	15	5	15	5	15
PUD	As approved	As approved	As approved	As approved	As approved

(Amended, Ord. 2005-10)

Subd. 4. Required Number of Parking Spaces. Except as otherwise allowed in Section 420.50, Subdivision 4A, the following minimum number of off-street parking spaces shall be provided and maintained:

- (a) Auditorium or church – One per four permanent seats based on the design capacity of the main assembly hall.
- (b) Automobile or motor vehicle service – Four spaces, plus two per service stall.
- (c) Bank – One per 250 square feet gross floor area (GFA) plus four stacking spaces per drive through window.
- (d) Bar – One per 80 square feet bar area, excluding kitchen and storage areas.
- (e) Beauty/barber shop – One and one-half per service chair.
- (f) Bed and breakfast facility – One per sleeping unit, plus two required for residents/business operators.
- (g) Manufacturing, processing or assembly – One per 350 square feet GFA devoted to manufacturing, plus one per 250 square feet GFA used for office.

- (h) Medical, chiropractic, or dental offices or clinics – One per 250 square feet GFA.
- (i) Office (other than medical or banks) – One per 250 square feet of net leasable floor area.
- (j) Residential (single family and two family) – Two per dwelling unit, one must be enclosed.
- (k) Residential (multi-family) – Two per dwelling unit, except in Traditional Commercial district where one per dwelling unit.
- (l) Residential (assisted living facility) – One per unit, unless proof showing that residents will not own cars.
- (m) Restaurant – One per 80 square feet dining and/or bar area, excluding kitchen and storage areas.
- (n) Retail stores – One per 250 square feet of net leasable area.
- (o) Warehousing or storage – One per 1000 square feet GFA.
- (p) Other uses, not specified, shall provide off-street parking as deemed appropriate by the city council. (*Amended Ord. 2016-2*)

Subd. 4A. Parking Supply Reduction. Within the City's TC, Traditional Commercial District, a twenty-five (25) percent reduction in the off-street parking supply requirements of Section 420.50, Subdivision 4 may be allowed provided the following conditions are satisfied:

- (a) A City-owned, off-street parking facility is located within five hundred (500) feet of the subject property.
- (b) The off-street, City-owned parking facility has surplus parking capacity and is available for use.
- (c) The use is permitted within the TC, Traditional Commercial District. (*Added Ord. 16-02*)

Subd. 5. Screening and Landscaping. All off-street parking areas having five or more stalls that front on a public street or sidewalk and/or abut a residential district shall provide:

- (a) Landscaping and screening within the required setback area (see table above). In some cases a wider area may be required to avoid placing landscaping or screening in a required drainage, utility or other easement.
- (b) Screening may consist of either a masonry wall, fence, berm, hedge or combination of these that forms a visual screen with a minimum height of 24 inches and is not less than 50 percent solid at the time of installation. Where adjacent to a residential use, screening shall be at least 75 percent solid at the time of installation. Fences shall also meet the requirements of the zoning district in which they are located.
- (c) One overstory tree shall be provided for each 25 linear feet of parking lot frontage on a public street or adjacent to a residential use.
- (d) In the “C” and “T” zoning districts, the interior of parking lots containing 20 or more spaces shall contain landscaped areas including a minimum of one deciduous shade tree per ten parking spaces. Each tree shall be located in a landscaped area with a width of five feet and a length equal to the length of one parking stall.
- (e) Plant materials used for landscaping or screening shall meet the following minimum size requirements, unless otherwise specified:

Overstory deciduous trees	2 inch diameter measured at breast height
Ornamental trees	1 1/4 inch diameter measured at breast height
Coniferous trees	6 feet in height
Shrubs (deciduous)	18 inch in height
Shrubs (evergreen)	5 gallon potted

- (f) All landscaping and screening shall be maintained in a neat, healthful condition. Any dead or diseased plants shall be removed and replaced in a timely manner with plants meeting the requirements of this section. Necessary repairs and maintenance of man-made screening devices shall be made in a timely manner.
- (g) Screening requirements may be waived or modified by the city council where the intent of screening is achieved by a significant change in elevation, existing screening, existing or proposed buildings, significant distance or spatial separation, or similar circumstances.
- (h) The city shall require submission of a landscaping letter of credit equal to 150 percent of the value of the landscaping to ensure compliance with the intent of this subdivision. The letter of credit must be submitted prior to issuance of a certificate of occupancy and will be released one year from completion of planting.

Subd. 6. Off-Site and Shared Parking. In situations where required off-street parking cannot be provided on the subject property, the city council may approve off-street parking on another property provided it is located within 300 feet of the property containing the principal use. The city council may also approve a shared parking arrangement provided:

- (a) **Conflict in Hours:** The applicant demonstrates to the satisfaction of the city council that there is no substantial conflict in principal operating hours for the two buildings or uses for which joint parking is proposed; and
- (b) **Written Consent and Agreement:** A legally binding agreement is executed by the parties concerned for joint use of parking and shall be filed with the city clerk and may be recorded with the Hennepin County Recorder or Registrar of Titles within 60 days after the city approves the joint parking use.

Subd. 7. Loading Space Requirements. All buildings used or designed for commercial or industrial purposes located in the “C” or “I” zoning districts shall provide space for loading or service/delivery vehicles on the same lot subject to the following:

- (a) One loading space shall be provided for each building.
- (b) Each loading space shall be a minimum of ten feet wide by 40 feet long.
- (c) Loading areas shall not be allowed on the side of a building fronting on a public street.
- (d) Where such space is located wholly or in part outside of a building, it shall conform to the setback requirements for the principal building and shall be fully screened from any adjacent public property or residential land uses. Screening shall consist of plantings, fences, or walls that provide a solid visual barrier at least five-feet in height at the time of installation. In addition, all other requirements of subdivision 5 shall apply.
- (e) Where approach ramps are sloped so as to necessitate clearance in addition to that herein specified, the clearance shall be adequate to allow the free passage of a semi-trailer 12 feet, six inches in height and with a wheel base of 21 feet.

(Added, Ord. 2002-02)

Section 420:55. NONCONFORMITIES.

Subdivision 1. Any nonconformity may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless: *(Amended, Ord. 96-1; Ord. 2005-03)*

- (a) Changed to another non-conforming use or other nonconformity; *(Amended, Ord. 2005-03)*
- (b) The nonconformity is discontinued for a period of more than one year; *(Amended, Ord. 2005-03)*
- (c) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the city may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property; *(Amended, Ord. 96-1; Ord. 2005-03)*
- (d) The estimated cost of the expansion does not exceed 50% of the assessed value of the property (per the county assessor) at the time of the expansion. *(Amended, Ord. 96-1; Ord. 2005-03)*

Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. *(Added, Ord. 2005-03)*

Section 420:60. ADJUSTMENTS AND APPEALS.

Subdivision 1. A Board of Adjustments and Appeals is Established. The city council shall serve as the board of adjustments and appeals.

Subd. 2. The board of adjustments and appeals shall have the following powers:

- (a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the city building official, or any other official in the interpretation or enforcement of this code; and
- (b) To hear and decide requests for variances from the literal provisions of this code.

Subd. 3. The board shall consider all matters before it at a public meeting upon such notice as is required by statute or this ordinance. The board shall make its decision within a reasonable time and shall serve a copy of its order upon the appellant or petitioner by mail. The board may establish procedures for the conduct of proceedings before it. The board shall provide for a record of its proceedings which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it, including the final order.

(Added, Ord. 2002-02)

Section 420:61. VARIANCES.

Subdivision 1.

- (a) Purpose: The purpose of a variance is to provide for deviations from the literal provisions of the Zoning Ordinance in instances where their strict enforcement would cause "practical difficulties" because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the Zoning Ordinance and Comprehensive Plan.

- (b) Practical Difficulties
 - 1. Definition: "Practical difficulties," as used in connection with the granting of a variance, means that:
 - a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance; and
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - c. The variance, if granted, will not alter the essential character of the locality.

 - 2. Economic Considerations. Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

- (c) Criteria: The City Council shall not approve any variance request unless it finds that failure to grant the variance will result in practical difficulties and that the following criteria have been met:
 - 1. The variance would be consistent with the Comprehensive Plan.
 - 2. The variance would be in harmony with the general purpose and intent of the Zoning Ordinance.
 - 3. The purpose of the variance is not based exclusively upon economic considerations.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
5. The granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.
6. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
7. The proposed variance does not involve a use that is not allowed within the respective zoning district. (*Amended Ord. 16-01*)

Subd. 2. The person applying for a variance must fill out and submit to the city clerk a variance application form and pay the required fee as established by council resolution. A site plan must be attached at a scale large enough for clarity showing the following information:

- (a) Location and dimensions of lot lines, buildings, driveways, and off-street parking spaces;
- (b) Distances between buildings and front, side, and rear lot lines; principal buildings and accessory buildings; and principal buildings on adjacent lots;
- (c) Location of any signs, easements, underground utilities, septic tanks, tile fields, water wells, and similar features; and
- (d) A survey, or other information, as may be reasonably required at the request of the city.

Subd. 3. After a complete formal application is received, a date shall be set for a public hearing before the city council. Notice of the time, place and purpose of the hearing shall be published once in the official newspaper and sent by mail to all the owners of property located within 350 feet of the outer boundaries of the land to which the variance will be applicable, at least ten days prior to the public hearing. The city council shall make a decision within 60 days after receipt of a completed application, unless written notice of an extension is provided to the applicant, or the applicant agrees to the extension.

Subd. 4. Any variance granted by the council is valid for one year and must be used within such period of time. After such period, the variance is null and void and is no effect unless the council grants an extension upon the request of the variance holder prior to the expiration of the year.

Subd. 5. The city council may impose such other conditions on any variance that it considers reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of the zoning code and comprehensive plan.

(Added, Ord. 2002-02)

Section 420:65. GROUP HOUSING PROJECTS. When a housing project consisting of a group of two or more buildings is to be constructed on a plot of land of at least three acres and the land is not to be subdivided into the customary streets and lots of the existing or contemplated street and lot layout make it impracticable to apply the requirements of this chapter to the individual buildings in the housing project the council, upon a public hearing, shall apply the requirements of this chapter to the housing project in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by this chapter in the district in which the project is to be located. In no case shall the council authorize a non-residential use or a building height prohibited in the district.

Section 420:70. CONDITIONAL USE PERMITS.

Subdivision 1. The Loretto city council may grant a conditional use permit “CUP”) if it finds that all of the following conditions have been met:

- (a) The proposed use is consistent with the goals, policies and objectives of the city’s comprehensive plan;
- (b) The proposed use is consistent with the purposes of the zoning code and zoning district in which the applicant intends to locate the proposed use;
- (c) Will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed public improvements;
- (d) The use will not have undue adverse impacts on the public health, safety, or welfare;
- (e) The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.

Subd. 2. If the city council grants a conditional use permit, the city council may impose such other conditions that it considers necessary to protect the health, safety and welfare, in addition to those standards and requirements expressly specified in this code.

Subd. 3. The applicant applying for a CUP shall complete and submit to the city clerk an application form supplied by the city for such purpose. A site plan must be attached at a scale large enough for clarity showing the following information:

- (a) Location and dimensions of lot lines, buildings, driveways, and off-street parking spaces;
- (b) Distances between buildings and front, side, and rear lot lines; principal buildings and accessory buildings; and principal buildings on adjacent lots;
- (c) Location of any signs, easements, underground utilities, septic tanks, tile fields, water wells, and similar features; and
- (d) Any additional information as may be reasonably required by the city, including, but not necessarily limited to landscape and screening plans, sanitary sewer and water plans, grading and drainage plans, a survey.

Subd. 4. After receipt of the completed application, a date shall be set for a public hearing. Notice of the time, place and purpose of the hearing shall be published once in the official newspaper and sent by mail to all the owners of property located within 350 feet of the outer boundaries of the land to which the CUP will be applicable, at least ten days prior to the public hearing. The city council shall make a decision within 60 days after receipt of a completed application, unless written notice of an extension is provided to the applicant, or the applicant agrees to the extension.

Subd. 5. A CUP shall expire one year after it has been issued unless the use for which the permit was granted has commenced within the one year period, or the council grants an extension of the expiration period upon written request of the holder of the CUP. A CUP shall remain in effect for so long as the conditions regulating it are observed, unless specifically stated otherwise. A CUP shall expire if normal operation of the use has been discontinued for 12 or more months. Time shall be calculated as beginning on the day following the last day in which the use was in normal operation and shall run continuously thereafter.

Subd. 6. The council may review conditional use permits periodically and may revoke a permit upon violation of any of the conditions set forth in the permit. Prior to revocation, the council shall hold a hearing to consider revocation of the CUP. The date of the hearing shall be as soon as is reasonably convenient. Upon scheduling the hearing, the holder of the CUP shall be provided with written notice of the apparent violation and hearing date. In lieu of revocation, the council may impose such other and further conditions it considers necessary to insure compliance with the CUP. In addition to the remedies set forth in this subdivision, the city may exercise in conjunction with, or separately, any and all other remedies and actions available to the city by its code, or other applicable laws and regulations.

(Added, Ord. 2002-02)

Section 420:71. INTERIM USE PERMITS. *(Added, Ord. 2011-01)*

Subdivision 1. Purpose. The purpose of allowing interim uses is to allow a temporary use of property until a particular date or until the occurrence of a particular event as stated in the interim use permit, or until zoning regulations no longer permit it.

Subd. 2. Procedure. An application for an interim use permit shall follow the application requirements and be processed according to the procedures for a conditional use permit as established in section 420:70, subdivision 3 and 4.

Subd. 3. General Requirements. The evaluation of any proposed interim use permit request shall be subject to and include the following:

- (a) The review conditions of a conditional use permit as established in section 420:70, subdivision 1 of this chapter shall be satisfied.
- (b) The use shall be listed as an allowed interim use in the respective zoning district.
- (c) The use shall conform to the applicable performance standards of this chapter.
- (d) The use allowed by the interim use permit shall terminate on or before the termination date, or occurrence of an event identified in the council resolution. No extension may be granted. Continuation of the use may be allowed only by issuance of a new interim use permit under the terms of this chapter.
- (e) The owner and applicant shall expressly agree to the conditions of the permit and acknowledge that neither the granting of an interim use permit, nor the improvements made pursuant to such permit, shall confer any right or preference to a subsequent permit for the same or similar use in the future.
- (f) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- (g) Meet any other conditions that the city council deems appropriate for permission of the use.

Subd. 4. Termination. An interim use permit shall terminate automatically on the date, or event stated in the interim use permit, or when the zoning regulations no longer permit it, whichever occurs first.

Subd. 5. Expiration. An interim use permit is subject to the expiration standards established in section 420:70, subdivision 5.

Subd. 6. Revocation. An interim use permit may be revoked upon violation of any of the conditions for permission of the use. Revocation of an interim use permit shall follow the procedures established in section 420:70, subdivision 6.

Section 420:75. CERTIFICATE OF OCCUPANCY.

Subdivision 1. A certificate of occupancy shall be obtained before:

- (a) Any building hereafter erected or structurally altered is occupied or used; or
- (b) The use of any such building is altered;
- (c) Any multiple family residential unit is occupied. Every multiple family residential building is subject to an annual inspection by the building inspector and shall be improved as necessary by the owner prior to the issuance of a certificate of occupancy for continued occupancy.

Subd. 2. Application for a certificate of occupancy for a new building or continued occupancy or for an existing building which has been altered shall be made to the building inspector as part of the application for a permit for such buildings as required in section 405 of this chapter. The certificate shall be issued within ten days after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter. Pending the issuance of such a certificate the building inspector may issue a temporary certificate of occupancy for a period of not exceeding six months during the completion of the erection or alteration of such building. The temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.

Subd. 3. The fee for annual certificate of occupancy shall be established from time to time by ordinance of the city council. (*Amended, Ord. 2003-08*)

Subd. 4. Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this chapter. A record of all certificates of occupancy shall be kept on file in the office of the city building inspector or clerk, copies to be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

No building permit for the erection or alteration of a building shall be issued before application has been made for a certificate of occupancy.

Section 420:80. ZONING AMENDMENTS.

Subdivision 1. An amendment to the text of the zoning code or zoning map may be initiated by the city council or by petition of the owners of not less than 50 percent of the land proposed to be rezoned and by the owners of at least 50 percent of the land within 350 feet of the land proposed to be rezoned.

Subd. 2. Property owners wishing to initiate an amendment to the zoning ordinances shall fill out a zoning amendment application form signed by the property owner and submit it to the city clerk. An application for a zoning amendment shall be accompanied by the fee as established by city council resolution. A site plan must be attached at a scale large enough for clarity showing the following information:

- (a) Location and dimensions of lot lines, buildings, driveways, and off-street parking spaces;
- (b) Distances between buildings and front, side, and rear lot lines; principal buildings and accessory buildings; and principal buildings on adjacent lots;
- (c) Location of any signs, easements, underground utilities, septic tanks, tile fields, water wells, and similar features; and
- (d) Any additional information as may be reasonably required by the city, including, a survey.

Subd. 3. A date shall be set for a public hearing on the zoning amendment before the city council after the request has been received. Notice of the time, place and purpose of the hearing shall be published once in the official newspaper not less than ten days prior to the public hearing. When an amendment involves changes in district boundaries, a similar notice shall be mailed at least ten days prior to the hearing to all the owners of property located within 350 feet of the outer boundaries of the land proposed to be rezoned. The city council shall act upon the amendment within 60 days after receipt of a completed application, unless written notice of an extension is provided to the applicant, or the applicant agrees to the extension.

(Repealed and Added, Ord. 2002-02)

Section 420:85. ENFORCEMENT.

Subdivision 1. The city building inspector shall enforce this chapter through the proper legal channels.

Subd. 2. Hereafter no person shall erect, alter, wreck, or move any building or part thereof without first securing a building permit therefor as provided in section 405 of these sections.

Section 420:90. PENALTIES. Any person who violates or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and each day that the violation is permitted to exist shall constitute a separate offense.

Section 420:95. REPEAL. Nothing contained in this chapter repeals or amends any chapter requiring a permit or license to engage in any business or occupation.

**Section 425. INCORPORATION BY REFERENCE
MINNESOTA STATUTES 1967 CHAPTER 505, REGARDING
PLATS, ORDINANCES, AND SURVEYS.**

Section 425:00. The provision of Minnesota Statutes, chapter 505, and laws mandatory thereto are hereby adopted as platting and surveying regulations in the city of Loretto and are hereby incorporated in and made a part of this chapter as completely as if set out here in full.

Section 430:00. SUBDIVISION REGULATIONS.

Subdivision 1. Short Title and Definitions.

- (a) This chapter shall be known as the subdivision regulations of the city of Loretto and shall be referred to herein as these subdivision regulations or these regulations.
- (b) For the purpose of these subdivision regulations, the following terms have the meanings given to them unless the context clearly indicates otherwise:
 - (1) Boulevard is the portion of the right-of-way between the improved surface of the street and the property line.
 - (2) City is the city of Loretto, Hennepin County, Minnesota.
 - (3) City council is the governing body of the city of Loretto.
 - (4) Cul-de-sac is a terminal, minor street with only one outlet and having a terminus with a right-of-way diameter of 125 feet.
 - (5) Division, large lot is the division of a lot of record into two or more lots each consisting of five acres or more and each having 300 feet or more of frontage on a street.
 - (6) Division, simple lot is the division of a lot of record into two lots, each meeting minimum lot size and dimension requirements.
 - (7) Division and rearrangement is the division of one or more lots of record for the purpose of combining a portion or portions thereof with another lot of record but without creating additional lots.
 - (8) Double frontage lots are those which have a front line abutting one street and a rear line abutting another street.
 - (9) Easement is a grant by an owner of land for a specific use of said land by the grantee.
 - (10) Final plat is the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the city council for approval and which is filed of record.

- (11) Frontage is the distance between the side lot lines of a lot measured along the boundary of the right-of-way designated by the city council to serve the lot.
- (12) Lot is a parcel of land having a distinct legal description and meeting the physical standards of these regulations.
- (13) Lot area is the horizontal plane bounded by the lot lines.
- (14) Lot, corner is a lot bounded by the intersecting boundaries of two or more streets.
- (15) Lot depth is the average horizontal distance between the front lot line and the rear lot line.
- (16) Lot line is a line defining the horizontal plane of a lot.
- (17) Lot line, front, is the line connecting the side lot lines of a lot measured along the boundary of the right-of-way designated by the city council to serve the lot.
- (18) Lot line, rear, is the line which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.
- (19) Lot line, side, is any lot line which is not a front line or a rear lot line.
- (20) Lot width is the maximum horizontal distance between the side lot lines measured parallel to and at a distance equal to the front yard setback from the front lot line.
- (21) Minimum subdivision design standards are the guides, principles and specifications for the preparation of a subdivision plan indicating, among other things, the minimum dimensions of the various elements set forth in the preliminary plat.
- (22) Out-lot is a parcel of land in a subdivision having a distinct legal description, not meeting the physical standards of this ordinance, and being unbuildable until such physical standards are met.

- (23) Owner is any person having an interest in the land to be subdivided.
- (24) Pedestrian way is the right-of-way across or within a block for use by pedestrian traffic.
- (25) Person is any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity.
- (26) Preliminary plat is the preliminary map, drawing or chart indicating the proposed plan of the subdivision submitted to the city council for consideration.
- (27) Property line is the legal boundary of a lot.
- (28) Reserve strip is a narrow strip of privately owned land which prevents access to a public street.
- (29) Right-of-way is land designated by the city council for public vehicular and pedestrian traffic by easement, dedication, statutory use, common law dedication or other instrument or legal right.
- (30) Street is a right-of-way improved for vehicular or pedestrian traffic, and accepted by the city council for maintenance and public travel. The term is synonymous with road.
- (31) Street, collector is a street which carries traffic from minor streets to arterials.
- (32) Street, minor is a street used primarily for access to abutting properties.
- (33) Street width is the shortest distance between the lines delineating the right-of-way of a street.
- (34) Subdivider is any owner commencing proceedings under these regulations to effect a subdivision of land.
- (35) Subdivision is the division of a tract of land into three or more lots, any one of which resultant lots is less than five acres in size.
- (36) Zoning is the regulation of the use of land within the city pursuant to chapter 462 of Minnesota Statutes and the city zoning ordinance.

Subd. 2. Preliminary Plat.

(a) Procedure for Preliminary Plat.

- (1) To commence review of a subdivision an owner shall file the following with the city clerk:
 - (i) seven copies of the preliminary plat;
 - (ii) a cash fee established by resolution of the city council; and
 - (iii) an executed agreement in which the owner agrees to pay all costs of engineering, planning, inspection and legal expenses incurred by the city in reviewing the subdivision.
- (2) The city clerk shall forward a copy of the preliminary plat to the city engineer and the city planner, directing the engineer and the planner to review the preliminary plat and prepare a written report relating to the conformance of the preliminary plat to these subdivision regulations, the city zoning ordinance and sound engineering and planning principles.
- (3) The city clerk shall schedule a public hearing on the proposed preliminary plat before the city council. Notice of such hearing shall be published in the official newspaper of the city at least ten days prior to the hearing. The city clerk shall mail notice of the hearing to all owners of property abutting the property proposed to be subdivided. The subdivision application shall be preliminarily approved or disapproved within 120 days following delivery of a completed application to the city clerk, unless an extension of the review period has been agreed to by the applicant.
- (4) A request for final plat approval may be combined with preliminary plat approval if all information and requirements for final plat approval are met.

- (b) Data required for preliminary plat. The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than 12 inches by 18 inches. All subdivision maps shall be drawn at a scale of not less than 1 inch equals 100 feet. The preliminary plat of the proposed subdivision shall contain or have attached thereto the following information:
- (1) Identification and description.
 - (i) proposed name of the subdivision, which name shall not duplicate or be alike in pronunciation to that of any plat previously recorded in the county;
 - (ii) legal description of the property according to the records in the county recorder's office;
 - (iii) names and addresses of all owners, the subdivider, surveyor and designer of the plat;
 - (iv) graphic scale;
 - (v) north-point; and
 - (vi) date of preparation.

- (2) Existing conditions.
 - (i) boundary line of the proposed subdivision;
 - (ii) existing zoning classifications;
 - (iii) total approximate acreage;
 - (iv) location, widths and names of all existing or previously platted streets and rights-of-ways, showing type, width and condition of improvements; railroad and utility right-of-ways; parks and other public open spaces; permanent buildings and structures; easements; and section and corporate lines within the property to be subdivided and to a distance of 100 feet beyond the property lines;
 - (v) location and size of existing sewers, water mains, culverts or other underground facilities within the property to be subdivided and to a distance of 100 feet beyond. Such data as grades, invert elevations, and locations of catch basins, manholes and hydrants shall also be shown;
 - (vi) boundary lines of adjoining land within 100 feet, identified by subdivision name and ownership;
 - (vii) topographic data, including contours at vertical intervals of not more than two feet. Water courses, marshes, wooded areas, rock outcroppings, power transmission poles and lines and other significant features shall be shown within a distance of 100 feet beyond the property lines; and
 - (viii) a SCS soil survey map including the particulate makeup, permeability, slope, and other morphological soil characteristics, together with classification and boundaries of all soils within the proposed subdivision, if appropriate.

- (3) Subdivision design features.
 - (i) layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street previously used in the city or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the use of such name is mandatory;
 - (ii) location and widths of all proposed easements;
 - (iii) typical cross-sections of proposed street improvements, together with a plan for the disposal of surface and ground water, including storm sewers where required by sound engineering principles;
 - (iv) approximate center line gradients of proposed streets;
 - (v) layout, numbers and preliminary dimensions of lots and blocks; and
 - (vi) areas other than streets and utility easements intended to be dedicated or reserved for public use, including the size of such areas in acres.
- (4) Other information.
 - (i) proposed restrictive covenants;
 - (ii) source of water supply;
 - (iii) provisions for sewage disposal, drainage and flood control; and
 - (iv) if any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

- (c) Qualifications governing approval of preliminary plat.
- (1) The city council may require such changes or revisions as deemed necessary for the health, safety, general welfare and convenience of the city, including, without limitation, changes in street and intersection alignment, configuration and location of proposed lots, and enlargement or reduction of the size of lots. The city council shall not approve a subdivision unless it is consistent with the city zoning ordinance.
 - (2) As a condition of approval, the city council may require soil borings to indicate sufficient suitable soils.
 - (3) If a subdivider owns property adjacent to that which is proposed for subdividing, the city council may require the subdivider to submit a preliminary plat of the remainder of the property.
 - (4) Approval of a preliminary plat by the city council is tentative only, involving merely the general acceptability of the layout. Subsequent approval will be required of the engineering plans pertaining to water supply, storm drainage, and sewage disposal, sidewalks, gas and electric utilities, grading, gradients and roadway widths and surfacing of streets.
 - (5) Preliminary approval of a plat shall be null and void unless within 180 days after receiving approval from the city council the subdivider shall submit to the city council a final plat or plats in accordance with the conditions upon which preliminary approval was granted. Prior to the expiration of the 180 day period, the city council may grant an extension of time upon request of the subdivider and a showing of good cause. The extension shall be for the period of time determined by the city council, but in no case shall be for more than an additional 180 days.
 - (6) No plat will be approved for a subdivision which covers an area subject to periodic flooding or which contains drainage facilities for the streets and lots which are inadequate as measured by sound engineering standards.
 - (7) If the preliminary plat is not approved by the city council, the reasons for such action shall be recorded in the proceedings of the city council and transmitted to the applicant.

Subd. 3. Final Plat.

(a) Procedure for final plat.

- (1) Within 180 days following approval of the preliminary plat, or such extension as may be granted by the city council, the subdivider shall submit the following to the city clerk:
 - (i) five copies and a reproducible copy of the final plat. This final plat shall incorporate all changes from the preliminary plat required by the city council. In all other respects it shall conform to the preliminary plat. The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop immediately; and
 - (ii) an up-to-date certified abstract of title or registered property abstract and such other evidence as the city attorney may require showing the condition of title of the property.
- (2) The city clerk shall refer copies of the final plat to the city engineer, city planner, the county and all relevant utility companies for review regarding compliance with the conditions of preliminary plat approval and other city requirements. The abstract of title or registered property abstract shall be referred to the city attorney for examination and report. Upon submission of the final plat by the subdivider, the city council shall approve or disapprove the final plat within 60 days. The plat shall be considered to have been approved if the city council fails to act within 60 days of its submission.
- (3) If the final plat is approved by the city council, the subdivider shall record it with the county recorder within 90 days after the date of approval or the approval of the final plat shall be considered void.
- (4) The subdivider shall furnish the city clerk with two copies of the final plat showing evidence of recording. One shall be forwarded to the building inspector, and the other to the assessor. One mylar shall be provided to the city clerk and one reproducible master (sepia) shall be provided to the city engineer.

(b) Data required with final plat.

- (1) The final plat shall be prepared by a land surveyor who is registered in the state of Minnesota and shall conform to all state and county requirements and to the requirements of these subdivision regulations and the directives of the city council.
- (2) The following information shall be shown on the final plat:
 - (i) accurate angular and lineal dimensions for all lines, angles, and curvatures used to describe boundaries, streets, easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths;
 - (ii) an identification system for all lots and blocks;
 - (iii) true angles and distances to the nearest established official monuments (not less than two) which shall be accurately described in the plat;
 - (iv) city, county or section lines accurately tied to the lines of the subdivision by distances and angles;
 - (v) radii, internal angles, points and curvatures, tangent bearings, and lengths of all arcs;
 - (vi) accurate location of all monuments;
 - (vii) accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision with the purposes indicated therein. Conveyance of land for public use, other than for right-of-way, shall be by deed, which deed shall accompany the final plat;

- (viii) certification by a registered surveyor in the form required by Minnesota Statutes, section 505.03;
- (ix) execution by all owners and encumbrancers of any interest in the land of the certificate required by Minnesota Statutes, section 505.03, which certificate shall include a dedication of the utility easements and any other public areas in such form as shall be approved by the city attorney;
- (x) certifications showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full;
- (xi) form of approval of city council as follows: Approved by the city council of the city of Loretto, Hennepin County, Minnesota, this ____ day of _____, 20__.
Signed _____, Mayor; and
Signed _____, City Clerk
- (xii) form for approval by county authorities as required.

Subd. 4. Simple Lot Divisions and Division and Rearrangements.

(a) Procedure for simple lot divisions and division and rearrangements.

- (1) To commence review of a simple lot division or division and rearrangement, the owner shall submit to the city clerk the same documents specified in subdivision 2(a)(1)(i) through (iii) of these regulations and the cash fee established by resolution of the city council.
- (2) The procedure for review of applications and reporting thereon specified in subdivision 2(a)(2) and (3) of these regulations shall be followed with regard to applications submitted under this subdivision, except that the city council shall not be required to hold a public hearing on the application.

- (b) The information required to be submitted with the application for a simple lot division or a division and rearrangement shall be as follows:
 - (1) Identification and description.
 - (i) legal description of property according to the records in the county recorder's office;
 - (ii) names and addresses of all owners, the subdivider, surveyor and designer of the plat;
 - (iii) graphic scale;
 - (iv) north-point; and
 - (v) date of preparation.
 - (2) Existing conditions.
 - (i) boundary line of the proposed subdivision.
 - (ii) existing zoning classification; and
 - (iii) total approximate acreage.
 - (3) Other information.
 - (i) proposed restrictive covenants;
 - (ii) source of water supply;
 - (iii) provisions for sewage disposal, drainage and flood control; and
 - (iv) if any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

- (c) Design standards for simple lot divisions and divisions and rearrangements shall be the same as those specified in subdivision 6(e) and (h) of these regulations.

- (d) The city council may require such changes or revisions as deemed necessary for the health, safety, general welfare and convenience of the city, including, without limitation, changes in street and intersection alignment, configuration and location of proposed lots, and enlargement or reduction of the size of lots. The city council's approval shall be in the form of a resolution which shall be filed in the office of the county recorder.

Subd. 5. Large Lot Divisions.

(a) Procedure for large lot divisions.

- (1) To commence review of a large division, the owner shall submit to the city clerk the same documents specified in subdivision 2(A)(1)(i) through (iii) of these regulations and the case fee established by resolution of the city council.
- (2) The procedure for review of subdivisions and reporting thereon specified in subdivision 2(a)(2) through (4) of these regulations shall be followed with regard to applications submitted under this subdivision, except that the city council shall be required to hold a public hearing only if more than three lots are being divided.

(b) Information required.

- (1) The information required to be submitted with the application for all lot divisions shall be the same as specified in subdivision 4(b)(1)(i) through (v) of these regulations. For large lot divisions containing three or fewer lots, the information regarding existing conditions which shall be submitted shall be the same as that specified in subdivision 4(b)(2)(i) through (iii) of these regulations. For large lot divisions containing more than three lots, the information specified in subdivision 2(b)(2)(i) through (viii) of these regulations shall be required.
- (2) For all large lot divisions, the information specified in subdivision 4(b)(3)(i) through (iv) of these regulations shall be required.
- (3) For large lot divisions containing more than three lots, the information specified in subdivision 2(b)(3)(i) through (vi) of these regulations shall be submitted.
- (4) The city council may require such changes or revisions as deemed necessary for the health, safety, general welfare and convenience of the city, including without limitation, changes in street and intersection alignment, configuration and location of proposed lots, and enlargement or reduction of the size of lots. The city council's approval shall be in the form of a resolution which shall be filed in the office of the county recorder.

- (c) Other land required to be shown. If a subdivider owns property adjacent to that which is being proposed for subdividing, the city council may require the subdivider to submit a preliminary plat for the division of the remainder of the property.

- (d) Final procedures.
 - (1) For large lot divisions more than three lots, the subdivider shall submit to the city clerk within 180 days following preliminary approval an up-to-date certified abstract of title or registered property abstract and such other evidence as the city attorney may require showing the condition of title of the property. The abstract of title or registered property abstract shall be referred to the city attorney for examination and report.

 - (2) For large lot divisions containing three or fewer lots, no title evidence shall be required.

- (e) Subdivision design standards.
 - (1) For large lot divisions containing three or fewer lots, the design standards shall be the same as those specified in subdivision 6(e) and (h) of these regulations.

 - (2) or large lot divisions containing more than three lots, the design standards shall be the same as those specified in subdivision 6 of these regulations, except that all dimensions and lot areas may include right-of-way.

- (f) Required improvements on site.
 - (1) For large lot divisions containing three or fewer lots, the on-site improvements shall be installed pursuant to the provisions specified in subdivision 7(d), (f) and (g) of these regulations.

 - (2) For large lot divisions containing more than three lots, the on-site improvements shall be installed pursuant to the provisions specified in subdivision 7 of these regulations.

Subd. 6. Minimum Subdivision Design Standards.

- (a) Street plan. The arrangement, character, extent, width, grade, and location of all streets shall conform to these regulations and shall be considered in their relation to existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of storm water, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (1) Continuation of existing streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
- (2) Future projection of streets. Where adjoining areas are not subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.
- (3) Cul-de-sac easement required. If a street which terminates at the boundary line of the plat could at a later date be extended into and through adjacent properties, a cul-de-sac shall be constructed and a cul-de-sac easement on a deed form shall accompany the final plat at the time of recording. Construction of the cul-de-sac shall be the same as the streets in the subdivision, and shall conform to these regulations in all respects.

(b) Street standards.

- (1) Widths. All right-of-way widths and pavement widths for city streets shall conform to the following minimum dimensions:

<u>Classification</u>	<u>Right-of-Way</u>	<u>Pavement</u>
Collector Street	66 feet	30 feet
Minor Street	50 feet	24 feet
Cul-de-sac	125 feet (diameter)	100 feet (diameter)

- (2) Deflections. When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 100 feet.

- (3) Grades. All center line gradients shall be at least 0.5 percent and shall not exceed the following:

<u>Classification</u>	<u>Gradient</u>
Collector Street	4 percent
Minor Street	6 percent
Cul-de-sac	6 percent

- (4) Minor streets. Minor streets shall be so aligned that their use by through traffic will be discouraged.

- (5) Frontage streets. When a subdivision abuts or contains an existing or planned major street or a railroad right-of-way, the city council may require a street approximately parallel to and on each side of such right-of-way for adequate protection of adjacent properties and to afford separation of through and local traffic. Such frontage streets shall be located at an appropriate distance from the major street or railroad right-of-way.

- (6) Half streets. Where right-of-way is provided and streets are built along the boundaries of a plat, the full width right-of-way shall be provided and the full width of streets shall be constructed as provided herein. Half streets shall be prohibited.

- (7) Reserve strips. Reserve strips controlling access to streets shall be prohibited.
 - (8) Hardship to owners of adjoining property avoided. The street arrangements shall not be such as to cause hardship to owners of adjoining property in subdividing their own land and providing convenient access to it.
- (c) Intersections.
- (1) Angle of intersection. The angle formed by the intersecting of streets shall not be less than 60 degrees. Intersections of 90 degrees are preferred.
 - (2) Size of intersection. Intersections of more than four corners shall be prohibited.
 - (3) Corner radii. The pavement of street intersections shall be rounded by a radius of not less than 50 feet. Corners at the entrances to cul-de-sacs shall be rounded by a radius of not less than 25 feet.
- (d) Drainage. A complete and adequate drainage system for the subdivision shall be designed and shall include a storm sewer system or a system of open ditches, culverts, pipes, and catch basins. Such system or systems shall be approved by the city engineer.

- (e) Easements.
 - (1) Provided for utilities. Easements at least 20 feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary and shall be so dedicated to the public by appropriate language in the owner's certificate. They shall have continuity of alignment from block to block, and at deflection points easements for pole-line anchors shall be provided where necessary. The location of all easements shall be subject to the approval of the city engineer.
 - (2) Provided for drainage. Easements shall be provided along each water course, drainage channel or wetlands to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff and storage in the installation and maintenance of storm sewers as required by sound engineering principles. Such easements shall be dedicated to the city by appropriate language in the owner's certificate.
- (f) Street names. Names of new streets shall not duplicate the name of existing or platted streets within the city or environs unless a new street is a continuation of or in alignment with the existing or platted street, in which event it shall bear the name of the existing or platted street so in alignment.
- (g) Blocks.
 - (1) Factors governing dimensions. Block length and width or acreage within bounding streets shall be sufficient to accommodate the size of lots required in the area pursuant to the terms of these regulations or of the zoning ordinance and to provide for convenient access, circulation and safety of street traffic.
 - (2) Arrangement. A block shall be so designed as to provide two tiers of lots, unless it adjoins a railroad or major thoroughfare or unless topographic conditions necessitate a single tier of lots.

(h) Lots. Area within the right-of-way shall be excluded for the purpose of calculating lot dimension or lot size.

(1) Frontage. All lots shall have a minimum frontage on a street in accordance with the following:

<u>Zoning Classification</u>	<u>Frontage</u>	<u>Frontage on a Cul-de-Sac</u>
Residential	90	50
Multiple Dwelling	150	110
Commercial	150	110
Light Industrial	200	150

(2) Size. Lot size requirements, including minimum width requirements at the front yard setback line, shall be governed by the city zoning ordinance.

(3) Long lots. Lots with length greater than 4 times width shall be prohibited.

(4) Water courses. Lots abutting a water course, drainage way, channel or stream shall have an additional depth or width, as required, to assure house sites that are not subject to flooding, inadequate drainage, or ground water which interferes with water supply or sanitary sewer.

(5) Natural features. In subdividing any land, due regard shall be shown for all natural features, including mature trees, water courses and wetlands.

(6) Remnants and outlots. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots. Outlots are prohibited.

Subd. 7. Required Improvements on the Site.

- (a) Improvements listed and described. Prior to final approval by the city council of a plat or large lot division containing more than three lots, the subdivider shall agree to install on the site in conformity with construction plans approved by the city engineer and with all applicable standards and ordinances of the City the following improvements:
- (1) Monuments. Monuments of a permanent character, approved by the county surveyor, shall be placed in locations on the boundary of the subdivision and within it as required.
 - (2) Street improvements. All streets within subdivisions shall be constructed with adequate grading, base and gravel surfacing in accordance with city street specifications and the requirements of the city engineer.
 - (3) Street name signs. Street name signs which conform to current municipal, county or state of Minnesota highway standards shall be placed at all street intersections within or abutting the subdivision as required by the city council.
 - (4) Stop sign. Stop signs which conform to current state of Minnesota highway standards shall be placed on all streets intersecting a major or collector street as required by the city council.
 - (5) Drainage facilities. Storm sewers and drainage facilities shall be constructed upon dedicated easements and shall conform to the drainage plans required by the city council.
- (b) Payment for installation of improvements. The required improvements to be furnished and installed by the subdivider are to be furnished and installed at the sole expense of the subdivider and at no expense to the city.

- (c) Required agreements and bonds. Prior to final approval by the city council of a plat or large lot division containing more than three lots, the owner and subdivider of the land covered by the plat shall execute and submit to the city council an agreement to make and install all improvements required to be installed under the provisions of these regulations in accordance with the plans and specifications approved by the city engineer. The agreement shall be in a form approved by the city attorney and shall be accompanied by a financial guarantee approved by the city council in an amount equal to one and one-half times the city engineer's estimated costs of the improvements. The financial guarantee shall be conditioned upon the following:
- (1) installation of the improvements required under the terms of these regulations within the time limit approved by the city council;
 - (2) completion of the work undertaken by the subdivider in accordance with the development contract; and
 - (3) payment by the owner or subdivider to the city of all expenses incurred by the city for the approval of plans and specifications and the inspection of construction by the city engineer.

If a cash escrow agreement is submitted, such agreement shall provide that payments therefrom for the improvements shall be made only on the joint order of the subdivider and the city, and the agreement shall further provide that in the event the required improvements are not completed within the time period established by the city council, all amounts held under the escrow agreement shall be turned over and delivered to the city and may be applied by the city to the cost of the required improvements. If the funds available are not sufficient to complete the required improvements the necessary additional cost shall be assessed against benefited properties within the subdivision.

Any balance remaining in the escrow fund after such improvements have been made shall be returned to the owner or subdivider.

- (d) Inspection at subdivider's expense. All improvements required to be installed under the provisions of these regulations shall be inspected at the subdivider's expense during the course of construction. Such inspection shall be by the city engineer.
- (e) Construction plans. Construction plans for the required improvements conforming in all respects with the standards of the city engineer and the ordinances of the city shall be prepared at the subdivider's expense by a professional engineer who is registered in the state of Minnesota and the plans shall contain the engineer's seal. The plans shall be submitted to the city engineer for approval and for estimate of the total cost of the required improvements. Upon approval they shall become a part of the contract required in subsection C of this subdivision. The tracings of the plans approved by the engineer plus two prints shall be furnished to the city clerk.
- (f) Improvements completed prior to approval of final plat. Improvements within a subdivision which have been completed prior to the application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of subsection A of this subdivision only if the city engineer shall certify that he or she is satisfied that the improvements conform to applicable city standards.
- (g) Reimbursement to city for fees incurred. The subdivider shall reimburse the city for all engineering, planning, legal or inspection fees reasonably incurred by the city in processing the subdivision application under the terms of these regulations.

Subd. 8. Flood Plain Management Provisions. *(Added, Ord. 2004-06)*

- (a) Unsuitable site. No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the Loretto city council for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. The Loretto city council shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.
- (b) Required information. In the flood plain district, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in section 413:25, subdivision 3 (a) of the Loretto city code. The Loretto city council shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in sections 413:25, subdivision 2, 413:25, subdivision 3 and 413:30 of the Loretto city code.
- (c) Information required on drawings and platting documents. For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- (d) Removal of special flood hazard area designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Subd. 9. Modifications, Exceptions and Variances. *(Amended, Ord. 2004-06)*

- (a) Standards for variances. The city council may grant variances from the literal provisions of these regulations in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. A subdivider or owner requesting a variance shall appear at the city council meeting at which the application is considered and shall provide to the city council such maps, drawings, plans, records and other information necessary to make a determination on the application. It is the responsibility of the subdivider or owner to demonstrate that all of the following standards for variances have been met:
- (1) because of the particular physical surroundings, shape, or topographical conditions of the specific parcels of land involved, a particular hardship to the owner would result if the strict letter of these regulations were carried out;
 - (2) the conditions upon which the application for variance is based are unique to the parcel of land for which the variance is sought and are not common to other properties within the City;
 - (3) the hardship is related to the requirements of these regulations and has not been created by any person presently or formerly having an interest in the parcel of land; and
 - (4) the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.
- (b) Conditions and restrictions. The city council may impose such conditions and restrictions in the granting of variances which will insure compliance with the spirit and intent of these regulations and will provide protection to the public.
- (c) Application required. Application for any variance shall be made in writing by the subdivider or owner at the time the preliminary plat is considered by the city council. The application shall be set forth all facts relied upon by the subdivider or owner in requesting the variance. Any variance granted shall be passed in resolution form setting forth the reasons which justify the variance and entered on the minutes of the city council meeting.

Subd. 10. Enforcement. *(Amended, Ord. 2004-06)*

- (a) Approval required. It shall be unlawful to record or to attempt to record any subdivision or division with the county recorder unless the subdivision or division has received approval as provided in these regulations.
- (b) Permits not issued. The building inspector shall not issue building permits for any structure on a lot or parcel in any unapproved subdivision or division.
- (c) Improvements prohibited. The city council shall not permit any public improvements or services to be installed or performed in any subdivision or division unless the subdivision or division has received approval as provided in these regulations.
- (d) Unapproved conveyance. It shall be unlawful to make, file or record any conveyance of land to which these regulations are applicable if the land is described in the conveyance by an unapproved U.S.G.A. description or by reference to an unapproved registered land survey or to an unapproved subdivision made after these regulations become effective. The foregoing provision does not apply to any conveyance if the land described therein:
 - (1) was a separate parcel of record as of the effective date of these subdivision regulations; or
 - (2) was the subject of a written, verified and recordable contract for deed entered into prior to the adoption of these subdivision regulations; or
 - (3) is a division approved by the city council as provided herein.
- (e) Sales prohibited. It shall be unlawful to sell or offer for sale any parcel of land within the city until the requirements of these regulations have been met.
- (f) Violations, penalties. Any person who violates, fails to comply with or assists, directs or permits the violation of any provision of these regulations shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

Subd. 11. Severability. Every section and subdivision of these regulations is declared separable from every other section and subdivision. If any section or subdivision is held to be invalid by competent authority, no other section or subdivision shall be invalidated by such action or decision. *(Amended, Ord. 2004-06)*

Section 435.00. SIGN REGULATIONS.

Subdivision 1. Purpose. The purpose of these sign regulations is to protect the health, safety, and public welfare through the control of all signs so as to achieve the following:

- (a) To control signs which violate privacy or which increase the likelihood of accidents by distracting attention or obstructing vision;
- (b) To preserve and protect property values and civic beauty, and not allow signs which detract from this objective due to excess size, height, number, visual impact, undesirable location, maintenance, spacing, or illumination;
- (c) To establish standards which will permit businesses a reasonable and equitable opportunity to advertise, but which will avoid excessive visual competition among sign displays; and
- (d) To provide signs which are compatible with their surroundings and appropriate to the type of activity to which they pertain.

(Added, Ord. 2002-02)

Section 435.05. SIGN RELATED DEFINITIONS.

For the purposes of these sign regulations, the following terms have these meanings given to them:

- (a) **Animation Sign:** A sign that incorporates the rapid display of images used to create an illusion of movement, a special effect, or scene.
- (b) **Awning Sign:** A sign that is permanently affixed to an awning or similar device.
- (c) **Directional Sign:** An on-premise sign that provides information to direct on-site movement of vehicles or pedestrians.
- (d) **Electronic Graphic Display Sign (Dynamic Sign):** A sign or portion thereof that displays movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display or structure element and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink” or any other method of technology that allows the sign face to present a series of images or displays.
- (e) **Flashing Sign:** A sign which incorporates a sudden and momentary emission of artificial light or color effect. Prohibited flashing signs shall include signs which are displayed as continuous solid messages for less time than required by Section 435:26 of this Chapter.
- (f) **Frame Effects:** Visual transitions from one display or scene to another rather than a direct frame switch. Frame effects include fading or dissolving the frame, wiping one frame over another and flipping the frame.

- (g) **Freestanding Sign (also Pylon):** A self-supporting sign affixed to a free-standing frame structure not attached to a building.
- (h) **Identification Sign (Business):** A sign whose primary function is to identify a business upon the premises; a secondary function may be to call attention to products, goods, or materials.
- (i) **Identification Sign (Residential):** A sign whose primary function is to identify a neighborhood, subdivision or multiple dwelling development.
- (j) **Illuminated Sign:** A sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.
- (k) **Monument Sign (Ground Sign):** A sign not supported by exposed posts or poles which is located directly at grade.
- (l) **Non-Commercial Sign:** A sign that conveys a message or viewpoint regarding a political or social issue.
- (m) **Off-Premise Sign:** A sign that directs attention to a use, product, business, service or activity which is not primarily or exclusively conducted, sold, manufactured, offered or located on the premises where the sign is located.
- (n) **On-Premises Sign:** A sign that relates solely to a use, business or profession conducted, or to a principal commodity, service or entertainment sold, provided, manufactured, or offered upon the premises where the sign is located.
- (o) **Political Campaign Sign:** A sign that identifies a candidate for an elected office or specific issue to be considered in a public election.
- (p) **Portable Sign:** A sign specifically designed to be movable from one location to another.
- (q) **Projecting Sign:** Any sign which projects more than six inches from the front edge of a building façade.

- (r) **Pylon Sign:** A sign supported by a column-type structure that is set firmly in or below ground surface and finished in a material consistent with the sign.
- (s) **Reader Board:** A sign that provides for manually changeable messages.
- (t) **Roof Sign:** A sign that extends above the roof line of the building structure to which it is attached.
- (u) **Sign:** Any name, identification, display, illustration or device that is publicly displayed and is used to direct attention to a product, person, business, institution, or place.
- (v) **Temporary Sign:** A sign that is erected or displayed for a limited period of time.
- (w) **Video Display (Sign):** A visual representation that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video displays include projected images or messages with these characteristics onto buildings or other objects.
- (x) **Wall Sign:** A sign attached or affixed to the exterior wall of a building, and which does not project more than six-inches from the wall surface.
- (y) **Window Sign:** A sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. This does not include merchandise or window displays.

(Added, Ord. 2002-02, Amended, Ord. No. 2012-04)

Section 435:10. GENERAL PROVISIONS.

Subdivision 1. Permit Required. The following general provisions are applicable to all signs. It shall be unlawful for any person to erect, alter, replace, or relocate any sign or other advertising structure without first obtaining a permit and paying the required fees, except as herein otherwise provided.

Subd. 2. Permit Application. An application for a sign permit must be made upon a form provided by the city clerk and must state or have attached thereto the following information:

- (a) The name and address of the applicant; the location of the building, structure, or lot on which the sign is to be erected; the position of the sign in relation to nearby buildings or structures; the name of the person that will be erecting the sign; and the written consent of the owner, if different from the applicant, of any land or building on which the sign is to be erected.
- (b) A drawing of the plans, specifications, and method of construction or attachment to a structure or the ground.
- (c) A copy of stress sheets and calculations showing that the sign is designed to withstand a wind pressure of 30 pounds per square foot.
- (d) The permit fee required by this section.
- (e) These requirements may be waived by the city council where they are not applicable.

Subd. 3. Permit Fee. Every applicant must pay a nonrefundable fee for each sign regulated by these sign regulations. Permit fees are established periodically by city council resolution and can be obtained from the city clerk. Except for maintenance, any substantial alteration, replacement of the business message, or relocation of a sign constitutes a new sign, requiring an additional fee. A double fee will be charged if a sign is erected without first obtaining a permit for such sign.

Subd. 4. Permit Not Required. The following signs do not require a permit or permit fee, but must meet the other requirements of these sign regulations:

- (a) Temporary political campaign signs.
- (b) Temporary real estate signs pertaining only to the sale, rental, or development of the premises upon which the sign is displayed.
- (c) Temporary window signs.
- (d) Other exterior temporary signs under 12 square feet in area.
- (e) Noncommercial signs.

Subd. 5. Exempted Signs. The following signs are exempt from the requirements of these sign regulations:

- (a) On-premise informational signs not exceeding two square feet in area displayed strictly for the convenience of the public, including signs which identify rest rooms, waste receptacles, addresses, doorbells, mailboxes, or building entrances.
- (b) Memorial plaques, cornerstones, and historical tablets.
- (c) Public signs, street signs, warning signs, railroad crossing signs, signs of public service companies for the purpose of safety, or private traffic directional signs less than eight square feet.

Subd. 6. Prohibited Signs.

- (a) Any sign that overhangs the public right-of-way, except as allowed in the Traditional Commercial district.
- (b) Roof signs, except the city council may approve a roof sign if it determines that no other sign type is practical.
- (c) Flashing Signs.
- (d) Signs attached to trees or utility poles.
- (e) Any sign, which by reason of position, movement, shape, illumination, or color would constitute a traffic hazard by obstructing a driver's vision or by interfering, confusing, or misleading traffic.
- (f) Any sign that noticeably moves as a result of normal wind pressure.
- (g) Any sign that contains or imitates an official traffic sign or signal, except for private, on-premise directional signs.
- (h) Any sign located less than six feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 750 volts.
- (i) Any sign erected in a manner that any portion of its surface or supports will obstruct any window, door, fire escape, stairway, or other authorized or required building opening.
- (j) Electronic graphic display signs using animation, frame effects, video display, and flashing components.
- (k) All other signs not expressly permitted by these sign regulations.

(Amended, Ord. No. 2012-04)

Subd. 7. Initial Inspection. All sign installations for which a permit is required are subject to inspection by the building inspector to ensure that such signs are safely secured, supported, and braced.

Subd. 8. Revocation of Permit. The city council may revoke a sign permit upon failure of the permittee to comply with any provision of these sign regulations. Any party aggrieved by such revocation may appeal the action to the city council within ten days after the revocation.

Subd. 9. Expiration of Permit. A sign permit expires if the subject sign is not erected within 180 days after issuance.

(Added, Ord. 2002-02)

Section 435:15. SIGN DESIGN STANDARDS.

The following design standards are described, and shall be applied, relative to specific zoning districts:

Subdivision 1. Residential Districts (R-1 and R-2):

(a) Maximum Number of Signs:

- (1) One sign (either wall or monument) is allowed per residential property or building to identify the name of the building or occupant(s).
- (2) In addition, one identification (monument) sign shall be allowed along the public street frontage or primary entrance into a residential subdivision development.

(b) Wall Signs:

- (1) **Location:** Wall signs shall be mounted directly onto the building façade adjacent to the primary entrance.
- (2) **Size:** Maximum two square feet on single family residential buildings; maximum six square feet on a multi-family residential building.
- (3) **Materials:** Signs should be made of materials that coordinate or complement the materials used on the residential building.
- (4) **Illumination:** Signs may be illuminated by lights attached to the building and shall not be internally illuminated.

(c) **Monument (Ground) Signs:**

- (1) **Location/Setback:** Minimum ten feet.
- (2) **Size:** Maximum two square feet on single family residential buildings; maximum six square feet on a multi-family residential building. Monument signs for single family or multi-family buildings shall not exceed three feet in height. Residential subdivision identification/entry signs may be a maximum of 32 square feet and shall not exceed six feet in height measured from the finished ground level.
- (3) **Materials:** Use of natural materials such as wood, brick and stone is encouraged. Signs should be made of materials that coordinate or complement the materials used on the principle building.
- (4) **Illumination:** Signs may be illuminated by lights attached to the sign, light fixtures mounted on the ground, or by internal illumination. The light source shall be shielded from view from adjacent property and public right-of-way and light shall not spill onto any adjacent property.

(d) **Special Provisions:**

- (1) Institutional uses, including churches, public institutions, hospitals, or schools are permitted one sign (either wall, monument, or freestanding) up to 32 square feet per public street frontage. Freestanding signs must be setback ten feet from property lines and shall not exceed 20 feet in height. Monument signs must be setback ten feet from property lines and shall not exceed six feet in height.
- (2) Signs which advertise a business or occupation (including home base businesses) are not permitted in residential districts.

Subd. 2. Traditional Commercial District:

(a) General Design Guidelines:

- (1) Signs shall be compatible with the style, composition, materials, colors and details of the building on which they are mounted.
- (2) Signs should be positioned to be an integral design feature of the building and to complement and enhance the building's architectural features.
- (3) Signs should not obscure or destroy architectural details of the building, such as stone arches, glass transom panels, or decorative brickwork.
- (4) A sign program shall be developed for buildings that house more than one business or tenant. Signs need not match, but shall be compatible with one another.

(b) Maximum Number of Signs:

- (1) One wall, projecting, or awning sign is permitted for every building façade that fronts on a public street or, for multiple tenant buildings, one sign per business in accordance with an approved signage plan.
- (2) One wall sign is permitted on an interior side or rear façade. In multiple tenant buildings, one wall sign on an interior side or rear façade may be permitted per business in accordance with an approved signage plan.
- (3) Identification and directional signs may be located on interior side or rear building facades.
- (4) One monument or freestanding sign may be substituted for a wall, projecting, or monument sign.
- (5) Window signs are allowed in addition to other signs, subject to the provisions herein.

(c) **Wall Signs:**

- (1) **Location:** Wall signs are allowed on each building façade that fronts on a public street. Wall signs shall be located within a horizontal band above the storefront windows that extends the width of the building. Wall signs located on interior side or rear facades shall be located above or adjacent to building entrances or in a location that complements the building architecture.
- (2) **Size:** The area of the wall sign board shall not exceed five percent of the ground floor façade area or 24 square feet, whichever is less. Wall signs on facades fronting Medina Street shall not exceed ten percent of the ground floor façade area or 48 square feet, whichever is less. Wall signs shall not project more than six inches from the building wall. Wall signs on an interior side or rear façade shall be limited to six square feet in area. *(Amended, Ord. 2005-08)*
- (3) **Materials:** Wall signs should be made of materials consistent or compatible with the original construction materials and architectural style of the building façade on which they are displayed. Painted wood panels and/or applied letters are preferred materials. Applied letters may be used within the sign band and should consist of painted wood, painted metal, bronze, brass, acrylic or anodized aluminum.
- (4) **Illumination:** External lighting shall consist of incandescent, metal halide or fluorescent light that emits a continuous white light. Light shall not shine directly onto the ground or adjacent buildings. Neon lighting is not allowed. Light fixtures attached to the building wall are preferred over internally illuminated signs. *(Amended, Ord. 2005-08)*

(d) **Projecting Signs:**

- (1) **Location:** Projecting signs shall be mounted perpendicular to the building façade and provide a minimum clearance of eight feet above a sidewalk and 15 feet above driveways or alleys. The top edge of the sign shall not extend above the building wall from which it projects, if attached to a single story building, or the sill or bottom of any second story window if attached to a multi-story building.
- (2) **Size:** Projecting signs shall not exceed six square feet in area and may project no more than 36 inches from the face of the building.
- (3) **Materials:** Projecting signs should be made of materials consistent or compatible with the original construction materials and architectural style of the building façade on which they are displayed. Painted wood and metal are preferred materials.
- (4) **Illumination:** External lighting shall consist of incandescent, metal halide or fluorescent light that emits a continuous white light. Light shall not shine directly onto the ground or adjacent buildings. Neon lighting is not allowed. Light fixtures attached to the building wall are preferred over internally illuminated signs. *(Amended, Ord. 2005-08)*

(e) **Awning Signs:**

- (1) **Location:** Signs on awnings shall only be located on the ground floor of a building façade fronting on a public street. Awnings shall be mounted above storefront windows and below any horizontal lintel or sign band. Awnings shall provide a minimum clearance of eight feet above a public sidewalk or right-of-way and shall project no more than 36 inches from the face of the building.
- (2) **Size:** Sign message or graphic area may occupy up to 50 percent of the awning face or 24 square feet, whichever is less. The height of individual letters, numbers, or graphics shall not exceed twelve inches.
- (3) **Materials:** Signs shall be painted, printed, or otherwise integrally attached to the awning material. Canvas or other fabric awnings are preferred; wood shake, metal and plastic are not permitted.
- (4) **Illumination:** Awnings should be externally illuminated by lights mounted onto the building façade. Internally illuminated awnings are prohibited. External lighting shall consist of incandescent, metal halide or fluorescent light that emits a continuous white light. Light shall not shine directly onto the ground or adjacent buildings.

(f) **Window Signs:**

- (1) **Location:** Window signs may only be located in ground floor windows or door windows. Limited to one window or door sign per ground floor business. Signs for upper floor businesses or residents may be located on the window of a door providing upstairs access.
- (2) **Size:** Total window sign or graphic area on any building facade shall not exceed ten percent of the window or door window area or four square feet, whichever is less.
- (3) **Materials:** Signs shall be silk screened, hand painted, applied letters/graphics, neon tubing or other sign technologies that meet the intent of these standards. Window signs shall not have an opaque backing.
- (4) **Illumination:** Window signs may be illuminated by light fixtures on the building interior (e.g. back lighting) or exterior. Neon shall be subject to city council approval.

(g) **Freestanding (Pylon) Signs:**

- (1) **Location:** Where a building does not cover the full area of the property, one freestanding sign per building may be permitted, but shall substitute for one wall, projecting, awning, or monument sign as permitted herein. No portion of a freestanding sign may extend beyond any property line.
- (2) **Size:** The sign face shall not exceed 20 square feet in area. No sign shall have more than two faces. The sign may not exceed 20 feet in height measured from the finished ground level to the top of the sign. Signs adjacent to Medina Street shall not exceed 50 square feet in area and may not exceed 30 feet in height measured from the finished ground level to the top of the sign. (Amended, Ord. 2005-08)
- (3) **Materials:** Painted wood, acrylic, aluminum, or metal are preferred materials.
- (4) **Illumination:** External and internal illumination is allowed, provided the light source is not directly visible from adjacent properties and no light is permitted to spill onto adjacent property. External lighting shall consist of incandescent, metal halide or fluorescent light that emits a continuous white light.

(h) **Monument (Ground) Signs:**

- (1) **Location:** Where a building does not cover the full area of the property, one monument sign per building may be permitted, but shall substitute for one wall sign, projecting sign, or freestanding sign as permitted herein. A monument sign must be setback a minimum of five feet from any property line.
- (2) **Size:** The sign face shall not exceed 20 square feet in area. No sign shall have more than two faces. The sign may not exceed six feet in height measured from the finished ground level. Signs adjacent to Medina Street shall not exceed 50 square feet in area and may not exceed 12 feet in height measured from the finished ground level. (Amended, Ord. 2005-08)
- (3) **Materials:** Painted wood, acrylic, aluminum, or metal are preferred materials.
- (4) **Illumination:** External and internal illumination is allowed, provided the light source is not directly visible from adjacent properties and no light is permitted to spill onto adjacent property. External lighting shall consist of incandescent, metal halide or fluorescent light that emits a continuous white light.

(i) **Special Provisions:**

- (1) One portable sign per business may be displayed during business hours. Portable signs may be placed on the sidewalk adjacent to the business entrance. No portable sign shall exceed six square feet in area and three feet in height. Portable signs shall not impede pedestrian movement on sidewalks.
- (2) The total area of identification and directional signs shall not exceed one square foot per business.

Subd. 3. General Commercial and Public Districts:

(a) General Design Guidelines:

- (1) Signs shall be compatible with the style, composition, materials, colors and details of the building on which they are mounted.
- (2) Signs should be positioned to be an integral design feature of the building and to complement and enhance the building's architectural features.
- (3) A sign program shall be developed for buildings that house more than one business. Signs need not match, but shall be compatible with one another.

(b) Maximum Number of Signs:

- (1) One sign is permitted for every building façade that fronts on a public street, or, for multiple tenant buildings, one sign per business in accordance with an approved signage plan.
- (2) Identification and directional signs may be located on interior side or rear building facades.
- (3) Window signs, subject to these design standards, are allowed in addition to other signs.

(c) **Wall Signs:**

- (1) **Location:** One wall sign is allowed on each building façade that fronts on a public street. Wall signs shall be located within a horizontal band above the storefront windows that extends the width of the building. On street facing building facades without storefront windows, wall signs shall be located in the upper third of the building façade. Identification and/or directional signs on interior side or rear building facades shall be located near building entrances.
- (2) **Size:** The area of a wall sign shall not exceed 15 percent of the building façade area. The maximum height of the sign shall not exceed three and one-half feet. Wall signs shall not project more than six inches from the building wall. Wall signs located on an interior side or rear façade shall be limited to one square foot in area per business, up to a total of six square feet per building façade. The height of individual letters, numbers, or graphics shall not exceed twelve inches.
- (3) **Materials:** Wall signs should be made of materials consistent or compatible with the original construction materials and architectural style of the building façade on which they are displayed.
- (4) **Illumination:** External or internal illumination is allowed. External lighting shall consist of incandescent, metal halide or fluorescent light that emits a continuous white light. Light shall not shine directly onto the ground or adjacent buildings. Neon lighting is not allowed.

(d) **Awning Signs:**

- (1) **Location:** Awning signs shall only be located on the ground floor of a building façade fronting on a public street. Awnings shall be mounted above storefront windows and below any horizontal lintel or sign band. Awnings shall provide a minimum clearance of eight feet above a public sidewalk or right-of-way and shall not extend more than 36-inches from the building wall.
- (2) **Size:** The total area devoted to messages or graphics may occupy up to 50 percent of the awning face. The height of lettering, numbers, or graphics shall not exceed twelve inches.
- (3) **Materials:** Signs shall be painted, printed, or otherwise integrally attached to the awning material. Canvas or other fabric awnings are preferred; wood shake and plastic are not permitted. Architectural metal shall be subject to City Council review.
- (4) **Illumination:** Awnings should be externally illuminated by lights mounted onto the building façade or otherwise located on the property. Internally illuminated awnings are prohibited.

(e) **Window Signs:**

- (1) **Location:** Window signs may only be located on ground floor windows or door windows. One window or door sign is allowed per ground floor business. Signs for upper floor businesses may be located on the window of a door providing upstairs access.
- (2) **Size:** Total area of all window signs shall not exceed 30 percent of the window area on any building facade.
- (3) **Materials:** Signs shall be silk screened, hand painted, applied letters or graphics, neon tubing or other sign technologies that meet the intent of these standards. Window signs shall not have an opaque backing.
- (4) **Illumination:** Window signs may be illuminated by light fixtures located within the building interior (e.g. back lighting) or mounted on the building exterior. Neon shall be subject to city council approval.

(f) **Freestanding (Pylon) Signs:**

- (1) **Location:** A freestanding sign may be located along any public street frontage and must be setback a minimum of ten feet from the property line and at least 100 feet from any other freestanding or monument sign over 25 square feet in area.
- (2) **Size:** The sign shall not exceed 150 square feet per sign face. No sign shall have more than two faces. The sign may not exceed 30 feet in height measured from the finished ground level. A reader board up to 24 square feet in area may be attached to the bottom edge of the sign face.
- (3) **Materials:** Painted wood, acrylic, aluminum, or metal are preferred materials.
- (4) **Illumination:** External and internal illumination is allowed, provided the light source is not directly visible from adjacent properties and no light is permitted to spill onto adjacent property.

(g) **Monument (Ground) Signs:**

- (1) **Location:** A monument sign may be located along any public street frontage and must be setback a minimum of ten feet from the property line.
- (2) **Size:** The sign shall not exceed 48 square feet per side, including the sign base. No sign shall have more than two faces. The sign may not exceed six feet in height measured from the finished ground level. A reader board of up to 16 square feet in area may be attached to the bottom edge of the sign face, but at least one foot above ground level.
- (3) **Materials:** Painted wood, acrylic, aluminum, or metal are preferred materials.
- (4) **Illumination:** External and internal illumination is allowed, provided the light source is not directly visible from adjacent properties and no light is permitted to spill onto adjacent property.

Subd. 4. Light Industrial District: *(Amended, Ord. No. 2017-02)*

(a) General Design Guidelines:

- (1) Signs shall be compatible with the style, composition, materials, colors and details of the building on which they are mounted.
- (2) Signs should be positioned to be an integral design feature of the building and to complement and enhance the building's architectural features.
- (3) A sign program shall be developed for buildings that house more than one business. Signs need not match, but shall be compatible with one another.

(b) Maximum Number of Signs:

- (1) One sign is permitted for every building façade that fronts on a public street.
- (2) Identification and directional signs are allowed on interior side or rear facades.

(c) **Wall Signs:**

- (1) **Location:** One wall sign is allowed on each building façade that fronts on a public street. Identification and directional signs on interior side or rear building facades shall be located near building entrances, service doors or loading docks.
- (2) **Size:** The area of the sign shall not exceed 80 square feet or 20 percent of the building façade area, whichever is greater. The maximum height of the sign shall not exceed five feet. Wall signs shall not project more than six inches from the building wall. Wall signs located on an interior side or rear façade shall be limited to two square feet in area per business, up to a total of eight square feet per building façade. The height of lettering, numbers, or graphics shall not exceed 15 inches.
- (3) **Materials:** Wall signs should be made of materials consistent or compatible with the original construction materials and architectural style of the building façade on which they are displayed.
- (4) **Illumination:** External or internal illumination is allowed. External lighting shall consist of incandescent, metal halide or fluorescent light that emits a continuous white light. Light shall not shine directly onto the ground or adjacent buildings. Neon lighting is not allowed. (Amended, Ord. 2005-08)

(d) **Freestanding (Pylon) Signs:**

- (1) **Location:** Freestanding signs may be located along any public street frontage and must be setback a minimum of ten feet from the property line and at least 100 feet from any other freestanding or monument sign over 25 square feet in area.
- (2) **Size:** The sign face shall not exceed 150 square feet per face. No sign shall have more than two faces. The sign may not exceed 30 feet in height measured from the finished ground level. A reader board up to 24 square feet in area may be attached to the bottom edge of the sign face.
- (3) **Materials:** Painted wood, acrylic, aluminum, metal, or plastic are preferred.
- (4) **Illumination:** External and internal illumination is allowed, provided the light source is not directly visible from adjacent properties and no light is permitted to spill onto adjacent property.

(e) **Monument (Ground) Signs:**

- (1) **Location:** Monument signs may be located along any public street frontage and must be setback a minimum of ten feet from the property line.
- (2) **Size:** The sign face shall not exceed 48 square feet in area, including the sign base. No sign shall have more than two faces. The sign may not exceed six feet in height measured from the finished ground level. A reader board of up to 16 square feet in area may be attached to the bottom edge of the sign face, but must be at least one foot above ground level.
- (3) **Materials:** Painted wood, acrylic, aluminum, metal, or plastic are preferred.
- (4) **Illumination:** External and internal illumination is allowed, provided the light source is not directly visible from adjacent properties and no light is permitted to spill onto adjacent property.

(f) **Special Provisions:**

- (1) **Service Stations.** One gas price sign of up to 25 square feet may be attached to either a freestanding or monument sign, but cannot be in addition to any other reader board.

(Added, Ord. 2002-02)

Section 435:20. NONCONFORMING SIGNS.

Subdivision 1. Effective Date. Any sign legally existing on October 15, 1990 which does not conform to the requirements set forth in these sign regulations is a nonconforming use.

Subd. 2. Nonconforming Permanent On-Premises Signs. Nonconforming permanent on-premises signs may continue, but may not be rebuilt, relocated, replaced, or altered without being brought into compliance with all the requirements of these sign regulations. A business which has a greater number of signs than is permitted by these sign regulations must remove, change, or alter its sign arrangements so as to conform to the provisions relating to the number of signs. The property owner must determine which signs are to be removed and the selected signs must be removed within one year of written notice. The preceding two sentences do not apply to any business which has less than five signs on a single frontage, provided that the total combined area of the signs does not exceed the area limitations under these sign regulations and further provided that all of the signs are uniform in lettering, coloring, and design. *(Amended, Ord. 91-1)*

Subd. 3. Nonconforming Permanent Off-Premises Signs. Nonconforming permanent off-premises signs may continue, but may not be rebuilt, relocated, replaced, or altered without being brought into compliance with all the requirements of these sign regulations. Off-premises signs located in zoning districts where not permitted must be removed within three years of written notice.

Subd. 4. Temporary and Illuminated Signs. Portable illuminated signs not conforming to the requirements of these sign regulations must be removed or made to conform no later than October 1, 1995. All other nonconforming temporary or illuminated signs must be removed or made to conform within 60 days of written notice. *(Amended, Ord. 92-5)*

Subd. 5. Unsafe Signs. Notwithstanding any other provision of this section 435, any sign that is not in a safe condition must be removed or made safe within 15 days of written notice. *(Amended, Ord. 92-5)*

(Adopted, 10/90)

Section 435:25. TEMPORARY SIGNS.

The following standards shall apply to temporary signs in all zoning districts, unless otherwise noted.

Subdivision 1. Real Estate Signs:

- (a) One real estate sign located on the premises is permitted for the sale or lease of an existing building or vacant lot for each street frontage of the parcel.
- (b) A real estate sign may not exceed six square feet in area in a residential zoning district or 32 square feet in all other zoning districts.
- (c) Real estate signs must be removed when 95 percent of the project is sold or leased or when the lot is sold.

Subd. 2. Construction Signs:

- (a) One construction sign is permitted on each street frontage of a development site.
- (b) A sign may not exceed 32 square feet in area in residential zoning districts or 64 square feet in area in all other zoning districts.
- (c) Signs must be removed within 14 days after issuance of an occupancy certificate.

Subd. 3. Political Campaign Signs:

- (a) Political campaign signs must not exceed eight square feet in area in residential zoning districts and 32 square feet in all other zoning districts.
- (b) The signs may not be erected prior to the first day of filing and must be removed within seven days after the election to which they are applicable. In a state general election year, political campaign signs may be posted from August 1 until ten days following the state general election.
- (c) Each political campaign sign shall contain the name and address of the person responsible for placement of the sign. Such person shall be responsible for the removal of the sign.
- (d) Political campaign signs must comply with all other applicable provisions of state law.

Subd. 4. Window Signs: Temporary window signs are permitted in the Traditional Commercial and General Commercial districts for a period not to exceed 30 days. The total area of all temporary window signs may not exceed 40 percent of the window area on any building façade.

Subd. 5. Banners, Search Lights, and Portable Signs:

- (a) The city council may issue permits for the use of portable signs, banners, streamers, spinners, revolving beacons, or search lights for grand openings or special occasions.
- (b) Permits for such signs may be for a maximum of 15 days and may not be issued in conjunction with the same business activity for more than 45 days in any calendar year.
- (c) No such sign is permitted at any location sooner than 30 days after the expiration of a prior permit for the same business, activity, or property. No more than six permits may be issued to the same business, activity, or property per calendar year.
- (d) Search lights and revolving beacons are only permitted in the Traditional Commercial, Commercial, and Light Industrial zoning districts, they may not be directed into residential areas or onto streets and are permitted no more than six days per calendar year for any business or property.
(Amended, Ord. No. 2017-02)

Subd. 6. Other Temporary Signs:

- (a) A business activity may display up to three exterior temporary signs, only one of which may be in excess of 12 square feet in area. Exterior temporary signs over 12 square feet must obtain a permit from the city council. Such permit may authorize the erection and maintenance of a temporary sign of up to 32 square feet for a period not exceeding 30 days.

(Added, Ord. 2002-02)

**Section 435:26. ELECTRONIC GRAPHIC DISPLAY SIGNS
(DYNAMIC SIGNS).**

The following standards shall apply to all electronic graphic display signs unless otherwise noted.

Subdivision 1. District Allowance. Electronic graphic display signs are permitted in all commercial, industrial and public zoning districts.

Subd. 2. Type. Electronic graphic display signs shall be allowed as freestanding or wall signs. No more than two (2) electronic graphic display signs shall be allowed per lot/parcel (a two-sided sign shall be considered one sign). Electronic graphic displays shall be designed to freeze the display in the event of malfunction, and the owner shall discontinue the display immediately upon malfunction, or upon notice from the City that the display violates the City's regulations.

Subd. 3. Bulk and Setback Regulations. Freestanding electronic graphic display signs shall be subject to the same area, height, and setback requirements as other permitted freestanding (pylon) signs in the applicable commercial, industrial, and public zoning district except that electronic graphic display signs shall not be located within fifty (50) feet of a residential zoning district.

Subd. 4. Animation, Video, Flashing, and Motion (Frame Effects). Electronic graphic display signs shall have messages that change instantaneously. Such signs shall not fade, dissolve, blink, or appear to simulate motion in any way. The use of animation, frame effects, video display and flashing components (signs), as defined in Section 435:05 of this Chapter, is prohibited.

Subd. 5. Display Duration. All displays and/or messages shown on an electronic graphic display sign shall stay static for period of at least three (3) seconds.

Subd. 6. Automatic Dimming Technology. All electronic graphic display signs shall be equipped with automatic dimming devices. Light cast upon adjacent rights-of-way (as measured from the curb line or road edge) shall not exceed three-tenths (0.3) footcandles (meter reading).

(Added, Ord. 2012-04)

Section 435:30. OFF-PREMISE SIGNS.

Subdivision. 1. Off-premise signs are permitted only on property zoned Agricultural, Industrial or Public. Within these districts, the following requirements apply:

- (a) Off-premise signs are prohibited within 100 feet of:
 - (1) property zoned or designated for residential use in the comprehensive plan;
 - (2) office buildings or institutional use; or
 - (3) an intersection.
- (b) All off-premise signs located on the same parcel of land must be erected on the same standard (sign pole) and must be identical to each other in width.
- (c) No off-premise sign may be erected closer than 500 feet to another off-premise sign located on another parcel but on the same side of the street.
- (d) No off-premise sign may be located within 100 feet of an on-premise sign on the same parcel. If an on-premise sign is erected within 100 feet of an existing off-premise sign, the off-premise sign must be removed within three years.

(Added, Ord. 2002-02, Amended, Ord. 2012-03)

Section 435:31. MAINTENANCE AND REMOVAL OF SIGNS.

Subdivision 1. Maintenance. Signs must be maintained by the owner in a safe condition. Any structural element of a sign which is missing or damaged must be replaced. A sign must be repainted whenever its paint begins to fade, chip, or discolor.

Subd. 2. Removal Required. On-premise signs must be removed from the buildings and/or property by the property or sign owner within 14 days after the use is terminated. Off-premise signs must be removed within 14 days after discontinuation of use of the sign for advertising purposes, as indicated by removal of the advertising message or termination of the business so advertised.

(Added, Ord. 2002-02)

Section 435:35. *(Deleted 2003-10)*

Section 435:40. *(Deleted 2003-10)*

Section 435:45. *(Deleted 2003-10)*

Section 435:50. *(Deleted 2003-10)*

Section 435.55 VIOLATIONS; ENFORCEMENT.

Subdivision 1. Enforcement Authority; Right of Entry. The building inspector or authorized representative is authorized and directed to enforce these sign regulations. The building inspector or authorized representative is authorized to enter upon any property or premises at reasonable times to inspect any sign or perform any duty imposed upon the building inspector or authorized representative by these sign regulations.

Subd. 2. Criminal Penalty. A person who violates any provision of these sign regulations is guilty of a misdemeanor.

Subd. 3. Violations; Nuisance Declared; Abatement. Signs constructed, erected, or maintained in violation of the provisions of these sign regulations are hereby declared a public nuisance. The city council may order abatement of the nuisance and assess the costs of abatement against the property on which the sign is located, as provided in section 525 of the city code.

(Adopted, 10/90)