

- ii) Architecturally treated concrete; and
 - iii) Stucco or other cementitious coating applied in a manner so as to create a harmonious design with other exterior materials.
- b) Conditional materials. The use of these materials is subject to the approval of the city council:
- i) Decorative concrete block that has color and texture which is integral to the material;
 - ii) Textured or architecturally treated concrete masonry units, or panels, if either sealed or painted in a manner that is guaranteed by the manufacturer against blistering, peeling, cracking, flaking, checking, or chipping for a minimum of five years;
 - iii) Metal panels with interlocking, concealed, or tongue-and-groove seams and approved fasteners, if the exterior surface finish is warranted by the manufacturer for a minimum of 20 years against blistering, peeling, cracking, flaking, checking, or chipping.
- c) Acceptable accent materials: An accent material shall cover no more than 20 percent of the building's surface area. The following materials are acceptable:
- i) Any of the permitted materials listed above; or
 - ii) Wood, if sealed or treated in manner guaranteed by the manufacturer for a minimum of five years.
- d) Prohibited materials: Plain, flat, unpainted concrete block, or any metal material not meeting the standards outlined above.

Subd. 4. Rooftop utilities. The ground level view of all rooftop equipment, including rooftop structures related to elevators and other mechanical utilities must be completely screened from contiguous properties and adjacent streets with materials of similar type, quality, and appearance as that of the principal structure. If due to factors unique to the property or the project, it is either physically impossible or impracticable to completely screen these utilities, the council may approve alternative solutions that render them aesthetically compatible with the principal structure.

Subd. 7. Off-street loading and unloading areas.

- a) Any structure that requires the receipt or distribution of materials or merchandise by trucks or similar vehicles must have at least one off-street loading space.

- b) Loading docks must be off-street and located on the same lot as the building or use to be served. A loading berth must be located at least 25 feet from street intersections and at least 50 feet from a residential district unless within a building. Loading docks may not occupy the required front yard space.
- c) Unless otherwise specified in this code, a loading dock may be not less than 12 feet in width, 50 feet in length and 14 feet in height, exclusive of aisle and maneuvering space.
- d) A required loading dock must be located with appropriate means of vehicle access to a street or public alley in a manner that will least interfere with traffic.
- e) Loading docks and accessways must be improved with a durable material to control dust and drainage.
- f) A space allocated as a loading dock or maneuvering area so as to comply with the terms of this code may not be used for the storage of goods, inoperable vehicles or be included as a part of the requirements necessary to meet off-street parking requirements.

Subd. 8. Trash handling. Trash and trash handling equipment must be stored within the principal structure, within an attached structure accessible from within the principal structure or within an accessory structure completely screened from eye level view from public streets and adjacent residential properties. Such structures shall be constructed of the same building material as the principal structure. If due to factors unique to the property or the project, it is either physically impossible or impracticable to completely screen a structure, the council may approve alternative solutions that render them aesthetically compatible with the principal structure.

Subd. 9. Site lighting. Exterior lighting must be designed and arranged to direct illumination away from contiguous residential district property. Exterior lighting may not be arranged and designed to create direct viewing angles of the illumination source by pedestrian or vehicular traffic in the public right-of-way. Lenses, deflectors, shields, louvers and prismatic control devices must be used to eliminate nuisance and hazardous lighting. The light cast by these fixtures is restricted to 0.5 lumens at the property line. Such lighting may be no greater than 25 feet in height.

520.27. Manufactured Homes Performance Standards. Subdivision 1. Standards. Manufactured homes are permitted in the A-1, R-1 and R-2 districts provided they:

- a) Exceed 24 feet in width; and
- b) Have a minimum floor area of 1,100 square feet.
- c) Are mounted on permanent, continuous foundations.

SECTION 525 - ADMINISTRATION

525.01. Planning Commission. Subdivision 1. Members. The planning commission shall consist of five voting members, each appointed by the city council to serve without compensation for a five year term. Each voting member shall be a freeholder, resident and taxpayer in the city. The fire chief, the city clerk-administrator and the zoning commissioner shall be nonvoting members of the planning commission. No bond shall be required of any voting member, but an oath of office shall be taken. In case of vacancy for any cause, a successor for the unexpired term of the voting member shall be appointed by the city council.

Subd. 2. Officers; Meetings. The planning commission, at its first meeting of each year, shall designate one of its voting members as chairperson and one as vice chairperson. The city clerk shall act as executive secretary of the planning commission and shall keep minutes of its proceedings. Regular meetings of the planning commission shall be held at least semi-annually at city hall or in some other suitable place at a such times as the planning commission may determine. Special meetings of the planning commission, as required to carry out the provisions of this code, shall be held upon call of the chairperson or at least three of the five voting members at city hall or some other suitable place upon such notice as the planning commission may determine. All meetings shall be open to the public. Three voting members shall constitute a quorum of the planning commission. No member of the planning commission shall vote upon any matter in which he or she has a personal financial interest.

Subd. 3. Duties. The planning commission shall have the following duties:

- a) Consider all applications for permits pertaining to structures and land use within the city in order to recommend the conformity or otherwise of the proposed permit to the city code and act upon all questions that arise in the administration of this chapter, including the interpretation of zoning maps. The chairperson may appoint a committee of planning commission members or request that the zoning commissioner make personal observation of the land or structures which are the subject of an application. The planning commission, with approval of the city council, may authority a qualified engineer to study the plats, land and other pertinent data of a proposed permit and report to the commission. The planning commission, with approval of the city council, may seek the advice of competent authority on the specific use proposed in a permit application.
- b) After consideration, and such reports and advice as deemed necessary, the planning commission shall vote upon each application and shall forward its recommendation for approval or disapproval, signed by the chairperson, and the proposed application to the city council.
- c) The planning commission shall attempt to vote upon each application at its meeting next following receipt of the application; however, when necessary to make an informed and thoroughly investigated recommendation, the vote of the planning commission may be postponed for a reasonable time.

- d) The planning commission, or its committee, and the zoning commissioner shall investigate each report of an alleged violation of this chapter and shall make a report of its findings to the city council.
- e) At least annually, the planning commission shall review this chapter and its amendments, and shall recommend such amendments as deemed necessary to the city council. The planning commission, at any time, upon a determination of need or desirability, may recommend additional regulations, restrictions or changes in the zoning districts and in permitted, condition or interim uses to the city council.
- f) The city council may empower the planning commission to perform other acts and duties consistent with the provisions and intent of this chapter.

525.03. City Zoning Commissioner. Subdivision 1. Appointment. The city council shall annually appoint the city clerk or any person qualified to be a member of the planning commission to be the zoning commissioner.

Subd. 2. Compensation. The zoning commissioner may be paid such compensation as the city council may determine, but not more than \$200.00 per year.

Subd. 3. Duties. The zoning commissioner shall have the following duties:

- a) The zoning commissioner is empowered to receive and forward to the planning commission all applications for permits.
- b) The zoning commissioner shall be a nonvoting member of the planning commission and shall assist the planning commission as requested.
- c) After the city council has approved or denied issuance of a permit or application, the zoning commissioner shall sign and issue either a permit, if so authorized, or a rejection, and shall notify and forward to the applicant the permit or the rejection.
- d) The zoning commissioner may conduct inspections of properties to determine compliance with this chapter. The zoning commissioner shall report to the planning commission any use in violation of this chapter or its amendments, shall issue written notices with respect to violations as the city council may direct, and shall carry out the further instructions of the city council in enforcing this chapter. When necessary, the zoning commissioner may call upon the city's law enforcement officer or the city attorney for assistance in enforcement of this chapter.
- e) Maintain permanent and current records relating to this chapter, including but not limited to: all maps, amendments, and conditional use permits, variances, appeals, and applications.

525.05. Zoning Code Amendments. Subdivision 1. Criteria for granting zoning code amendments. The city council may adopt amendments to this code and the zoning map in relation to land uses within a particular district or to the location of the district line. Such amendments will only be made as a means to reflect changes in the goals and policies of the city as reflected in the comprehensive plan or changes in conditions in the city.

Subd. 2. Kinds of amendments. The following types of zoning amendments are governed by this subsection:

- a) A change in a zoning district's boundary (rezoning);
- b) A change in a zoning district's regulations; and
- c) A change in any other provision of the zoning code.

Subd. 3. Initiation of proceedings. Proceedings for amending this code may be initiated by:

- a) A petition of an owner or owners of property that is proposed to be rezoned, or for which district regulation changes are proposed;
- b) The recommendation of the planning commission;
- c) By action of the city council.

Subd. 4. Required exhibits for rezoning or zoning district regulation changes initiated by property owners. A boundary description and preliminary building and site development plan subject to approval of the zoning commissioner is required. The city council may also require a certified survey. The property must be properly monumented with metal stakes and caps. Evidence of ownership or enforceable option on the property is required.

Subd. 5. Procedure. The procedure for a property owner to initiate a rezoning or district regulation change applying to property is as follows:

- a) The property owner or the owner's agent, must meet with the planning commission chairperson or designee to explain the situation, learn the procedures, and obtain an application form.
- b) The applicant must file the completed application form together with the required exhibits with the zoning commissioner and pay the required filing fee as established by the city council.

- c) The zoning commissioner must transmit the application and required exhibits to the planning commission after receipt, and notify all property owners within the affected zone and within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification will not invalidate the proceedings.
- d) The city clerk must set the date for a public hearing and have notices of such hearing published in the legal newspaper at least once, not less than 10 days and not more than 30 days prior to the hearing. The council may waive the mailed notice requirements for a city-wide amendment to this code initiated by the planning commission or the city council.
- e) The city council must hold the public hearing within 30 days.
- f) The city council must act upon the application after the completed application has been received by the city with one of three actions: approval, denial, or conditional approval.
- g) An application of a property owner for an amendment to the text of this code or the zoning map may not be considered by the city council within a one year period following a denial of such request, except the city council may permit a new application, if in the opinion of the planning commission, new evidence or a change of circumstances warrant it.

525.07. Conditional Use Permits. Subdivision 1. Purpose. “Conditional use” means a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that: i) certain conditions as detailed in this code exist; ii) the use conforms to the comprehensive plan; and iii) the use is compatible with the existing neighborhood.

Subd. 2. Application, public hearing, notice and procedure. The application, public hearing, public notice and procedure for conditional use permits is the same as those for zoning amendments, except that the permit is issued on the affirmative vote of a majority of the city council. Although specific submissions required to complete an application for a conditional use permit may vary with the specific use and the zoning district in which it is located, all applications for conditional use permits must include at minimum a site plan that clearly illustrates the following: proposed land use, building mapping and functions, circulation and parking areas, planting areas and treatment, sign locations and type, basic lighting concerns, the relationship of the proposed project to neighboring uses, environmental impacts and demand for municipal services.

Subd. 3. Standards. The planning commission may recommend that the city council grant a conditional use permit and the council will issue such conditional use permit only if it finds that such use at the proposed location will:

- a) not be detrimental to or endanger the public health, safety, comfort, convenience

or general welfare of the neighborhood or the city.

- b) be harmonious with the general and applicable specific objectives of the comprehensive plan and this code.
- c) be designed, constructed, operated and maintained so as to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- d) not be hazardous or disturbing to existing or future neighboring uses.
- e) be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools, or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
- f) not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the city.
- g) not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- h) have vehicular approaches to the property that do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
- i) not result in the destruction, loss or damage of a natural, scenic or historic features of major importance.
- j) not depreciate surrounding property values.

Subd. 4. Conditions. In reviewing applications for conditional use permits, the planning commission may recommend and city council may attach whatever reasonable conditions deemed necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of property within the district, and to achieve the goals and objectives of the comprehensive plan. Such conditions may include, but are not limited to, the following:

- a) Controlling the number, area, bulk, height and location of such uses.
- b) Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- c) Regulating off-street parking and loading areas where required.

- d) Utilities with reference to location availability and compatibility.
- e) Berming, fencing, screening, landscaping or other means to protect nearby property.
- f) Compatibility of appearance.

In determining such conditions, special consideration is to be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such use.

Subd. 5. Denial for noncompliance. If the planning commission recommends denial of a conditional use permit or the city council orders such denial, it must include in its recommendation or determination findings as to the ways in which the proposed use does not comply with the standards required by this code.

Subd. 6. Permittee. A conditional use permit is issued for a particular use and not for a particular person.

Subd. 7. Periodic review, term of permit. A periodic review of the use may be attached as a condition of approval of a conditional use permit. Unless otherwise stipulated, the term of the permit is the life of the use.

Subd. 8. Revocation. Failure to comply with any condition set forth in a conditional use permit, or any other violation of this code, is a misdemeanor and constitutes sufficient cause for the termination of the conditional use permit by the council following a public hearing.

Subd. 9. Expiration. If substantial construction has not taken place within six months of the date on which the conditional use permit was granted, the permit is void except that, on application, the council, after receiving recommendation from the planning commission, may extend the permit for such additional period as it deems appropriate. If the use is discontinued at any time for a period of six months, the conditional use permit becomes void. This provision applies to conditional use permits issued prior to the effective date of this code, but the six-month period does not commence until the effective date of this code.

525.09. Variances. Subdivision 1. Criteria for granting variances. A variance from a provision of this code may be issued by the city council to provide relief to the landowner in those cases where this code imposes an undue hardship on the property in the use of the land. Use variances shall not be issued. A variance may be granted only in the event that all of the following circumstances exist:

- a) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from the lot's size or shape, topography or other circumstances over which the owners of property since enactment of this code have had no control.

- b) The literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.
- c) That the special conditions or circumstances do not result from the actions of the applicant.
- d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to owners of other lands, structures or buildings in the same district.
- e) That the variance requested is the minimum variance. Economic conditions alone will not be considered a hardship.
- f) The variance would not be materially detrimental to the purposes of this code, or to other property in the same zone.
- g) The proposed variance will not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion of public streets, or substantially diminish or impair property values within the neighborhood. The city council may impose such restrictions and conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this code, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance.

Subd. 2. Required exhibits for a variance application.

- a) A boundary description and preliminary building and site development plan must be submitted to the city by the applicant subject to approval of the zoning commissioner. The council may require a certified survey.
- b) The applicant must provide the city with evidence of ownership or an enforceable option on the property.

Subd. 3. Procedures. The procedure for obtaining a variance are as follows:

- a) The property owner or the owner's agent must meet with the zoning commissioner to explain the situation, learn the procedures and obtain an application form.
- b) The applicant must file the completed application form together with the required exhibits with the zoning commissioner and must pay a filing fee as established by the council.
- c) The zoning commissioner must transmit the application to the planning

commission for review and shall notify all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive such notification does not invalidate the proceedings.

- d) The planning commission must hold a public hearing on the proposed variance and must make a recommendation to the city council on the proposal.
- e) The city council shall review the planning commission's recommendation on the proposal and must make a decision on the proposal by taking one of three actions – approval, denial or conditional approval.
- f) An application by a property owner for a variance may not be submitted to the city within a six month period following a denial of such a request, except the city may permit a new application if, in the opinion of the city, new evidence of change or circumstances warrant it.
- g) A variance authorizes only one particular use and expires if work does not commence within six months of the date of granting such variance or if that use ceases for more than six consecutive months.
- h) The city council may revoke a variance if any conditions established by the city council as part of granting the variance request are violated.

525.11. Interim Use Permit. Subdivision 1. Purpose. The purpose and intent of allowing an interim use is: i) to allow a use for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in comprehensive plan; and ii) to allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future.

Subd. 2. Application, public hearing, notice and procedure. The application, public hearing, public notice and procedure requirements for interim use permit the same as those for rezoning amendments.

Subd. 3. Standards. The planning commission may recommend an interim use permit and the council shall issue such interim use permit only if it is found that such use at the proposed location:

- a) Meets the standards of a conditional use permit;
- b) Will terminate upon a date or event that can be identified with certainty;
- c) Will not impose, by agreement, additional costs on the public; and
- d) Will be subjected to, by agreement with the owner, any conditions that the city council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of

removing the interim use and any interim structures upon the expiration of the permit.

Subd. 4. Termination. An interim use permit terminates upon the earliest occurrence of any of the following events:

- a) The date stated in the permit;
- b) A violation of conditions under which the permit was issued;
- c) A change in the this code that renders the use nonconforming; or
- d) The use has been discontinued for a minimum of six months.

525.13. Building and Occupancy Permits. Subdivision 1. Building permits.

- a) It is unlawful to construct, or alter a structure or building or part thereof without first securing a building permit. It is unlawful to wreck or move any kind of a structure without first securing a demolition or moving permit.
- b) Application for Permit. Applications for building permits must be accompanied by the following exhibits unless waived by the planning commission. A written application in duplicate, for a building permit must be submitted to the zoning commissioner accompanied by the appropriate fees specified by separate resolution of the city council. Each application shall include sufficient information to enable the planning commission and the city council to determine if the proposed use conforms with this code and its amendments, a signed consent statement if required by this section, and the following specific data:
 - i) A legal description of real estate to be used or occupied;
 - ii) Purpose for which land and any structure thereon are intended to be used and, if applicable, the nature and kind structures;
 - iii) The dimensions, estimated costs, and general type and design of all structures;
 - iv) The location of all structures, including any future proposed structures;
 - v) The location of all roads;
 - vi) Plans for water supply;
 - vii) Drainage plans; and
 - viii) Sanitary facilities plans.

- c) Additional Application Information. The planning commission and city council may require any of the following as additional information with respect to an application for a building permit:
- i) A boundary description of the area including the property in question and 100 feet beyond its outer boundaries showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage, and topography and waterways if pertinent. Soil tests may be required. A certified survey may also be required.
 - ii) A preliminary building and site development plan showing the proposed building's location, dimensional parking and loading arrangements, vehicular and pedestrian access and egress, surface drainage plans, landscaping, utility plan, screening, size and location of all signs, building floor plans of all floors, elevations of all sides of buildings, sections and outline material specifications as appropriate.

Subd. 3. Procedure.

- a) Persons requesting a building permit must fill out a building permit form available from the city clerk-treasurer or any member of the planning commission.
- b) Completed building permit forms and fees must be submitted to the planning commission. If the proposal conforms in all respects to the this code, a building permit will be issued, after review by the planning commission, within a period of 60 days.
- c) If the proposal involves a zoning amendment, variance, or conditional use permit, the application, together with a building permit, must be submitted.

Subd. 4. Occupancy permit. Vacant land may not be occupied or used and new buildings hereafter erected, altered or moved may not occupied until a certificate of occupancy has been issued by the building official. Such certificate must show that the building or premises or part thereof and the use thereof are in conformity with the provisions of this code. Such certificate may be issued only when the building or premises and the use thereof conform to all the requirements of this code.

525.15. Fees. Subdivision 1. Application Fee. Any person submitting an application under this code shall pay the applicable application fee as established by the city council. The application fee is non-refundable and is intended to cover costs the city incurs in administratively processing, reviewing and issuing, if granted, the request permit or permission. No application may be submitted or considered complete unless it is accompanied by the appropriate application fee.

Subd. 2. Administrative Fee Deposit. At the time of submitting an application a person

may also be required to pay an administrative fee deposit in the amount determined by the city council. The city shall use the administrative fee deposit to pay the additional costs it incurs to review and process applications including, but not limited to, engineering, legal and planning consultant costs. The zoning commissioner may require the person to deposit an additional amount if the commissioner estimates the costs the city will incur to process the application will exceed the standard deposit amount established by the city council. The city shall deduct the costs it incurs related to reviewing and processing the application from the deposited amount. If the zoning commissioner determines the deposited amount will not be sufficient to fully reimburse the city for its costs, the zoning commissioner shall require the applicant to deposit an additional amount with the city. Any unused portion of the deposit will be refunded upon final action on the application. No application may be submitted or considered complete unless it is accompanied by the appropriate application fee. Processing of an application may be suspended, and the application may be denied, if the applicant fails to deposit additional funds with the city within 10 days of being notified by the city of the need for an additional deposit. No permits or permissions will be granted until an applicant makes payment in full of the costs incurred by the city related to the application.

Subd. 3. Collection of Costs. The costs the city incurs related to reviewing, processing, or otherwise responding to an application is a service charge on the property to which it relates and the city may certify all unpaid costs against the property for collection in the same manner as and together with real estate taxes.

525.16. Enforcement. Subdivision 1. Enforcing officer. The city council must enforce the provisions of this code.

Subd. 2. Violations. Violation of this code is a misdemeanor. Each 30 days that the violation is permitted to exist is a separate offense. Violation of any condition of a conditional use permit may result in immediate termination of such permit by the city council, following a public hearing. Notice and public hearing of violations and termination proceedings on all nonconforming, any conditional, incompatible, accessory or conditional uses or home occupation uses, must be given by the city council to the interested party or parties by certified mail or in lieu thereof by one legal published notice at least 10 days before the hearing date.

SECTION 530 - SUBDIVISION REGULATIONS

530.01. Purpose, Authority and Jurisdiction. Subdivision 1. Purpose. The purpose of this section is to regulate the subdividing of land within the city so that new development will be integrated with the city's comprehensive plan and will contribute to an attractive, stable and wholesome community environment. The process of dividing raw land into separate parcels for other uses including residential, industrial and commercial sites, is one of the most important factors in the growth of any community. Once the land has been subdivided and the streets, homes and other structures have been constructed, the basic character of this permanent addition to the city has become firmly established. It is, therefore, to the interest of the general public, the developer, and the future landowners that subdivisions be conceived, designed, and developed in accordance with the highest possible standards of excellence. Subdivisions of land submitted for approval must comply with the regulations set forth in this section. It is the purpose of these regulations to:

- a) Encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction;
- b) Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewer and water service;
- c) Assess the cost of improvements against those properties benefiting from their construction;
- d) Secure the rights of the public with respect to public lands and waters;
- e) Improve land records by establishing standards for surveys and plats; and
- f) Protect the environmentally sensitive areas in the city.

Subd. 2. Legal authority. This section is adopted pursuant to Minnesota Statutes Section 462.358.

Subd. 3. Geographic Jurisdiction. This section applies to the area within the corporate limits of the city.

530.03. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd. 3. "Alley" means a public right-of-way of 20 feet or less in width which normally affords a secondary means of vehicular access to abutting property.

Subd. 4. "Block" means the enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

Subd. 5. "Boulevard" means the portion of the street right-of-way between the curb line

and the property line.

Subd. 6. "Cluster development" means subdivision development planned and constructed so as to group housing units into patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this section and the zoning code.

Subd. 7. "Contour map" means a map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Subd. 8. "Copy" means a print or reproduction made from a tracing.

Subd. 9. "Corner lot" means a lot bordered on at least two sides by streets.

Subd. 10. "Concept plan" or "sketch plan" means a generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to the city at the pre-application meeting.

Subd. 11. "Development" means the act of building structures and installing site improvements.

Subd. 12. "Double frontage lot" means a lot that has a front line abutting on one street and a back or rear line abutting on another street.

Subd. 13. "Drainage course" means a water course or indenture for the drainage of surface water.

Subd. 14. "Final plat" means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the city council for approval and which, if approved, will be submitted to the county recorder.

Subd. 15. "Key map" means a map drawn to comparatively small scale which definitively shows the area proposed to be platted and the areas surrounding it to a given distance.

Subd. 16. "Lot" means a piece, parcel or plot of land intended for building development or as a unit for transfer of ownership.

Subd. 17. "Metes and bounds description" means a legal description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

Subd. 18. "Minimum subdivision design standards" mean the guides, principles and

specifications for the preparation of subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Subd. 19. "Owner" means an individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Subd. 20. "Pedestrian way" means a public right-of-way across or within a block intended to be used by pedestrians.

Subd. 21. "Plat" means the map, drawing or chart on which the subdivider's plan of subdivision is presented to the council for approval.

Subd. 22. "Preliminary plat" means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the planning commission and city council for their consideration.

Subd. 23. "Preliminary approval" means official action taken by the city on an application to create a subdivision which establishes the rights and obligations set forth by law and the applicable subdivision regulation. In accordance with law, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Subd. 24. "Private street" means a street serving as vehicular access to one or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

Subd. 25. "Protective covenant" means a contract entered into between private parties and constituting a restriction on the use of private property within a subdivision for the benefit of the property owners, and providing mutual protection against undesirable aspects of development that would tend to impair stability of values.

Subd. 26. "Right-of-way" means the publicly owned land along a street or highway corridor a portion of which is covered by the street pavement.

Subd. 27. "Streets"

- a) "Street" means a public way for vehicular traffic, whether designed as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or otherwise designated.
- b) "Collector street (residential)" means a street located in a residential neighborhood that carries traffic from local streets to arterial streets.

- c) “Collector street (commercial)” means a street located in a commercial or industrial area that carries traffic from local streets to arterial streets.
- d) “Cul-de-sac” means a street turn-around with only one outlet.
- e) “Service street” means a marginal access street, or otherwise designated, as a minor street, that is parallel and adjacent to a thoroughfare and that provides access to abutting properties and protection from through traffic.
- f) “Local street” means a street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
- g) “Arterial street” means a street or highway with access restrictions designed to carry large volumes of traffic between various sections of the city and beyond.
- h) “Half street” means a street having only one-half of its intended roadway width developed to accommodate traffic.

Subd. 28. “Street width” means for the purpose of this code, the shortest distance between the lines delineating the right-of-way.

Subd. 29. “Subdivider” means a person commencing proceedings under this section to effect a subdivision of land hereunder.

Subd. 30. “Subdivision” means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development.

Subd. 31. “Tracing” means a plat or map drawn on transparent paper or cloth that can be reproduced by using regular reproduction procedure.

530.05. Plat Presentation Procedures. Subdivision 1. Real property within the jurisdiction of this section may not be subdivided and offered for sale or a plat recorded until a pre-application meeting has been held and a preliminary plat and a final plat have been approved by the city council.

Subd. 2. Pre-application meeting. Prior to the submission of a plat for consideration to the city, the subdivider must meet with the zoning commissioner, or any individual to whom the zoning commissioner may delegate this responsibility, to become familiar with these procedures.

Subd. 3. Preliminary plat approval procedure.

- a) The subdivider must engage a qualified land planner or registered land surveyor to prepare a preliminary plat of the area to be subdivided.
- b) The subdivider must submit six copies of the preliminary plat to the zoning

commissioner at least three weeks prior to the next regular planning commission meeting in order for it to be considered at that meeting.

- c) The zoning commissioner must submit the preliminary plat application to the city engineer and city attorney and any other technical assistant, if desired.
- d) The city engineer, city attorney and any other technical assistant must review the preliminary plat and submit a report to the zoning commissioner.
- e) The planning commission must hold a public hearing, after ten days published notice thereof, and review the preliminary plat considering the reports of the consultants. The planning commission must recommend approval, approval subject to revisions or conditions or denial and forward that decision to the city council for review and approval. If the application is denied, the city council must set forth the grounds for such refusal in its proceedings and transmit them to the subdivider. If approved, the plans will be accepted as a basis for the preparation of a final plat.

Subd. 4. Final plat approval procedure.

- a) The subdivider must engage a registered land surveyor to prepare a final plat which may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time.
- b) The subdivider must submit six copies of the final plat application to the planning commission at least two weeks before a regularly scheduled planning commission meeting and within one year of preliminary plat approval. The subdivider must submit an attorney's opinion based on a current abstract or Torrens title certificate that establishes ownership of the tract contained in the proposed plat.
- c) The planning commission must review the final plat and transmit its recommendation to the city council.
- d) If deemed necessary, the council may hold a public hearing on the final plat after having given ten days published notice.
- e) The council must act on the final plat, whereupon the zoning commissioner must notify the subdivider of the council's action.
- f) The subdivider must record the final plat with the Rice County recorder within 60 days of final plat approval; otherwise, the approval of the final plat is void.
- g) The subdivider must furnish a duplicate and five paper prints of the final plat as recorded, to the city clerk-treasurer.

530.07. Plat Application Requirements. Subdivision 1. Preliminary plat. The preliminary plat

application must contain the following information:

- a) A preliminary plat that contains the following information:
 - 1) Scale: one inch equals 100 feet.
 - 2) The proposed name of the subdivision which may not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in Rice County.
 - 3) The location of the property by section, town, range or other legal description.
 - 4) The name and address of the owner, subdivider and surveyor.
 - 5) A key map including area within one mile radius of plat.
 - 6) A graphic scale.
 - 7) A north-point.
 - 8) The date of preparation.
- b) An existing conditions survey of the tract and the surrounding area of a distance of 300 feet, that contains the following information:
 - 1) The boundary lines of proposed subdivision, clearly indicated.
 - 2) The existing zoning classifications for land within and abutting the subdivision.
 - 3) The total approximate acreage.
 - 4) Any platted streets, railroad rights-of-way and utility easements, parks and other public land or easements.
 - 5) Boundary lines and ownership of adjoining unsubdivided land.
 - 6) Sewers, water mains, culverts or other underground facilities.
 - 7) Permanent buildings and structures.
 - 8) Topography, showing water courses, marsh areas, and contours at vertical intervals of no more than two feet. Elevation data must be mean sea level.

- c) Documents showing the proposed subdivision design features that contain the following information:
 - 1) The layout and width of any proposed streets and utility easements showing street names, lot dimensions, parks and other public areas.
 - 2) The proposed use of all parcels, and if a zoning change is contemplated, the proposed re-zoning.
 - 3) A contour map showing preliminary street grades and drainage plans.
 - 4) The layout, numbers and preliminary dimensions of all lots and blocks.
 - 5) When lots are located on a curve, the width of the lot at the building setback line.
- d) Other information to be submitted:
 - 1) When a subdivider owns property adjacent to property that is being proposed for the subdivision, the city may require that the subdivider submit a sketch of the remainder of the property not being subdivided so as to show possible relationships between the proposed subdivision and any future subdivision.
 - 2) A plan for soil erosion and sediment control both during construction and after development has been completed.
 - 3) A current abstract of title or a registered property certificate along with any unrecorded documents and an opinion of title by the subdivider's attorney.
 - 4) Such other information as may be requested by the city staff, the planning commission or the city council.

Subd. 2. Final plat. The final plat application must contain the following information:

- a) The final plat must be prepared by a land surveyor who is registered in the state of Minnesota and must comply with the appropriate provisions of Minnesota Statutes and these regulations.
- b) Any information required by the Rice County surveyor.
- c) The boundaries of the property; lines of all proposed streets and alleys, with their width, and other areas intended for public use.
- d) The lines of adjoining streets and alleys, with their width and names.

- e) Plans for water supply, sewage disposal, drainage and flood control.
- f) An identification system for all lots and blocks.
- g) Lot lines and easements, with figures showing their dimensions.
- h) Certification by a registered land surveyor to the effect that the plat represents a survey made by the surveyor and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
- i) A notarized certification by the owner(s) of any interest in the property, and by any mortgage holder of record, of the adoption of the plat and the dedication of streets, easements and other public areas.
- j) Certification showing that all taxes currently due on the property to be subdivided have been paid in full.
- k) Such other information as may be requested by the city staff, the planning commission or the city council.

Subd. 3. Certifications. The final plat must include the required certifications by the city and county officials, including the signature of the mayor indicating that the plat has been approved by the city council.

530.09. Subdivision Design Standards. Subdivision 1. Generally, design standards are intended to assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and is in conformance with the comprehensive plan for the development of the entire area.

Subd. 2. Circulation.

- a) General street design. The design of streets is to be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water and to the proposed uses of the area to be served. Where new streets extend existing adjoining streets, their projections must be at the same or greater width, but in no case less than the minimum required width. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions must make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.
- b) Street width and grade. The following standards of street design must be observed by the subdivider:

<u>Street Category</u>	<u>Right-of-Way Minimum Width</u>	<u>Pavement Minimum Width</u>	<u>Maximum Grade**</u>	<u>Minimum Grade</u>
Commercial Collector	80 feet	40 feet	6%	0.5%
Residential Collector	66 feet	36 feet	8%	0.5%
Local	60 feet	30 feet	8%	0.5%

** to assure a safe and reasonable sight distance, a lesser maximum grade may be required.

- c) Street jogs. Street jogs with center line offsets of less than 125 feet are not permitted.
- d) Tangents. A tangent of at least 150 feet must be introduced between reverse curves on collector streets and 100 feet on local streets.
- e) Deflections. When connecting street lines deflect from each other at one point by more than 10 degrees, they must be connected by a curve with a radius adequate to ensure a sight distance of no less than 500 feet for arterials, 300 feet for collectors, and 100 feet for local streets.
- f) Street intersections. Insofar as practical, streets must intersect at right angles and no intersection may be at an angle of less than 60 degrees. Intersections having more than four corners are prohibited. It must be evidenced that safe and efficient traffic flow is encouraged.
- g) Cul-de-sacs. Maximum length of permanent cul-de-sac streets must be 400 feet measured along the center line from the intersection of origin to end of right-of-way. Each cul-de-sac must be provided at the closed end with a turn around having a minimum outside roadway diameter of 80 feet, and a minimum street property line diameter of 100 feet.
- h) Half streets. Half streets are prohibited except where the city council finds it to be practicable to require the dedication of the other half when the adjoining property is subdivided.
- i) Street names. Proposed streets obviously in alignment with existing and named streets must bear the names of such existing streets. The name of a new proposed street may not duplicate existing street names, including phonetic similarities.

- j) Private streets. Public improvements will not be approved for a private street until it is designated as a public street.
- k) Hardship to owners of adjoining property. The street arrangements may not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- l) Corners. Curb lines at street intersections must be rounded at a radius of not less than 10 feet.
- m) Sidewalks. The city council may require the provision of sidewalks in proximity to public service areas such as parks, schools, shopping facilities or in other appropriate locations of a similar nature. The design of sidewalks must be considered in their relation to existing and planned sidewalks, reasonable circulation of traffic, topographic considerations, storm water runoff and the proposed uses of the areas to be served.

Subd. 3. Easements.

- a) Utilities. Where alleys are not provided, easements of at least 10 feet wide centered on rear lot lines and side lot lines must be provided for utilities where deemed necessary by the city. Easements for storm or sanitary sewers shall be at least 20 feet wide. All easements must have continuity of alignment from block to block. Temporary construction easements may be required where installation depths are greater than 10 feet. Utility easements must be kept free of any vegetation or structures that would interfere with the free movement of utility service vehicles.
- b) Water courses. When a subdivision is traversed by a water course, drainage way, channel or stream, there must be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses.

Subd. 4. Blocks.

- a) Length. Block lengths may not exceed 800 feet and may not be less than 360 feet.
- b) Width. A block must be so designed as to provide two tiers of lots of appropriate depth unless it adjoins a railroad or highway, or where the rear lot line abuts a different land use or a physical barrier such as a water course or severe topography. In these cases the lot depth must be at least 15 feet greater than minimum requirements.
- c) Pedestrian ways. In blocks longer than 600 feet, a pedestrian crossway with a minimum right-of-way of ten feet may be required near the center of the block. The use of additional access ways to schools, parks and other destinations may also be required.

Subd. 5. Lots.

- a) Layout. Where possible, side lot lines must be at right angles to straight street lines or radial to curved street lines. Each lot must front on a public street. Lots with frontage on two parallel streets are prohibited.
- b) Size and dimension. Minimum lot areas and lateral dimensions must be as set forth in the zoning code.
- c) Corner lots. Corner lots must be platted at least 15 feet wider than the minimum lot width required.
- d) Natural features. In the subdivision of land, due regard must be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.
- e) Lots along arterial streets. There must be no direct vehicular access from residential lots to a county or state highway, and residential lots shall be separated from highways and railroad rights-of-way by a 25 foot buffer strip, which may be in the form of added depth or width of lots backing on or siding on the highway or railroad right-of-way.
- f) Lot remnants. Lot remnants that are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
- g) Drainage. Lots must be graded so as to provide drainage away from building locations.

Subd. 6. Soil erosion and sediment control. The standards related to soil erosion and sediment control contained in the city code are applicable to all proposed subdivisions.

Subd. 7. Park dedication.

- a) Pursuant to Minnesota Statutes Section 462.358, subdivision 2b, the city requires all subdividers to dedicate to the city or preserve for public use as parks, recreational facilities, playgrounds, trails, open space or areas of natural and environmental significance a reasonable portion of the buildable land of the subdivision. For the purposes of this section, a "subdivider" means any party separating an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests. The city council, at its discretion, may elect to require in lieu of land an equivalent cash payment based on the fair market value of the buildable land no later than the time of final

subdivision approval. Any cash payment shall be placed in a special fund and used only for the purposes for which it was obtained, including the acquisition and development or improvement of the public park system or debt retirement in connection with land previously acquired. The form of contribution (cash or land, or any combination thereof) shall be decided by the city council based upon need and conformance with the comprehensive plan and the park plan therein. For purposes of this section, "buildable land" means the gross acreage of all property in the subdivision excluding wetlands designated by federal or state agencies, areas below the 100-year ordinary high water elevations and arterial streets and roadways.

- b) The city council shall establish the administrative procedures deemed necessary to implement the provisions of this section, including all those required by Minnesota Statute, section 462.358.
- c) Any land dedicated to the public as a requirement of this section shall be reasonably useable for one or more of the public purposes for which it is acquired. Factors used in evaluating the utility of the area proposed to be dedicated shall include size, shape, topography, drainage, geology, tree cover, access and location.
- d) The planning commission may from time to time recommend changes to the standards and guidelines established by this section for determining which portion of each subdivision should reasonably be required for public dedication. Such standards and guidelines may take into consideration the zoning classification to be assigned to the buildable land, the particular use proposed for such land, amenities to be provided and factors of density and site development as proposed by the subdivider.
- e) Subdividers shall be required to dedicate to the city for use as parks, recreational facilities, playgrounds, trails, open space, or areas of natural and environmental significance the percentage of the buildable land of the subdivision. In lieu of dedication, the city council may consider a request for the equivalent fair market value in cash as set out below:

In areas zoned:

- i) Residential.

The greater of:

- 1) proposed dwelling units per acre, or
- 2) the zoned density

At Least	But less than	Percentage of buildable land or equivalent market value in cash to be dedicated
0	1.0	5
1	2	10
2	3	11
3	4	12
4	5	13
5	6	14
6	7	15

- ii) For commercial and industrial subdivisions, the subdivider shall, at the discretion of the city council, dedicate five percent of the buildable land area of the subdivision or an equivalent amount of cash in lieu.
- f) For residential subdivisions on which a dwelling unit currently exists, the required dedication shall not apply to the resulting lot containing the existing home. For commercial and industrial subdivisions on which there is an existing permitted or conditionally permitted use, the required dedication shall not apply to the resulting lot containing the existing use.
- g) Any land which is further subdivided shall be subject to the park dedication requirements in effect at the time of such additional subdivision. Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots. In no event shall the city be liable for any repayment because of a subsequent reduction in the required park dedication.
- h) Cash contribution in lieu of land.
 - i) In subdivisions in which the amount of land to be dedicated to the public is less than the amount required by this section, the city council shall require a cash contribution by the subdivider in lieu of dedication of the additional land. The amount of cash to be contributed shall be based upon the fair market value of the equivalent land that would otherwise have been dedicated.
 - ii) For purposes of this section, the fair market value means the value of the land at a time no later than final subdivision approval, determined in accordance with the following:
 - A) The planning commission shall make a recommendation to the city

council regarding the fair market value of the land, after consultation with the subdivider.

- B) The city council, after reviewing the zoning commissioner's recommendation, may agree with the zoning commissioner or the subdivider, as to the fair market value. If agreement is not reached in this matter, the fair market value shall be determined in accordance with one of the following:
 - C) Fair market value as determined by the city council based upon a current appraisal submitted to the city by the subdivider at its expense. The appraisal shall be made by appraiser who is licensed in the state of Minnesota; or
 - D) If the city council disputes such appraisal, it may obtain a second appraisal of the land by a qualified real estate appraiser whom the city council selects, which appraisal may be accepted by the city as being an accurate appraisal of fair market value. The cost of the second appraisal shall be paid by the subdivider.
- i) Where a proposed park, recreational facility, playground, trail, open space, or area of natural and environmental significance that has been indicated in the comprehensive plan or park plan is located in whole or in part within a proposed subdivision, such proposed public site shall be designated as such and shall be dedicated to the city by the subdivider.
 - j) Land area dedicated for public use under this section may not be used to calculate the density requirements of the subdivision. Additionally, land dedicated under this section shall be in addition to, and not in lieu of, open space requirements of the zoning code and standard development easements. At the discretion of the city council, land set aside through conservation easements may be accepted, in whole or in part, as a dedication if deemed to be of public benefit in achieving goals established by the comprehensive plan and park plan.
 - k) Where private open space for park and recreation purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas may be used for credit at the discretion of the city council against the requirement of dedication for public purposes, provided the city council finds it is in the public interest to do so and that the following standards are met:
 - i) Yards, court areas, setbacks and other open space required to be maintained by the zoning code shall not be included in the computation of such private open space;

- ii) The private ownership and maintenance of the open space is adequately provided for by written agreement;
- iii) The private open space is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of property within the subdivision and which cannot be modified without the written consent of the city council;
- iv) The proposed private open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, drainage, access, and location of the private open space land; and
- v) The facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the comprehensive plan and are approved by the city council.

Under no circumstances, however, shall such credit for private facilities exceed 25 percent of the amount required to be dedicated to the public under this section.

- 1) All cash contributions received from subdividers in lieu of land dedications shall be deposited into a separate fund to be used for the purposes for which the cash was obtained, including acquisition of land, the development or improvement of existing public sites, or for debt retirement in connection with land previously acquired. The city council shall establish separate budgeting and accounting procedures to oversee said fund.

530.11. Required Improvements. Subdivision 1. The subdivider must provide the following improvements for all subdivisions unless the council elects to do so under a cash escrow agreement.

Subd. 2. Monuments. Steel monuments must be placed at all block corners, angle points, points of curve in streets and at intermediate points as shown on the final plat. Such installation must be the subdivider's expense and responsibility. All federal, state, county or other official benchmarks monuments, or triangulation stations in or adjacent to the property must be preserved in precise position.

Subd. 3. Utility, street and miscellaneous improvements. All property must be located on a street and must have access to public sewer and water infrastructure. The city will install or construct such improvements as sanitary sewer mains, storm sewer mains, water mains, streets, sidewalks and boulevard trees; however, the city will require the subdivider to pay for any or all of the costs of such improvements. The improvements are subject to the following:

- a) Grading. Streets must be graded to the full width of the right-of-way in

accordance with street grades submitted to and approved by the city engineer. All street grading and gravel base construction must be in accordance with specifications on file in the city engineer's office. Grading must be complete prior to installation of applicable underground utilities, either private or public in nature. Gravel base construction must be undertaken after completion of the installation of underground utilities.

- b) Surfacing. Following the city's engineer's approval of street grading and after utility installation, streets must be surfaced and provided with concrete curbs and gutters in accordance with the latest recommended plans and specifications prepared by the city's engineer and approved by the city council, and on file in the recorder's office.
- c) Rural street section. When permanent rural street sections have been approved by the city council, the subdivider must finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the city council.
- d) Sidewalks and driveways. Driveways must be constructed from the curb and gutter to the property line or property side of sidewalk. In cases where driveways are constructed after curbing and sidewalk are in place, the sidewalk shall be reconstructed in accordance with driveway specifications to the width of the driveway.
- e) Utilities.
 - i) Installation. All utilities, whether private or public, must be installed underground so as to enhance the visual appearance of the area, unless special permission is granted by the council for other installation. Where utilities are to be installed in street or alley rights-of-way, such installations must take place prior to street surfacing. Water and sewer services must be laid to the property line.
 - ii) Sanitary sewer. Sanitary sewer facilities adequate to serve the subdivision must be installed in accordance with the latest plans and specifications of the city engineer and must meet the requirements of the master plan for sanitary sewer extensions of the city. All new construction must be connected to the municipal sanitary sewer system. If public sewer facilities are not available, the subdivider must make provisions for adequate private sewage disposal systems meeting state standards.
 - iii) Water supply. Water distribution facilities adequate to serve the subdivision must be installed in accordance with the plans and specifications of the city engineer and must meet the requirements of the master plan for water main extensions of this municipality. All new

construction must be connected to the municipal water system.

- f) Drainage facilities. Storm sewer or other surface drainage facilities must be installed as determined necessary by the city engineer for the proper drainage of surface waters.
- g) Other utilities. The subdivider must cause gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. Electrical or telephone service may not be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.
- h) "Boulevard" trees. In areas lacking trees as determined by the city, boulevard trees must be planted not less than 40 feet apart, with a minimum of one per lot. No trees must be planted within 40 feet of the intersection of curb lines on corner lots. The minimum size must measure one and one-half inches in diameter at ground line. Only those locations approved by the council may be used.

Subd. 4. Review and inspection. The subdivider must pay for all costs incurred by the city for subdivision review and inspection. This includes preparation and review of plans and specifications by the city attorney, the city engineer and other technical consultants as well as other costs of a similar nature.

530.13. Payment for Installation of Improvements. Subdivision 1. General. The required improvements listed in this subsection are to be furnished and installed at the sole expense of the subdivider. However, if the cost of an improvement would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for the payment of a portion of the cost by the city. Further, if any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of the improvement as will represent the benefit to the property within the subdivision.

Subd. 2. Agreement providing for the installation of improvements.

- a) Prior to the installation of any required improvements and prior to approval of the plat, the subdivider must enter into a contract in writing with the city requiring the subdivider to furnish and construct said improvements at its sole cost and in accordance with plans and specifications and usual contract conditions. This must include provision for supervision of details of construction by the city engineer and must grant to the city engineer authority to correlate the work to be done by any subcontractor authorized to proceed and with any other work being done or contracted by the city in the vicinity. The agreement must require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond, the amount of the deposit or penal amount of the bond to be equal to 125 percent of

the engineer's estimate of the total cost of the improvements to be furnished under the contract, or such lesser amount as the council has authorized, including the cost of inspection. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event the amount of the deposit or bond may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat. The time for completion of the work and the several parts thereof will be determined by the city council upon recommendation of the city engineer after consultation with the subdivider. The time is to be reasonable with relation to the work to be done, the season of the year, and proper correlation with construction activities in the plat or subdivision.

- b) A subdivider may not start work on any other subdivision without special approval of the city council if the subdivider has previously defaulted on work or commitments.

Subd. 3. Financial guarantee.

- a) General. The contract provided for in this section must require the subdivider to make an escrow deposit or, in lieu thereof, furnish a performance bond. The escrow deposit or performance bond must conform to the requirements of this section.
- b) Escrow deposit. An escrow deposit must be made with the city treasurer in a sum equal to 125 percent of the total cost as estimated by the engineer of all the improvements to be furnished and installed by the subdivider pursuant to the contract, which have not been completed prior to approval of the plat. The total costs must include costs of inspection by the city engineer. The city may reimburse itself out of the deposit for any cost and expense incurred by the city for completion of the work in case of default of the subdivider under the contract, and for any damages sustained on account of any breach thereof. Upon completion of the work and termination of any liability, the balance remaining in the deposit must be refunded to the subdivider.
- c) Performance bond. In lieu of making the escrow deposit, the subdivider may furnish a bank letter of credit or performance bond with corporate surety in a penal sum equal to 125 percent of the total cost as estimated by the engineer of all the improvements to be furnished and installed by the subdivider pursuant to the contract that have not been completed prior to the approval of the plat. The bond must be approved as to form by the city attorney and filed with the clerk-administrator.
- d) Default. In the event the subdivider defaults in the terms or conditions of the contract with the city for such improvements, the city may complete the project referred to in the contract and assess all costs of the completion incurred by the city against the real property being subdivided as a special assessment and collect

it the same as if it were any other special assessment levied by the city against real property and the contract must include a provision to that effect.

Subd. 4. Construction plans and inspection.

- a) Construction plans for the required improvements conforming in all respects with this code must be prepared at the subdivider's expense by a professional engineer who is registered in the state of Minnesota. Such plans together with the quantities of construction items must be submitted to the city engineer for an approval and for an estimate of the total costs of the required improvement. Upon approval, such plans must become a part of the required contract. The tracings of the plans approved by the city engineer plus two prints must be furnished to the city to be filed as a public record. Record plans must be submitted following project construction.
- b) All required improvements on the site that are to be installed under the provisions of this section must be inspected during the course of construction by the city engineer at the subdivider's expense, and acceptance by the city is subject to the engineer's certificate of compliance with the contract.

Subd. 5. Improvements completed prior to approval of the plat. Improvements within a subdivision that have been completed prior to application for approval of the plat or execution of the contract for installation of the required improvements will be accepted as equivalent improvements in compliance with this section only if the city engineer certifies that her or she is satisfied that the existing improvements conform to applicable standards.

530.15. Administration and Enforcement. Subdivision. 1. Responsible official. The city clerk-treasurer must see that the provisions of this section are enforced.

Subd. 2. Building permit. A building permit may not be issued for the construction of any buildings, structures or improvement on any land subdivided until there has been compliance with the requirements of this section.

530.17. Minor Subdivision - Exemption. In the case of a subdivision resulting in three parcels or less situated in a locality where conditions are well defined, the council may exempt the subdivider from complying with certain requirements of these regulations. In the case of a request to subdivide a lot which is a part of a recorded plat, or where the subdivision is to permit the adding of a parcel of land to an abutting lot or to create not more than three new lots, and the newly created property lines will not cause any resulting lot to be in violation of these regulations or the zoning code, the subdivision may be approved by the council, after submission of a survey by a registered land surveyor showing the original lots and the proposed subdivision.

530.19. Miscellaneous. Subdivision. 1. Variances. Where there are practical difficulties or hardships in the way of carrying out the strict letter of the provisions of this section, the council may vary from the requirements of this section in harmony with its general purpose and interests thereof.

- a) Hardship. The city council may grant a variance upon receiving a report from the planning commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The planning commission may recommend variations from the requirements of this section in specific which, in its opinion, do not affect the comprehensive plan or the intent of this section. Any modifications thus recommended must be entered in the minutes of the planning commission in setting forth the reasons which justify the modifications. The city council may approve variances from these requirements in specific cases which in its opinion meets the above requirements and do not adversely affect the purposes of this section.
- b) Additional criteria. In determining whether a variance is to be issued for any of the requirements, the criteria used include, but are not limited to the following:
 - i) The economic feasibility of the subdivision and its improvements;
 - ii) The best interest of the city;
 - iii) That the reasonably anticipated value will be a benefit to the property;
 - iv) That the value of the requested improvements will be no higher than the land value as benefited by the improvements;
- c) Signatures. Any petition submitted it must be signed by and consented to by all owners in the subdivision.

Subd. 2. Planned unit developments. Upon receiving a report from the planning commission, the council may grant a variance from the provisions of these regulations in the case of a planned unit development, as defined in this code, provided that the council finds that the proposed development is fully consistent with the purposes and intent of these regulations.

SECTION 535 - TELECOMMUNICATIONS TOWERS AND FACILITIES.

535.01. Findings. Subdivision 1. The city council finds that the Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the "Act") governs the construction, placement, and modification of personal wireless service facilities. Consistent with the Act, the general purpose of this section is to manage the placement, construction, and modification of telecommunication towers, antennas and related facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city.

Subd. 2. In furtherance of the goals of the city and within the framework of the Act and state law, the city will give due consideration to the city's comprehensive plan, zoning districts, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas. Specifically, the purposes of this section are:

- a) To manage the location of telecommunication towers and facilities;
- b) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;
- c) To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques;
- d) To promote and encourage shared use and collocation of telecommunication towers and antenna support structures;
- e) To avoid damage to adjacent properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;
- f) To ensure that telecommunication towers and facilities are compatible with surrounding land uses; and
- g) To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.

535.03. Definitions. Subdivision 1. For purposes of this section, the terms defined in this subsection have the meanings given them:

Subd. 2. "Antenna" means any device which is designed to transmit or receive any electromagnetic, microwave, radio, television, or other frequency energy waves, of any type, for any purpose, and which does not exceed 10 feet in height. Any such device which exceeds 10 feet in height shall be deemed a "tower" as used herein.

Subd. 3. "Antenna support structure" means a building, water tower, or other structure, other than a telecommunications tower, which can be used for location of telecommunications

facilities.

Subd. 4. "Applicant" means a person who applies for a permit to develop, construct, build, modify or erect a tower or antenna under this section.

Subd. 5. "Application" means the process by which the owner of a plot of land within the city or other person submits a request to develop, construct, build, modify or erect a tower or antenna upon that land.

Subd. 6. "Engineer" means an engineer licensed by the state of Minnesota.

Subd. 7. "Person" means any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

Subd. 8. "Stealth" means design features that blend a structure into the surrounding environment; examples of stealth facilities include, without limitation, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to appear other than as a tower, such as light poles, power poles, and trees or other vertical structures as they normally appear in their existing environments.

Subd. 9. "Telecommunications facilities" means cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of telecommunications located or installed on or adjacent to a tower or antenna support structure. The term does not include:

- a) A satellite earth station antenna two meters in diameter or less located in an industrial or commercial district;
- b) A satellite earth station antenna one meter or less in diameter, wherever located; or
- c) A tower.

Subd. 10. "Telecommunications tower" or "tower" means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities.

535.05. Development of Towers; Approvals Required. Subdivision 1. General construction prohibition. Towers may not be constructed in any zoning district unless such use is a conditional use in the zoning district in which construction is proposed.

Subd. 2. Conditional use permits required. Towers may not be constructed in any zoning district unless a conditional use permit has been issued by the city council.

Subd. 3. Building permit required. Towers may not be constructed in any zoning district unless a building permit has been issued by the building official.

Subd. 4. City property. The city may authorize the use of city property for towers in

accordance with the procedures of this code. The city has no obligation to allow the use of city property for this purpose.

Subd. 5. Zoning districts. A tower is not a permitted use in any zoning district. A tower is a conditional use in agricultural and industrial districts.

Subd. 6. Preferences. Towers or antenna facilities shall be proposed for construction in the zoning district of highest preference unless the applicant demonstrates that siting in such district is infeasible. The following preferences exist for the siting of towers or antenna facilities, in order of preference:

- a) Agricultural;
- b) Industrial.

535.07. Application Process. Subdivision 1. A person desiring to construct a tower must submit an application for a building permit and a conditional use permit, to the zoning commissioner.

Subd. 2. An application to construct a tower must include:

- a) The name, address, and telephone number of the applicant;
- b) The name, address, and telephone numbers of the owners of the property on which the tower is proposed to be located;
- c) The legal description of the parcel on which the tower is proposed to be located;
- d) The written consent of all property owner(s) to the application;
- e) A scaled site plan indicating the location, type and height of the proposed tower, the existing land uses and zoning of the subject parcel, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, drawings of the proposed tower showing elevation and other structures, topography, parking, and depicting the proposed tower design;
- f) A landscape plan showing specific landscape materials, method of fencing, and finished color and, if applicable, the method of camouflage and lighting;
- g) Documentation such as coverage maps showing the need for a tower at the proposed site in order to close a gap in the applicant's wireless telecommunications service, or a gap in the service provided by a person intending to place telecommunications facilities on the tower;
- h) An inventory of existing towers, antennas, or sites approved for towers or antennas, that are either within the city or are sited in a location from which the applicant could provide service within the city, including specific information about the location, height and design of each tower and documentation showing that such

existing facilities are unavailable or unsuitable to meet the applicant's need for a tower;

- i) The separation distance of the proposed tower from the other towers described in the inventory of existing sites;
- j) A structural engineering report certifying the ability of the tower to accommodate co-location of additional wireless service provider facilities and a statement by the applicant regarding accommodation for co-location of additional antennas for future users;
- k) The setback distance between the proposed tower and the nearest platted residential property, and unplatted residentially zoned properties;
- l) Proof that all necessary consents or approvals have been applied for from appropriate federal, state or other local agencies;
- m) An application fee established from time to time by resolution of the city council. In the event the city elects to consult with its attorney or a radio frequency (RF) engineer in review of the application, the applicant shall be required to fully reimburse the city for all such expenses; and
- n) other information deemed by the zoning administrator to be necessary.

535.09. Performance Standards. Subdivision 1. Collocation capability. A new tower may not be built, constructed or erected in the city unless the tower is capable of supporting additional telecommunications facilities comparable in weight, size, and surface area to applicant's proposed facilities.

Subd. 2. Setback requirements. A tower must comply with the following setback requirements:

- a) Setback requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.
- b) Towers shall have a minimum setback from any property line equal to the height of the tower plus 10 feet, unless otherwise provided in this section.
- c) A tower located next to a residential zone shall have a setback equaling the height of the tower plus 100 feet.
- d) The minimum spacing between tower locations is one mile.
- e) A tower setback may be reduced by variance to allow for the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.

535.11. Engineer Certification. Towers must be designed and certified by an engineer to be structurally sound and in conformance with the Uniform Building Code, and any other standards set forth in this code.

535.13. Tower Design. Subdivision 1. A tower shall be designed to ensure that visual intrusiveness and impacts on nearby properties is mitigated to the greatest extent feasible.

Subd. 2. Height Restriction. A tower may not exceed the lesser of 195 feet in height or the minimum height necessary to provide adequate coverage in the city by the provider of wireless service. Measurement of tower height must include the tower structure itself, the base pad, and any telecommunications facilities attached thereto. Tower height is measured from grade.

Subd. 3. Lighting. Towers may not be artificially lighted except as required by the Federal Aviation Administration. If so required, lighting shall be of a type, color and intensity so as to minimize visual intrusiveness, particularly at night.

Subd. 4. Exterior finish. Towers not requiring Federal Aviation Administration painting or marking must have an exterior finish as approved in the site plan.

Subd. 5. Fencing. Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed as approved in the site plan.

Subd. 6. Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with landscaping requirements as approved in the site plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood.

Subd. 7. Accessory buildings and equipment. No more than one accessory building is permitted per tower. Accessory buildings may be no be more than 200 square feet in size.

Subd. 8. Security. Towers must be reasonably posted and secured to protect against trespass. All signs must comply with applicable sign regulations.

Subd. 9. Design. Towers must be of stealth design as approved in the site plan unless the city determines that such design is infeasible due to the lack of vertical structures in the vicinity of the proposed site.

Subd. 10. Signs and advertising. The use of any portion of a tower for signs other than warning or equipment information is prohibited.

Subd. 11. Types of towers. Towers must be self-supporting without the use of guys, wires, cables, beams or other means.

Subd. 12. Tower materials. All metal towers shall be constructed of, or treated with, corrosion-resistant material.

Subd. 13. Equipment housing. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary for transmitting, receiving and switching equipment, it shall be situated as to be screened from view by landscaping. All support structures shall be reasonably protected against climbing.

535.15. Non-Tower Facilities. Telecommunications facilities are permitted only as follows:

Subdivision 1. Telecommunications facilities are a conditional accessory use in the agricultural and industrial districts, provided that the owner of such telecommunications facilities, by written certification to the clerk-administrator, establishes the following facts at the time plans are submitted for a building permit:

- a) That the height from grade of the telecommunications facilities and antennae support structure does not exceed the maximum height from grade of the antenna support structure by more than 20 feet;
- b) That the antenna support structure and telecommunications facilities comply with the Uniform Building Code; and
- c) That telecommunications facilities located above the primary roof of an antenna support structure are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof; such antennas may protrude more than six inches from the side of the antenna support structure.

Subd. 2. Notwithstanding anything to the contrary contained in this section, telecommunications facilities are a permitted accessory use on antenna support structures owned or otherwise under the physical control of the city, a school district, or the state or federal government provided a conditional use permit has been issued by the city council and provided further that the owner of such a telecommunications facility, by written certification to the building official, establishes the following facts at the time plans are submitted for a building permit:

- a) That the height from grade of the telecommunications facilities and antennae support structure does not exceed the maximum height from grade of the antenna support structure by more than 20 feet;
- b) That the antenna support structure and telecommunications facilities comply with the Uniform Building Code; and
- c) That telecommunications facilities located above the primary roof of an antenna support structure are set back one foot from the edge of the primary roof for each

one foot in height above the primary roof of the telecommunications facilities. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof; such antennas may protrude more than six inches from the side of the antenna support structure.

535.17. Removal of Towers or Telecommunication Facilities. Abandoned or unused towers and associated above-ground facilities must be removed within 90 days of the cessation of operations of the telecommunications facility at the site unless an extension is approved by the city council. Any tower and associated telecommunications facilities that are not removed within 90 days of the cessation of operations at a site are declared to be public nuisances and may be removed by the city and the costs of removal assessed against the property pursuant to state law and the code. The conditional use permit shall establish an amount to be posted by bond, letter of credit, cash or equivalent by the applicant that will cover the projected cost of removal of towers or telecommunications facilities in the event of abandonment.

535.19. Additional Requirements. Subdivision 1. Structural inspections. The city may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with the Uniform Building Code and other construction standards provided by the city code, federal and state law. The city's expense related to such inspections will be borne by the tower owner or property owner. Based upon the results of an inspection, the city may require repair, modification or removal of a tower.

Subd. 2. Radiation emission inspections. The owner of a telecommunications facility shall provide the city with current, technical evidence of compliance with FCC radiation emission requirements at the city's reasonable request.

Subd. 3. Maintenance. Towers and telecommunication facilities must be maintained in accordance with the following provisions:

- a) Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public.
- b) Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all Federal Communications Commission, state, and local regulations, and in such a manner that they will not interfere with the use of other property.
- c) Towers, telecommunications facilities, and antenna support structures must be kept and maintained in good condition, order, and repair.
- d) Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel.

- e) All tenants on towers must comply with radio frequency emissions standards of the Federal Communications Commission.
- f) If the use of a tower is discontinued by the tower owner, the tower owner must provide written notice to the city of its intent to discontinue use and the date when the use will be discontinued.

535.21. Failure to Comply; Permit Revocation. Subdivision 1. If the permittee fails to comply with any provision of the city code, federal or state law or the conditional use permit requirements, the city may impose penalties for noncompliance, or it may revoke the permit in accordance with the following provisions.

Subd. 2. Except as provided in subdivision 3 below, a permit revocation shall be preceded by written notice to the permittee of the alleged violation(s), the opportunity to cure the violation(s) during a period not to exceed 30 days following receipt of the written notice and a hearing before the city council at least 15 days after receiving written notice of the hearing. The hearing shall provide the permittee with an opportunity to show cause why the permit should not be revoked.

Subd. 3. If the city finds that exigent circumstances exist requiring immediate permit revocation, the city may revoke the permit and shall provide a post-revocation hearing at least 15 days after permittee's receipt of written notice of the hearing.

Subd. 4. Any decision to revoke shall be in writing and supported by substantial evidence contained in a written record.

535.23. No Permits Required. No permits are required for the following:

- a) Household television antennas extending less than 15 feet above the highest point of a residential structure;
- b) Satellite dish receiving antennas two meters or less in diameter;
- c) Adjustment, repair or replacement of the elements of an antenna, provided that such work does not constitute a clear safety hazard;
- d) Antennas and antenna support structures used by the city for city purposes;
- e) Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components or previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emission levels, and provided that such work does not constitute a clear safety hazard;
- f) Two-way communication transmitters used on a temporary basis by a "911" emergency services, including fire, police and emergency aid or ambulance service; and

- g) Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, watercraft, or aircraft. This includes cellular phones.

535.25. Right-of-Way. Except as approved by the city, no part of any telecommunications tower or telecommunications facilities, nor any lines, cable, equipment, wires or braces shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line.

535.27. Insurance. The applicant shall provide evidence satisfactory to the city that its tower and telecommunication facilities thereon are adequately insured for injury and property damage. Upon request, the holder of a conditional use permit issued under this chapter shall submit to the clerk-administrator a photocopy of a certificate of insurance showing that the tower or antenna facility is insured for that calendar year.

535.29. Variances. Subdivision 1. The applicant may apply for a variance from the provisions of this section to the extent expressly indicated herein.

Subd. 2. A variance may be granted if the applicant shows by clear and convincing evidence that it or its tenants cannot meet reasonable service quality needs of end users in the city without a variance from the requirements of this section.

Subd. 3. If the applicant makes the showing required by subdivision 2, the city council must consider the following additional factors in determining whether to grant a variance:

- a) Whether there are exceptional or extraordinary circumstances that apply to the property because of lot size or shape, or topography, or other circumstances over which the owners of the property have no control;
- b) Whether special conditions or circumstances exist that were not created by the applicant or the owner of the property or their predecessors;
- c) Whether the variance would be detrimental to the public or to the owners of other property in the vicinity; and
- d) Whether the variance requested is the minimum variance that would alleviate the hardship.

Subd. 4. A variance will be granted only in instances where the strict enforcement of the requirements of this section would cause undue hardship. Economic consideration alone will not constitute an undue hardship if reasonable use of the property exists under the terms of this section.

SECTION 540 – TREE AND WOODLAND PRESERVATION

540.01. Tree and Woodland Preservation. Subdivision 1. General. Structures and other amenities must be located on a property in such a manner that the optimum number of trees is preserved.

Subd. 2. Prior to the granting of a building permit, the person seeking the permit must demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the property. If trees are cut, they must be restored to the density of trees to that which existed before construction but in no case may the density be compelled to be raised above 10 trees per acre. Trees may be replanted either on the property or, pending approval from the city, on the public boulevard.

Subd. 3. Forestation, reforestation or landscaping must utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted must be hardy under local conditions and compatible with the local landscape.

Subd. 4. Development including grading and contouring must take place in such a manner that the root zone aeration stability of existing trees shall not be affected and will provide existing trees with a watering equal to one-half the crown area.

Subd. 5. The removal of trees seriously damaged by storms and other acts of God, or diseased trees is permitted.