

Chapter #13 LAND USAGE

Part 1. WETLAND PROVISIONS

1301.01. Findings & Intent

Subd. 1. Wetlands and shorelands help maintain water quality, serve to reduce flooding and erosion, act as sources of food and habitat for a variety of fish and wildlife, and are an integral part of the community's natural landscape. Wetlands and shorelands provide the aesthetic benefits of open space and can be used to provide a natural separation of land uses.

Subd. 2. It is the intent of this Ordinance to establish a policy of sound stewardship through coordination of regulations which conserve, protect, enhance and result in the no net loss of these environmentally sensitive resources. In addition, it is the intent of the City to promote the restoration of degraded wetlands.

1301.02. Purpose.

Subd. 1. The purpose of this Ordinance is to assure the general health, safety, and welfare of the residents through preservation and conservation of wetlands & shorelands and sound management of development by:

- a. Conducting an inventory and classification of all wetlands, shorelands and waterways within the City.
- b. Requiring sound management practices that will protect, conserve, maintain, enhance and improve the present quality of wetlands and shorelands within the community.
- c. Requiring measures designed to maintain and improve the water quality in rivers, lakes and wetlands.
- d. Protecting and enhancing the scenic value of wetlands and shorelands
- e. Restricting and controlling the harmful effects of land development on wetlands and shorelands.
- f. Allowing only development that is planned to be compatible with wetland protection and enhancement.
- g. Mitigating the impact of development adjacent to wetlands and shorelands.

1301.03. Delineation of Wetlands, Waterways And Shorelands. Wetlands, waterways and shorelands shall be subject to the requirements established herein, as well as restrictions and requirements administered by Morrison Soil and Water Conservation District (MCSD). The Wetland and Shorelands Protection Ordinance shall not be construed to allow anything otherwise prohibited in the zoning district where the wetland area is located. A wetland is land that meets the definition of wetlands set forth by the Minnesota Wetland Conservation Act, MS 103G. Wetland boundaries and wetland types as established by the FWS Conservation Circular 39. If an applicant questions whether a wetland exists or

disputes its delineation, the applicant shall have the burden to supply detailed information for review supporting the applicant's position. The dispute will be submitted to the Morrison SWCD for review and appeal process.

1301.04. No Net Loss. To achieve no net loss of wetland, a person may not drain, grade, fill, burn, remove healthy native vegetation, or otherwise alter or destroy a wetland of any size or type. Any alteration to a wetland, permitted by Morrison Soil and Water Conservation District, with a wetland alteration permit, will be fully mitigated so that there is no net loss of wetlands, at the ratio set forth by the MN Wetland Conservation Act.

1301.05. Standards.

- Subd. 1. **Lot Area Standards.** Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.
- Subd. 2. **Horizontal Setbacks** - All structures, including decks, must be placed a minimum of seventy-five feet from the ordinary high water mark.
- Subd. 3. **Vertical Setbacks** - High Water Elevations. Structures must be placed in accordance with any flood plain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be at least three (3) feet above the ordinary high water level or the highest known water level, whichever is higher.
- Subd. 4. **Vegetative Buffer Zone.** New development in shoreland zones of protected waters or wetlands must have a vegetative buffer zone of no less than 16 feet from the ordinary high water. The buffer zone may be planted or natural, but cannot be removed, manipulated, or altered without permit from the Morrison Soil and Water Conservation District.
- Subd. 5. **Stairways, lifts and landings.** Stairways and lifts are the preferred alternative to major topographic alteration for achieving access up and down buffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- a. Stairways and lifts must not exceed four feet in width on residential lots. Stairways and lifts must not exceed six feet in width for commercial properties, public open-space recreational properties and planned unit developments;
 - b. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings for stairways and lifts must not exceed forty-eight (48) square feet for commercial properties, public open-space recreational properties and planned unit developments;
 - c. Canopies or roofs are not allowed on stairways, lifts or landings;
 - d. Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that

ensures control of soil erosion;

- e. Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
- f. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items a. to e. are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

Subd. 6. **Significant Historic Sites.** No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

Subd. 7. **Steep Slopes.** The Planning & Zoning Board must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities are viewed from the surface of public waters, assuming summer, leaf-on vegetation.

Subd. 8. **Height of Structures.** All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed thirty-five (35) feet in height. Accessory buildings must not exceed eighteen (18) feet in height.

Subd. 9. **Monument Requires.** A permanent wetland buffer monument shall be installed at each lot line where it crosses a wetland buffer, and where needed to indicate the contour of the buffer, with a maximum spacing of two hundred (200) feet of wetland edge.

1201.06. Shoreland Alterations. Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping and protect fish and wildlife habitat.

Subd. 1. **Vegetation alterations.** Vegetation alteration necessary for construction of structures and the construction of roads and parking areas are exempt from the vegetation alteration standards that follow.

- 1) Removal or alteration of vegetation, except for agricultural and forest management uses are allowed subject to the following standards.
- 2) Intensive vegetation clearing within the shore and bluff impact zones and steep slopes is not allowed. Intensive vegetation clearing for forest and land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Morrison Soil and Water Conservation District.
- 3) In shore and bluff impact zones and on steep slopes, limited (not to exceed Ten Percent

(10%) maximum of woody vegetation clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, and beach or facilities provided that:

1. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
2. Along rivers, existing shading of water surfaces is preserved; and
3. The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased, or pose safety hazards but on trees that are removed the stumps should not be ground out, only cut to ground level.
4. Use of fertilizers and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public waters.

1301.07. Topographic Alterations/grading And Filling.

Subd. 1. **Grading and Filling with Construction Permits.** Grading and filling and excavations necessary for the construction of structures and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction, and on specific permits, zoning officials may require an approved stabilization plan as prepared by the Morrison Soil and Water Conservation District.

Subd. 2. Grading and Filling Without Construction Permits.

- a. A grading and filling permit is required for the movement of up to ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones. No alteration of the natural shoreline will be allowed.
- b. Grading and filling and/or the alteration of the topography on steep slopes or within the shore or bluff impact zone in excess of ten (10) cubic yards must seek a variance and permit from the Morrison Soil and Water Conservation District.
- c. A grading and filling permit is required for the movement of up to one hundred (100) cubic yards of material outside of steep slopes and shore and bluff impact zones. The permit application must be accompanied by an approved stabilization plan as prepared by the Morrison Soil and Water Conservation District.
- d. Grading and filling and/or the alteration of the topography outside of steep slopes and bluff impact zones in excess of one hundred (100) cubic yards, must seek a variance from the City Council in addition to a permit from the Morrison Soil and Water Conservation District.
- e. A permit is required for the placement of rock rip rap. No alteration of the natural alignment of the shoreline will be allowed. Rip rapping or a bio-engineered stabilization alternative must be approved by the Morrison Soil & Water Conservation District.

Subd. 3. Conditions for permit.

- a. Grading or filling in any type 2,3,4,5,6,7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
 - 1. Sediment and pollutant trapping and retention
 - 2. Storage of surface runoff to prevent or reduce flood damage
 - 3. Fish and wildlife habitat
 - 4. Recreational use
 - 5. Shoreline or bank stabilization
 - 6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies such as Soil & Water Conservation District, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. It shall be the responsibility of the applicant to obtain all permits from other agencies. The applicant will be so advised.

- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- f. Fill or excavated material must not be placed in a manner that creates an unstable slope;
- g. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- h. Fill or excavated material from construction activities must not be placed in bluff impact zone;
- i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 103G.245.
- j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extend of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water lever does not exceed three feet.

1301.08. Placement and Design of Roads, Driveways, And Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified

individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Morrison Soil and Water Conservation District, or other applicable technical materials. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts. The location of driveway accesses must be approved by State, County or Township Officials prior to installation.

1301.09. Storm Water Management. The following general and specific standards shall apply:

- a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- c. When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
- d. Any project creating more than one (1) acre of impervious surface shall prepare a stormwater management plan that conforms with the guidelines issued by the Board of Water and Soil Resources to insure compliance with Minnesota Statutes 103B.3365.

1301.10. Special Provisions For Commercial, Industrial, Public/semi-public, Agricultural, Forestry And Extractive Uses And Mining of Metallic Minerals And Peat.

Subd. 1. Standards for Commercial, Industrial, Public and Semi-public Areas.

- a. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - 1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - 2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - 3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - 1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may

- be placed in or on public waters by a public authority or under a permit issued by the County Sheriff;
2. Signs may be placed, when necessary, within the shore impact zone, if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent direct illumination out across public waters; and
 3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- b. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.

Subd. 2. Agricultural Use Standards.

- a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the Natural Resources Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
- b. Animal feedlots must meet the following standards:
 - 1) New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of one-thousand (1000) feet from the ordinary high water level of all public waters basins; and
 - 2) Modifications or expansions of existing feedlots that are located within one-thousand (1000) feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

Subd. 3. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-point Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management Best Management Practices in Minnesota .

Subd. 4. **Extractive Use Standards.** Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, and followed over the course of the operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify action to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

1301.11. Conditional Uses. Conditional uses allowable within shoreland/wetland areas shall be subject to the review and approval procedures, and criteria for review of conditional uses established by the City. The following additional evaluation criteria and conditions shall apply within shoreland and wetland areas.

Subd. 1. **Evaluation Criteria.** A thorough evaluation of the water body and/or wetland and the topographic, vegetation and soils conditions on the site must be made to ensure:

- a The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- b The visibility of structures and other facilities as viewed from public waters is limited;
- c The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

Subd. 2. **Conditions attached to conditional use permits.** The City Council, upon the recommendation of the Planning & Zoning commission, shall, after consideration of the criteria listed above and the purposes of this ordinance, attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purpose of this ordinance. Such conditions may include, but are not limited to the following:

- a Increased setbacks from the ordinary high water level;
- b Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- c Special provisions for the location, design, and use of structures, vehicle parking, watercraft launching and docking areas.

Subd. 3. **Required Information.** All Conditional Use Permit Applications will require site plans with the following information.

- a A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetative cover.
- b Location of all buildings, parking areas, traffic access, driveway, walkways, piers, open spaces and landscapes.

- c Plans of proposed building.

1301.12. Penalty.

Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable as defined by law. Each day during which said violation exists is a separate offense. Any violation of this Ordinance is a public nuisance and may be enjoined by civil action. Costs of any civil enforcement shall be assessed against the property so enjoined. Any person who, in violation of the Ordinance, alters, changes or modifies any wetlands shall restore such wetlands to their original condition.

Part 2. BOULEVARD TREE POLICY.

1302.01. Intent. An ordinance regulating the planting and maintenance of tree and other woody vegetation on public or private property within the City of Pierz.

1302.02. Definitions.

Subd. 1. Street trees. “Street Trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues within the City.

Subd. 2. Park trees. “Park Trees” are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City or to which the public has free access as a park.

Subd. 3. Tree sizes. A “Small Tree” shall be defined as any plant material that will grow to a height of 30 feet; a “Medium Tree” shall be defined as any plant material that will grow to a height of 50 feet; a “Large Tree” shall be defined as any plant material that will grow to a height of over 50 feet.

1302.03. Street tree species to be planted. No species may be planted on public property within the City of Pierz without the prior written permission of the City Council. Prior to the Council taking action, it shall review all requests for planting to assure that the species are appropriate.

1302.04. Spacing and location of street trees.

Subd. 1. Spacing. The spacing of Street Trees shall be in accordance with tree species size classes provided in this ordinance, and no trees may be planted closer together than as follows:

Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by the City Forester.

Subd. 2. Location. The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with the tree species size classes listed in Section 1 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Subd. 3. Corners, fireplugs and driveways. No Street Tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 15 feet to any fireplug, nor 5 feet from any driveway.

Subd. 4. Utilities. No Street Trees other than those defined as “Small Trees” in Section 1 of this ordinance may be planted under, or within 10 level feet of, any overhead utility wire; or over or within 10 lateral feet of any underground water line, sewer line, transmission lines, or other utility.

1302.05. Public tree care.

Subd. 1. Care of street trees. The City of Pierz shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alley, avenues, lanes, squares, and public grounds as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of such public grounds.

Subd. 2. Removal of trees endangering utilities or other public improvements. The City may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvement, or is affected with any injurious fungus, insect, or other pest. Every tree overhanging any street or right-of-way within the City shall be pruned so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of at least 8 feet above the street or sidewalk. Dead, diseased, or dangerous trees, or broken or decayed limbs which endanger the safety of public shall be removed.

Subd. 3. Trees on private property. The City shall have the authority to order the trimming, and removal of trees, shrubs or plants upon private property when such action is necessary to public safety or to prevent the spread of disease or insects to trees, shrubs, or plants located on public property. Any tree or shrub situated upon private property, but so situated as to extend its branches over the improved portion of a public street or highway easement, shall be so trimmed by the owner of the real property upon which the same is located, so that there is a clear height of at least 8 feet over that portion of such easement used

for pedestrian travel; and such persons shall remove the dead or diseased branches or stubs of trees which are or may become hazardous to the public use of such easement. Any trees obstructing traffic control signs or devices from the view of the pedestrian or motorist shall be pruned to a height established by the City Tree Board to insure proper safety for motorist or pedestrians. All orders to trim, remove, or treat trees, shrubs, or plants given pursuant to this section, shall be in writing and shall be served in person or by first class mail upon the owner of the property where such trees, shrubs, or plants are located. Such orders shall afford the owner of the property not less than fourteen (14) days from the date of the mailing of such notice to comply with such order. It shall be unlawful for any owner of property receiving such an order to fail to comply with the order in the time specified. If the required action is not taken by the property owner within the specified time, the City may cause the trees, shrubs, or plants concerned to be trimmed, removed, or treated, with the costs being borne by the property owner. If not voluntarily paid to the City by such owner, the costs of such trimming, removal, or treatment may be recovered by the City by special assessment upon the property owner.

1302.06. Tree topping. It shall be an unlawful practice for any person, firm, or City department to top any Street Tree, Park Tree, or other tree on public property without authorization from the City Forester. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter

within the tree's crown, to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City.

1302.07. Dead or diseased tree removal on private property. The City shall have the right to cause the removal of any dead or diseased trees on private property within the City.

1302.08. Hazardous trees. A "Hazard Tree" is a tree with the structural defects likely to cause failure of all or part of the tree which could strike a "target." A target can be a vehicle, building, or a place where people gather such as a park bench, picnic table, street, or backyard. The City recognizes

the following (but not limited to) as seven main types of tree defects: deadwood, cracks, weak branch unions, decay, cankers, root problems, and poor tree architecture. A tree with defects is not hazardous, however, unless some portion of it is within striking distance of a target. The City Tree Board will authorize immediate action if: (1) A broken branch or top is lodged in a tree.

(2) A tree is dead. (3) A branch is dead and of sufficient size to cause injury (this will vary with height and size of branch). This section refers to street and park trees, and trees on private property if the Tree Board feels the hazard may cause damage to a target on public property.

1302.09. Destruction of trees on public property. It shall be unlawful for any person to remove, alter, or destroy any Street Tree or Park Tree without the prior authorization of the City.

1302.10. Penalty. Any person, firm, or corporation who violates any provision of this ordinance shall be guilty of a misdemeanor. In addition thereto, the costs of prosecution may be imposed upon the defendant, and the Court shall order restitution to the City for damage to the tree or public property.

Part 3. MANUFACTURED HOME POLICY.

1303.01. Intent. An ordinance to protect the public health, safety and welfare of the city of Pierz, Minnesota (herein referred to as "city"), by defining the requirements of manufactured homes located or parked within a manufactured home park.

1303.02. Definition. That the following definitions are hereby declared to be used for this ordinance:

Subd. 1. **Building official.** means a designated inspection authority of the City, or its authorized representative.

Subd. 2. **City.** means the City of Pierz, Minnesota

Subd. 3. **Common access route/internal street.** means a private drive allowing principal means of access to individual Manufactured Home lots or auxiliary buildings.

Subd. 4. **Drive way.** means a minor entrance way off the common access route within the park, into an off-street parking area serving one or more Manufactured Homes.

Subd. 5. **Manufactured home.** means a structure transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width, forty (40) body feet or more in length, or, when erected on site is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems and which complies with Minnesota Statute § 327.31, Subd. 3.

Subd. 6. **Manufactured home building code.** means, for manufactured homes manufactured after July 1, 1972 and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the State Commissioner of

Administration;

Subd. 7. **Manufactured home building code.** means, for manufactured homes constructed after June 14, 1976, the manufactured home construction and safety standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

Subd. 8. **License.** means a written license issued by the City, permitting a person to operate and maintain a Manufactured Home Park under the provisions of this Ordinance.

Subd. 9. **Manufactured home stand.** means that part of a Manufactured Home Park which has been improved for the placement of the Manufactured Home, including all required appurtenances and having provision for available utility connections.

Subd. 10. **Non compliant manufactured home.** means a transportable structure intended for human occupancy which does not comply with the definition of a manufactured home, other than a travel trailer, motor home or fish house.

Subd. 11. **Manufactured home park, mobile home park, or manufactured home park.** means any lot, block, tract or parcel of contiguous lots, blocks, tracts or parcels of land, under common ownership, which contains two (2) or more Manufactured Homes or Manufactured Home lots available for lease or rent to the public and for the placement of Manufactured Homes for occupancy.

Subd. 12. **Occupant.** shall mean any person who legally resides in the Manufactured Home.

Subd. 13. **Park management.** shall mean the person who owns or has charge, care or control of the Manufactured Home Park.

Subd. 14. **Parking street, off-street.** means a minimum space nine (9) feet in width by eighteen (18) feet in length, located within the boundary of a Manufactured Home space, or in common parking and storage area having unobstructed access to an internal street.

Subd. 15. **Permit.** means written permit/certification issued by the City permitting the construction, alteration or extension of a Manufactured Home Park under the provisions of this Ordinance and regulations issued hereunder.

Subd. 16. **Sewer connection.** means a connection consisting of pipes, frames and appurtenances

from the drain outlet of a Manufactured Home to the inlet of the corresponding sewer service riser pipe of the sewage system serving the Manufactured Home Park in accordance with the MN State Plumbing Code.

Subd. 17. **Skirt.** means concealment from view of the undercarriage on all sides of a Manufactured Home.

Subd. 18. **Space.** means a plot of ground within a Manufactured Home Park designated for accommodation of one Manufactured Home, together with such open space as required by this Ordinance. This term shall also include "**lot**" and "**site**"

Subd. 19. **Travel trailer or motor home.** Shall mean a portable vehicle built on a chassis and designed as a temporary dwelling for travel, recreation and vacation use and which has been permanently identified and equipped and identified by the manufacturer for use on public streets and highways. The term "**travel trailer**" shall also be deemed to include any other portable contrivance used or intended to be used generally for living and sleeping quarters and which may be moved under its own power, towed or transported by another vehicle. Fish house shall mean a portable structure intended for use as a temporary shelter while ice fishing.

1303.03. Non compliant manufactured home prohibition. The installation of non compliant Manufactured Homes for use or occupancy as residential dwellings or for storage in the City of Pierz, Minnesota is prohibited other than as provided in this ordinance. This provision is prospective and shall not apply to any non compliant manufactured home used and occupied as a residential dwelling in the City of Pierz on the effective date of this ordinance. An existing non compliant manufactured home located in the City of Pierz, as of the date of this ordinance, will be allowed to remain on its existing site until it is removed from City until the condition of the non compliant manufactured home violates the codes of the City. When the condition of the non compliant manufactured home violates City codes, the Building Official shall require the owner to move the non compliant manufactured home out of the City or demolish it. The use of a travel trailer, motor home or fish house as a residence is prohibited. Manufactured Homes are prohibited that do not comply with the Manufactured Home Building Code. Manufactured Homes are prohibited that are not sanitary or in good repair.

1303.04. Installation requirements/conditional use permits. All Manufactured Homes placed in the corporate limits of the City after the adoption date of this ordinance must be installed in accordance with all standards, rules, regulations and administrative orders and requirements of the State of Minnesota, must comply with the manufactured home building code and be in good repair. No Manufactured Home or Relocated Structure shall be placed or installed within the City of Pierz unless the City has first issued a conditional use permit. Application for a conditional use permit shall be on a form prepared by the City, accompanied by a fee set by the Council by resolution, and shall include, at a minimum, the following information:

- a Name and Address of Applicant;
- b Present location of the Manufactured Home;
- c Present use of the Manufactured Home;
- d Date of manufacture or construction of the Manufactured Home;
- e Intended location of the Manufactured Home;
- f Intended use of the Manufactured Home;
- g Dimensions of the Manufactured Home;
- h A statement that the Manufactured Home is in conformance with the
Manufactured Home Building Code;
- i A statement that the Manufactured Home or Structure is in good repair
and condition;
- j The time schedule for completion of installation;
- k A statement that all necessary permits and permissions will be obtained
prior to moving the Manufactured Home or Structure.

Subd. 1. In granting or denying the application, the City may inspect the structure to determine its condition. If the Manufactured Home is found to be structurally unsound, in bad repair, in unsanitary condition or does not provide protection from the elements, the application shall be denied. If the proposed use or placement of the Manufactured Home does not comply with land use regulations, the application shall be denied. The City shall not grant a conditional use permit for a Manufactured Home which is intended to be used for storage or commercial purposes. If the Manufactured Home does not comply with the size and use limitations of this ordinance, the application shall be denied.

In granting an application for a conditional use permit, the City will review the condition and appearance of the Manufactured Home and may set such conditions as are necessary to require conformance to existing homes and structures in the proposed location. The City may set conditions for completion of installation and landscaping.

1303.05. Installation permit requirements. That, after the effective date of this ordinance, it shall be unlawful for any person, firm or corporation to install or place on any lot, tract or parcel of land within the city limits of the City of Pierz any Manufactured Home without first obtaining an installation permit and otherwise complying with the terms of this ordinance and all applicable laws of the State of Minnesota. A separate permit shall be required for each Manufactured Home installation. To obtain a Manufactured Home installation permit, the Applicant shall first file an application, in writing, on a form furnished by the City for that

purpose. The application for installation permit shall be signed by the owner of the Manufactured Home or his agent, and if the Manufactured Home is to be placed outside a Manufactured Home Park, the owner of the land on which the Manufactured Home is to be located. The application shall set forth:

- a A description of the Manufactured Home by dimensions, manufacturer and serial or identification number.
- b The name and address of the person having title to the Manufactured Home.
- c The date of manufacture of the Manufactured Home.
- d Whether the Manufactured Home has affixed to it a seal, label or decal certifying its compliance with standards adopted by the Minnesota Department of Labor and Standards or a seal or label or decal issued by another state certifying its compliance with standards promulgated for Manufactured Homes by the United States Department of Housing and Urban Development.
- e If the Manufactured Home has affixed to it a seal, label or decal as described in Paragraph D above, the applicant shall certify whether or not there have been any alterations to the Manufactured Home since the seal, label or decal was affixed.
- f The proposed location of the Manufactured Home by legal description, plot plan, diagram or other means which is adequate to advise the Building Official of the exact placement and the relationship to property lines or other structures.
- g The valuation of the Manufactured Home.
- h Any information necessary to determine compliance with any applicable regulations pertaining to flood-prone areas.
- i Any additional information the Building Official finds will aid him in the enforcement of this ordinance or other laws applicable to Manufactured Homes.

Subd. 1. The application, plans and specifications and other data filed by an applicant for permit shall be reviewed by the City's Building Official and such other departments of the City as may

be required to verify compliance with any applicable laws and ordinances.

The fee for each Manufactured Home installation permit shall be established by the City by resolution.

1303.06. Skirting requirements. All Manufactured Homes shall have skirts within thirty (30) days after being placed. The skirt shall:

Subd. 1. Be completely around the structure from the base of the Manufactured Home to the ground level beneath;

Subd. 2. Be of material with similar appearance to the Manufactured Home (or) masonry material;

Subd. 3. Be weather resistant material for skirting and shall not be scrap metal or polyurethane scrap material;

Subd. 4. Be skirted in such a way as not to allow access to the underside of the Manufactured Home for storage and/or trash accumulation but access only for repair purposes to the Manufactured Home;

Subd. 5. Be approved at the same time the placement or installation permit is issued.

Subd. 6. Any Mobile/Manufactured Home existing within the city on the effective date hereof will be required to have skirts no later than 180 days from enactment of this ordinance. However, before being subject to a penalty for violation of this subsection, the City shall serve the owner or occupants of any Mobile Home without skirts with written notice of violation hereof requiring compliance within such time as designated therein.

1303.07. Manufactured home park permit and license requirements. That **PERMITS** shall be required for Manufactured Home Parks as follows:

Subd. 1. **Permit Required.** It shall be unlawful for any person to construct, alter, extend or expand any Manufactured Home Park within the limits of the City of Pierz unless said person holds a valid permit issued by the City in the name of the person for the specific construction, alteration or extension proposed.

Subd. 2. **Application Requirements.** All applications for permits shall be made upon standard forms provided by the City and shall contain (1) the name and address of the applicant; and (2) the location and legal description of the Manufactured Home Park. To this application shall be attached five (5) copies of a site plan, at a minimum scale of 1" = 200' for sites of thirty acres or more, and at a minimum of 1" = 100' for sites under thirty acres. The site plan shall include all data required under Section 7 of this Ordinance.

Subd. 3. **Permit Fee.** All applications to the Building Official shall be accompanied by a fee established by resolution by the Pierz City Council.

Subd. 4. **Issuance of Permit.** When upon review of the application, the City Council is satisfied that the proposed plan meets the requirements of law, a permit shall be issued.

Subd. 5. **Denial of Permit/Hearing.** Any person whose application for a permit under the ordinance has been denied, may request in writing a rehearing on the matter and offer additional evidence if desired.

1303.08. Manufactured home park construction requirements. Any new manufactured home park, expansion or alteration of an existing manufactured home park shall comply with the following performance standards:

Subd. 1. **Site Plan.** The site plan shall be filed and shall show the following:
The name, address, fee owner and record owner of the Manufactured Home Park to be constructed.

- a The name of the subdivision where the park is located.
- b The names of adjacent public streets and roads.
- c Contour lines at two-foot (2') intervals.
- d Locations and dimensions of all Manufactured Home spaces, utility easements, drives, recreation areas, streets and sidewalks. Each Manufactured Home space shall be numbered.
- e Scale of plan (no smaller than 1" = 200') and complete dimensions.
- f Density in units per gross acre.
- g Area and dimensions of site.
- h Areas defined for waste containers and method of disposal of garbage and refuse.
- i Water and Sewer Plans - Water and sewer plans must be submitted showing (a) sewer line locations, grades and sizes; and (b) water line locations and sizes and source of water supply.
- j Paving and Drainage Plans - Paving and drainage plans must show the directions and calculated quantities of runoff and the proposed specifications for streets.
- k Plans must indicate provision for street lighting along internal streets of the park.

- 1 A contiguous area of not less than five (5%) percent of the total park area shall be designated as a recreational area for the park's residents. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

Subd. 2. The Building Official shall notify the applicant in writing as to whether the site plan was approved or disapproved, stating the reasons for disapproval and the modifications or conditions that must be made or met before approval can be obtained upon subsequent submission.

Subd. 3. **Manufactured Home Park Standards.** Any Manufactured Home Park constructed after adoption of this ordinance and any extension/addition to an existing Manufactured Home Park in the City shall be done in compliance with the following site requirements:

- a Density-A Manufactured Home Park shall have no more than ten (10) spaces per acre. Each Manufactured Home Park shall be planned for and shall provide a minimum of five (5) acres in area.
- b Basic Manufactured Home Minimum Site Requirements:
 - 1) Height Regulations - The height limit for any structure intended for occupancy in the Manufactured Home Park shall be Sixteen (16) feet. The average height of the Manufactured Home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four (4) feet from the top of the pad.
 - 2) Spacing Regulations- Manufactured Homes shall be located no closer than twenty (20) feet from any exterior wall to the closest exterior wall of the nearest Manufactured Home.
 - 3) Manufactured Home Space - Each and every Manufactured Home shall be located on a separate space which shall conform to the following standards:
 - Be served with sanitary sewer, water, electrical power, telephone service and natural gas;
 - Abut and/or have access to a private street for a minimum distance of twelve (12) feet;
 - Provide a minimum area of three thousand, two hundred (3,200) square feet, said area to be determined by the boundary lines of the space;
 - Provide a Manufactured Home pad which shall provide an adequate foundation for the placement and tie-down of one single- family Manufactured Home in compliance with the anchoring requirements of the manufactured home building code.

Provide a minimum of two (2) off-street parking spaces which shall be constructed of hard-surface material.

Double street frontage of Manufactured Home spaces shall be avoided.

No vehicular access to a Manufactured Home space is permitted from a public dedicated street.

Drainage - The ground surface in all parts of every Manufactured Home Park and especially beneath Manufactured Homes and other structures shall be graded and equipped to drain all surface water in a safe, efficient manner so as not to permit water to stand or to become stagnant.

Subd. 4. Location of Manufactured Home and Accessory Structures. No Manufactured Home or accessory structure such as a refuse container, carport cabana, awning, fence, or storage locker shall be permitted within ten (10) feet of a private street or any Manufactured Home space boundary line.

a Setbacks and Screening shall be provided as follows:

- 1) All Manufactured Homes or structures in a Manufactured Home Park shall be located at least twenty-five feet (25) from any Manufactured Home park boundary line abutting upon a public/private street or highway and at least ten feet (10') from interior Manufactured Home park property boundary lines.
- 2) The following screening requirements shall be applicable: a landscaped strip, not less than ten (10) feet in width shall be located along all Manufactured Home Park boundary lines abutting upon a public dedicated street or abutting residential property. Such landscaped strip shall be continuously maintained and shall be devoted exclusively to the planting, cultivation, growing and maintenance of site-obscuring trees, shrubs and plants. Trees, shrubs, cane and/or other vegetation shall be planted, cultivated and maintained as a sight and noise obscuring buffer that will effectively achieve sight and noise obstruction within approximately five (5) years.
- 3) Access, traffic circulation, parking and lighting shall be provided as follows:

Internal streets shall be privately owned, built and maintained. Streets shall be designed for safe and convenient access to all spaces and facilities for common use of park residents.

All internal streets shall be constructed to specifications set by the City Council and shall be maintained by the owner.

All private streets shall be constructed with water impermeable, hard-surface

material and shall be durable and well drained under normal use and weather conditions. Such hard-surface material shall be a minimum of two (2) seal coats of asphalt or one (1) inch compacted hot or cold asphalt mix on base approved by the City.

Internal streets shall be minimum pavement width of twenty four (24) feet. Parking shall not be allowed on the minimum street width. An additional lane of nine (9) feet minimum width may be added to one or both sides for off-street parking.

Internal streets shall permit unobstructed access to within at least 200 feet of any portion of each Manufactured Home.

Within each Manufactured Home Park streets shall be named, and Manufactured Homes numbered. Park signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

Private streets which may connect two (2) public street rights-of-way shall, by the use of curves, off-sets, location, and/or the use of two (2) or more streets be located so as to discourage through traffic.

Private street intersections shall generally be at right angle, offsets at intersections of less than 125 feet (centerline to centerline) shall be avoided; intersection of more than two streets at one point shall be avoided.

Dead-end private streets shall be limited to a maximum length of one thousand (1,000) feet and shall be provided with a vehicular turning space, with a turning circle of eighty (80) feet in diameter.

Streets shall be laid out to provide a minimum distance of two hundred forty (240) feet, center to center of parallel streets, between intersections.

The internal private streets, parking lots, walks and service areas shall be lighted at all times so the Manufactured Home Park shall be safe for occupants and visitors, provided further all entrances and exits shall be lighted. Street lighting shall be located at not more than two hundred foot (200') intervals along streets such as to maintain adequate levels of illumination for the safe movement of pedestrians and vehicles at night.

A concrete curb and gutter shall be constructed on each side of the road. The curb and gutter shall comply with all applicable City Ordinances.

A concrete sidewalk not less than forty-eighth (48) inches wide shall be constructed adjacent to the concrete curb. This sidewalk shall be connected to

each unit entrance by a concrete walk not less than thirty-six (36) inches in width.

Subd. 5. **Fire Safety.** The following fire-safety standards shall be observed:

- a. The storage, handling and use of liquefied petroleum gasses and flammable liquids shall be done in compliance with applicable City ordinances and State statutes.
- b. Approaches to all Manufactured Homes shall be kept clear for emergency vehicles.
- c. Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the Fire Marshal but, in no case, shall the park provide less than a system of standard hydrants located not more than five hundred (500) feet from each Manufactured Home space and served by water lines not less than six (6) inches in diameter installed in a looped system.
- d. The Manufactured Home Park licensee or agent shall provide an adequate system of collection and safe disposal of rubbish.

Subd. 6. **Plumbing.** A Manufactured Home Park shall be connected to the district water system. All plumbing shall be in accordance with applicable ordinances of the City of Pierz. Maintenance of the water distribution system within the manufactured Home park shall be the responsibility of the park owner. From and after the effective date of this Ordinance, the following regulations for sewage disposal shall apply:

- a. A Manufactured Home Park shall be connected to the district sewer system.
- b. Waste from all toilets, lavatories, sinks and showers in a Manufactured Home Park shall be discharged into a public sewer.
- c. All plumbing shall comply with applicable plumbing codes.
- d. Each Manufactured Home pad shall have a sewer riser pipe of at least four inches which shall be capped when not in use.
- e. Maintenance of sewer lines within the Manufactured Home Park shall be the responsibility of the park owner.

Subd. 7. **Electrical.** From and after the effective date of this Ordinance, the electrical distribution system shall comply with applicable electrical codes and other applicable laws of the State.

Subd. 8. All rooms containing bathrooms or laundry facilities shall have fire-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, tubs, lavatories, and other plumbing fixtures shall be constructed of dense,

nonabsorbent, waterproof materials or covered with moisture resistant materials.

Subd. 9. Solid waste shall be stored in fly-proof, water-proof containers, which shall be emptied regularly and maintained in a usable, sanitary condition and the collection and disposal of said refuse and garbage shall be so conducted as to create no health hazard. A refuse pickup easement shall be granted by the owner of the Manufactured Home Park to the City of Pierz, if these facilities are located so as to require the entrance of a municipal vehicle into the park.

Subd. 10. All Manufactured Homes located in Manufactured Home Parks shall have skirts within thirty (30) days after being placed, in accordance with skirting requirements in Section 1303.06 of this ordinance.

Subd. 11. Non compliant manufactured homes, travel trailers, motor homes and fish houses shall not be permitted in a Manufactured Home Park for use as a residence or storage. Only Manufactured Homes used for residential purposes shall be permitted in a Manufactured Home Park.

Subd. 12. All Manufactured Home Park facilities and Manufactured Homes contained therein shall conform without limitation to the codes and ordinances of the City of Pierz, including the manufactured home building, plumbing, electrical and fire codes and all applicable laws of the State of Minnesota.

Subd. 13. All boats, boat trailers, hauling trailers, and all other equipment not stored within the Manufactured Homes, shall be stored in a separate place provided by the park owner and not upon the plots occupied by Manufactured Homes not upon the streets within the Manufactured Home Park.

1303.09. Manufactured home park management requirements.

Subd. 1. **License Required.** It shall be unlawful for any person to establish, operate, or maintain or permit to be established, operated or maintained upon any property owned or controlled by that person any Manufactured Home Park within the limits of the City of Pierz unless that person holds a valid license issued annually by the City. All applications for licenses shall be made in writing on forms furnished by the applicant to the City, which shall issue a license upon compliance by the applicant with the provisions of this Ordinance. Said license shall expire on December 31 of each year.

Subd. 2. **Application for Original License.** Application for original license shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a license fee as hereinafter provided. The application shall also contain (1) the name and address of the applicant; (2) the location and legal description of the park; (3) a site plan of the park; (4) the name and address of the local manager, if any.

Subd. 3. **Hearing Granted Applicants.** Any person whose application for a license under this Ordinance has been denied may request in writing and within ten (10) of the date of denial hearing before the City Council.

Subd. 4. **Application for License Renewal.** Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City on or before December 1 of each year. Such application shall contain any change in the information occurring after the original license was issued or the latest renewal granted.

Subd. 5. **License Fee.** All original license applications or renewals hereof shall be accompanied by a fee set by resolution by the City Council. All renewal fees shall be due on the issuance of the license.

Subd. 6. **Transfer of License.** Every person holding a license shall give notice in writing to the City within fifteen (15) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any Manufactured Home Park and the City Council shall act thereon at the next regularly scheduled meeting.

Subd. 7. **Transfer of License Fee.** All applications for license transfer shall be accompanied by a fee of set by resolution by the City Council.

Subd. 8. **Violations, Notice, Suspension of License.** Whenever the City finds that conditions or practices exist which are in violation of any provision of this ordinance it shall give notice in writing in accordance with Section 1303.11 of this ordinance, to the Licensee or his agent that unless such conditions or practices are corrected within a reasonable period of time as specified in said notice, the license or permit shall be suspended. At the end of said period of time, and if such conditions or practices have not been corrected, the City may suspend the license and give notice, in writing, of such suspension to the licensee or his agent at the address provided in the application. Upon receipt of notice of suspension, the licensee shall cease operation of such park within ten (10) days after the notice is issued. The suspension shall be terminated upon correction of the conditions which led to suspension.

Subd. 9. Any Licensee issued a license that is found to be in violation of any provisions of this ordinance which provisions have not been corrected and has resulted in a suspension of his license may have his license revoked. Prior to revocation, the Council shall issue a notice of intent to revoke the license specifying the grounds therefore and specifying a date for a hearing upon the proposed revocation. The notice shall be served upon the licensee in the same manner as a summons and complaint and shall be served by mail upon the residents of the Manufactured Home Park. At the hearing, the Council may revoke the license if it finds that there are continuing and substantial violations of this ordinance which have not been remedied by the licensee. Revocation shall be condition upon failure to correct the deficiencies within ninety (90) days of the date of issuance of the findings. The Licensee shall be responsible for all requirements of Manufactured Home Park operators set out elsewhere in this ordinance and shall

be responsible for:

- a. Insuring that the Manufactured Home Park is operated and maintained in a safe and sanitary manner.
- b. Maintaining all streets, parking, storage areas, and recreational areas within the Manufactured Home Park.
- c. Maintaining the water distribution system, storm drainage and sewer system within the Manufactured Home Park.
- d. Insuring that all requirements of this ordinance are met and maintained.
- e. The Licensee shall operate the park in compliance with this and other applicable ordinances and shall provide adequate supervision to maintain the park and all facilities in good repair, and in clean and sanitary condition. The Licensee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- f. Allowing any duly-authorized inspector of the City to make reasonable inspections of the Manufactured Home Park to determine compliance with this ordinance.
- g. Any defaulted electric, water, or sewer utility payments by tenants of Manufactured Homes within the park.

1303.10. Manufactured home park occupant requirements. Park Occupants shall be responsible for all responsibilities of occupants set out elsewhere in this ordinance and shall be responsible for:

- Subd. 1. Proper placement of the Manufactured Home on the Manufactured Home Stand and proper installation of all utility connections in accordance with the instructions of the park management;
- Subd. 2. Keeping the area under the Manufactured Home clear of flammable and combustible items and not using the space for storage;
- Subd. 3. Maintaining those portions of the interior of a Manufactured Home under his or her control to be free from rubbish, garbage, and other substances that may encourage infestation by insects, rodents, or vermin and from all unsanitary conditions;
- Subd. 4. Keeping all occupied areas and all plumbing equipment and facilities in a clean, sanitary condition at all times;
- Subd. 5. Connecting plumbing fixtures and heating equipment that the occupant supplies and maintaining the connections in accordance with applicable codes of the City;

Subd. 6. Maintaining said Manufactured Home and its facilities without alteration creating nonconformity with this chapter or any other applicable law;

Subd. 7. Maintaining said Manufactured Home unit, plot, its facilities, and equipment and accessory structures in good repair and in a clean and sanitary condition;

Subd. 8. Maintaining skirting, porches, awnings, and other additions to the II Manufactured Home in good repair;

1303.11. Notice requirements. That whenever it is brought to the attention of the City Council that there has been a violation of any provision of this ordinance, the City Council shall give notice of such alleged violation to the Licensee or his agent, as hereinafter provided. Such notice shall (1) be in writing; (2) shall include a statement of the reasons for its issuance; (3) allow a reasonable time of not less than thirty (30) days nor more than one year, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for the performance of the act it requires; (4) be served upon the licensee or his agent; provided that such notice or order shall be deemed to have been properly served upon such licensee or his agent; when a copy thereof has been sent by mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this State; and (5) contain an outline of remedial action when if taken, will effect compliance with the provisions of this ordinance. If the violation is not remedied in accordance with the Notice, and a breach of the ordinance continues, then the Council may suspend or revoke any permits or licenses issued in addition to any punishment provided in this ordinance.

1303.12. Violations. Violation of this ordinance shall be punishable as a misdemeanor. Each and every day's violation shall constitute a separate and distinct offense.

PART 4. ADOPTION OF THE BUILDING CODE.

1304.01. Intent. An Ordinance adopting the Minnesota State Building Code. This Ordinance: Provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in this municipality; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; repeals all Ordinances and parts of Ordinances that conflict therewith. This Ordinance shall perpetually include the most current edition of the Minnesota State Building Code with the exception of the optional appendix chapters. Optional appendix chapters shall not apply unless specifically adopted.

1304.02. Codes Adopted by reference. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes chapter 326B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards

Division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

1304.03. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 326B.121 subd. (d), when so established by this ordinance. The code enforcement agency of this municipality is called the Pierz Building Inspection Department. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code M.S. 326B.133 Subd. 1.

1304.04. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 326B.153. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality at the first meeting of each year. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 326B.148.

PART 5. PROPERTY MAINTENANCE CODE.

1305.01. Purpose. The purpose of this Exterior Property Maintenance Code is to protect the public health, safety, morals and general welfare as it pertains to premises and buildings used for residential, commercial and industrial purposes. This protection is hereinafter provided by:

Subd. 1. Establishing minimum standards for maintaining residential, commercial and industrial environmental quality to preserve and achieve the presentable appearance of existing structures and premises; avoiding blighting effects of the substandard maintenance of structures and premises and the negative impact on the value of surrounding properties; and eliminating hazardous conditions;

Subd. 2. Fixing the responsibilities of owners, operators and occupants of structures and their premises;

Subd. .3 Providing for administration, enforcement, and penalties.

1305.02. Definitions. For the purpose of this Exterior Property Maintenance Code certain terms or words shall be interpreted as follows:

Subd. 1. Words used in the singular shall include the plural, and the plural the singular;

Subd. 2. Words used in the present tense shall include the future tense;

Subd. 3. Words in the masculine gender shall include the feminine;

Subd. 4. The word “shall” is mandatory and not discretionary;

Subd. 5. The word “may” is permissive;

Subd. 6. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for;”

Subd. 7. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; and

Subd. 8. The word “dwelling” includes the word “residence.”

Subd. 8. **Accessory structure.** A structure which is subordinate to and incidental to that of the main building on the same lot.

Subd. 9. **Building.** Any permanent or stationary structure having a roof supported by columns or walls.

Subd. 10. **Building code.** The most current edition of the State of Minnesota Building Code, or such other code as may be officially designated by the Morrison County Commissioners for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures.

Subd. 11. **Dwelling unit.** Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer, or trailer coach or other temporary or transient structure or facility.

Subd. 12. **Exterior property areas.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Subd. 13. **Graded.** The leveling of land to intended height by removing high ground and filling low ground. All fill dirt shall be brought to the same level.

Subd. 14. **Premises.** A tract, lot, plot or parcel of land including all grounds and buildings.

Subd. 15. **Structure.** Anything constructed or erected, which requires location on the ground or attachment to something having location on the ground.

Subd. 16. **Woodland area.** An area in its natural state populated by trees and other forest growth.

Subd. 17. **Workmanlike.** Work done in a skillful and well-executed manner that is in good repair and structurally sound.

1305.03. Application of exterior property maintenance code. The provisions of the Exterior Property Maintenance Code shall apply to all premises and structures within City which exist now or in the future, with respect to structure, maintenance, proper drainage and sanitary conditions or other similar conditions which otherwise constitute a public nuisance.

1305.04. Compliance required. Every portion of any premises or structure, shall comply with the provisions of this Exterior Property Maintenance Code, irrespective of when such structure has been constructed, altered or repaired, or premises occupied, except as hereinafter provided.

1305.05. Conflict of laws. In any case where a provision of this Exterior Property Maintenance Code is found to be in conflict with a provision of any Zoning, Building, Fire, Safety or Health Regulation or other regulation code or resolution, the provision which established the higher standard for the promotion and protection of the safety and health of the people shall prevail.

1305.06. Existing remedies. Nothing in this Exterior Property Maintenance Code shall be deemed to abolish, impair or prevent the execution of any existing remedies of the City or its officers or agents relating to the abatement of a nuisance.

1305.07. Enforcement officials.

Subd. 1. **Enforcement officers.** The City shall assign the duties of administering and enforcing this Code to an Enforcement Officer. An Enforcement Officer may call upon any department, division or contractor of the City for whatever assistance may be necessary in the enforcement of this Code.

Subd. 2. **Liability.** No officer, agent or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

1305.08. Inspections. An Enforcement Officer is authorized to make inspections of exteriors of structures and premises located within the unincorporated area of the City for purposes of enforcing the provisions of this Exterior Property Maintenance Code. For the purpose of making such inspections, and upon showing appropriate identification, an Enforcement Officer is hereby authorized to examine and survey at any reasonable hour all structures and premises.

1305.09. Warning citation. It is the policy of the City to use fair and reasonable judgment in the administration of its enforcement actions. To this end, a Warning Citation may be issued for the first occurrence of a violation of this Code. The Warning Citation shall be worded so as to sufficiently

identify the premises and the nature of the violation. If the premises owner or person being cited fails to correct the violation in the time allotted by an Enforcement Officer, then a Notice of Violation shall be issued. In his discretion, an Enforcement Officer shall have the right to forego issuing a Warning Citation and may proceed to issue a Notice of Violation. The issuance of a Warning Citation shall not be a prerequisite to the issuance of a Notice of Violation. There shall be no right of appeal from the issuance of a Warning Citation.

1305.10. Notice of violation.

Subd. 1. **Content.** Whenever an Enforcement Officer determines that there is a violation of the provisions of this Code, he may give notice of such violation to the person or persons responsible therefore and order compliance, as hereinafter provided. Such notice and order shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification;
- c. Include a statement of the reason or reasons why it is being issued;
- d. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the property into compliance with the provisions of this Code; and
- e. State the right of the violator to file an appeal of the notice with the Maintenance Code Appeals Board within ten (10) days of receipt of the notice.

Subd. 2. **Service.** A Notice of Violation shall be deemed to be properly served if one (1) or more of the following methods are used:

- a. By personal delivery to an owner or occupant of the premises or by leaving the notice at the premises with a person of suitable age and discretion; or
- b. By Certified Mail deposited in the United States Post Office addressed to an owner or occupant of the premises at his/their last known address, with return receipt requested. If a Certified Mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a Certificate of Mailing which shall be filed by an Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- b. By posting a copy of the notice form in a conspicuous place on the premises found in violation and publishing a legal notice in a newspaper of general circulation in the Township. The legal notice shall identify the owners of the premises, the last address, if known, of the owners, the parcel identification, the location and nature of the violation. Service is complete upon said posting and publication.

1305.11. Exterior property maintenance code appeals.

Subd. 1. **Appeals Board.** To implement the purposes and requirements of this Exterior Property Maintenance Code, there is hereby created the Exterior Property Maintenance Code Appeals Board, hereinafter referred to as the Board. For the purposes of this Code, Board of Zoning Appeals shall function as the Exterior Property Maintenance Code Appeals Board.

Subd. 2. **Procedure.** Said Board may adopt rules of procedure not inconsistent with this Code. No member of the Board shall take part in any hearing or determination in which he or she has a personal or financial interest. Three (3) members of the Board in attendance at any meeting shall constitute a quorum.

Subd. 3. **Authority.** The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of those members hearing the appeal may reverse or affirm, wholly or partly, or may modify the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the inspector.

Subd. 4. **Hearings.** Any person affected by any Notice of Violation which has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code, may request and shall be granted a hearing on the matter before the Exterior Property Maintenance Code Appeals Board provided that such person shall file in the office of an Enforcement Officer an appeal on forms provided by the City. The appeal shall be filed within ten (10) days after the date of the notice and order, revocation or denial of permit. Upon receipt of such an appeal, the Appeals Board shall set a time and place for hearing before the Appeals Board and shall give the appellant written notice thereof by first class mail postmarked at least ten (10) days prior to such hearing. The hearing shall be held no less than ten (10) days and no more than thirty (30) days from the date the appeal was filed. At such hearing, the appellant shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified, or withdrawn. The failure of the appellant or his representative to appear and state his case at such hearing shall have the same effect as if no appeal was filed.

Subd. 5. **Findings.** Prior to sustaining any Notice of Violation and compliance order, the Appeals Board shall make the following findings:

- a. The violator was served with a Notice of Violation
- b. The Notice of Violation that was served stated the specific nature of the violation; corrective action needed to be taken to abate the violation; and a specific time period for abatement of the violation.
- c. Within the time period stipulated in the Notice of Violation, the violator failed to comply with the Notice of Violation by not abating the violation, and/or not bringing the use into compliance with the Code.
- d. Upon expiration of the date indicated for compliance in the Notice of Violation, the premises or structure was being maintained in violation of

specific provisions of the Maintenance Code and/or conditions imposed by the Appeals Board as a prerequisite to the modification of a previous compliance order.

e. Determination that a violation exists on the property.

Subd. 6. **Authority of appeals board.** Within thirty (30) days of the close of the public hearing, the Appeals Board shall render a decision sustaining, modifying, or withdrawing any item appearing on the notice and order. The petitioner shall be notified in writing of such action.

1305.12. Civil remedies. If the recipient of a Notice of Violation fails to comply with said Notice of Violation within the stated period of time, the Council may institute an action for injunction, mandamus, or abatement or any other appropriate action or proceeding to enjoin, correct or abate such violation.

1305.13. Violation penalties.

Subd. 1. No person shall violate any provision or fail to conform to any of the requirements of this Exterior Property Maintenance Code or fail to comply with any order made there under.

Subd. 2. Whoever violates any section of this Code shall be guilty of a petty misdemeanor and be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Subd. 3. The application of the penalty provided hereof shall not be held to prevent the enforced removal of prohibited conditions.

1305.14. Abandonment of construction project. Any building or structure for which a Building Permit has been issued, and except for circumstances beyond the property owner's control (e.g., labor strikes, inclement weather, etc.), all construction work shall be diligently pursued to completion. Any construction project upon which no substantial work has been undertaken for a period of six (6) months, shall be deemed abandoned. Upon any construction project being deemed abandoned, all buildings or structures not completed to the degree such buildings or structures have been indicated on the plans submitted in support of a Building Permit, shall have all building materials and construction equipment removed from the site.

1305.15. Application of maintenance standards. The following standards are applicable to all residential structures, dwelling units, residential portions of mixed-use structures and all dwelling units located in commercial structures.

1305.16. Structural soundness and maintenance of dwellings. All structures shall be maintained as follows:

Subd. 1. **Foundations.** Foundations shall support the structure at all points and shall be free of all holes and cracks as to prevent the entrance of rodents, water or dampness to the interior of the structure or lessen the capability of the foundation

to support the building.

Subd. 2. **Exterior walls and surfaces.** Exterior walls and other exterior surface materials shall be free of holes, cracks, loose or rotting boards and timbers or any other condition as to prevent the entrance of rodents, rain or dampness to the interior of the building.

Subd. 3. **Windows.** Windows shall be fully supplied with window glass which is glazed and is without open cracks or holes, shall have sashes in good condition which fit within frames, be capable of being easily opened and held in position by hardware, and maintained so as to exclude adverse weather elements from entering the structure.

Subd. 4. **Exterior doors.** Doors shall be maintained so as to be structurally sound, fit within frames so as to be weatherproof, windproof, and waterproof and be provided with door hinges and door latches which are in good working condition.

Subd. 5. **Roof.** Roof members, covering and flashing shall be structurally sound and tight so as to prevent the entrance of moisture and be maintained by renewal, repair, waterproofing or other suitable means. Roof drainage shall be adequate to prevent rainwater from causing dampness in the interior portion of the structure.

Subd. 6. **Gutters.** Rain gutters, downspouts, leaders or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties.

Subd. 7. **Chimneys.** Chimneys shall be free of cracks, holes or missing portions and maintained in sound condition.

Subd. 8. **Porches/decks.** Every porch or deck shall be so constructed and maintained so as to be free of missing, defective, rotting or deteriorated foundations, supports, floors, other members, and steps thereto, kept in sound condition and in good repair.

Subd. 9. **Structural member.** Any structural member of a structure which has become deteriorated or damaged to the extent that it does not serve the purpose as originally intended shall be renewed, restored, repaired, or replaced as is necessary to serve the purpose as originally intended.

Subd. 10. **Exterior surfaces.** Except for materials that have been designed or manufactured to remain untreated, all exterior wood, composition or metal surfaces shall be protected from the elements by paint or other protective coverings. Surfaces shall be maintained so as to be kept clean and free of flaking, loose or peeling paint or covering.

Subd. 11. **Basement.** Basement or cellar hatchways shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage into the building.

Subd. 12. **Decorative features.** All cornices, entablatures, bell courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

1305.17. Paint and coating materials. All paint and other coating materials shall be free of any lead. These materials shall also be free of dangerous substances banned from general use by authorized Federal, State, County, or Local Regulatory Agencies for health and safety reasons.

1305.18. Exterior premises. All premises shall be properly maintained as follows:

Subd. 1. **Exterior space.** The exterior open space shall be maintained or so improved so as to provide for:

- a. The immediate diversion of water away from structures and proper drainage of the premises;
- b. Grass, plantings or other suitable ground cover to prevent soil erosion which is or may become detrimental to the structures, premises use or adjacent premises and structures;
- c. Yard-walks, parking areas, and driveways of a concrete, asphalt, pavers or similar surface which are of sound construction and properly maintained;
- d. Exterior steps which are of sound construction and properly maintained free of hazardous conditions.

Subd. 2. **Maintenance.** The exterior of all premises and every structure thereon including but not limited to walls, roofs, cornices, chimneys, drains, towers, porches, landings, fire escapes, stairs, signs, windows, doors, awnings and all surfaces thereof, shall be maintained and shall be painted or protected where necessary for the purpose of preservation. All canopies, signs, awnings, exterior stairways, fire escapes, standpipes, exhaust ducts, porches, balconies, and similar overhanging extensions, where exposed to public view, shall be maintained in good condition and shall not show evidence of ripping, tearing, or deterioration.

Subd. 3. **Fences and walls.** All fences, retaining walls, or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in that same manner so that fences, retaining walls, or similar structures shall always be in the state of good repair. If any fence, retaining wall, or similar structure is found not to be in the state of good repair, it shall be removed, replaced, or repaired as required. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall be treated periodically with paint or chemicals so as to retard deterioration.

Subd. 4. **Yards.** All yards, courts, and lots shall be graded and kept free noxious weeds, debris and other materials which may cause a fire, health, or safety hazard.

Subd. 5. **Hazards.** Hazards and unsanitary conditions shall be eliminated.

Subd. 6. **Drainage.** All portions of all premises shall be so graded, seeded, sod, or otherwise landscaped, that there is no pooling of water or recurrent entrance of water into any part of any structure except when such pooling or retention of water is part of a plan approved by the City Engineer. All condensate and water cooling water shall be appropriately discharged into an approved drainage system.

Subd. 7. **Drainage swales.** Swales are to be maintained by the owners of the premises on which they are located, and at no time will anyone plant shrubs and/or trees, or discharge, empty, or place any material, fill or waste into any swale so as to divert or impede drainage flow. Swales should be mowed as part of the yard. In meadow situations the swales should be mowed less frequently in order to allow grasses to grow taller to retard runoff and prevent erosion. Swales in woodland areas should be left in their natural condition leaving understory growth to retard runoff and prevent erosion.

Subd. 8. **Boarded Structures.** Exteriors may not be left boarded up unless it is for a temporary construction project. Temporary will refer to three (3) months or less. Anything remaining boarded up beyond three (3) months will be considered a violation of this ordinance.

1305.19. Vegetation.

Subd. 1. **Maintenance of plantings.** All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.

Subd. 2. **Woodland areas.** All woodland areas should be left in their natural condition.

1305.20. Stairways.

Subd. 1. **Exterior stairways.** All exterior stairways on all residential premises shall be in accordance with the following provisions:

- a. Stairways shall be maintained free of holes, grooves, and cracks which constitute a safety hazard;
- b. Stairways shall be maintained free of rotted or deteriorated supports;
- c. Stairways shall have treads of uniform width and risers of uniform height;
- d. Stairway handrails and/or railings shall be firmly fastened and maintained in good condition. Where the absence of handrails and/or railings create a hazardous condition, an Enforcement Officer may require their installation in accordance with the provisions of the State Building Code.

1305.21. Accessory structures.

Subd. 1. **Accessory structures.** All structures accessory to the dwellings, including detached garages, shall be maintained structurally sound, neatly maintained, and in good repair or shall be razed to grade level and debris removed from the premises.

PART 6. SUBDIVISIONS.

1306.01. Intent. This section shall be referred to and cited as The Pierz Subdivision Ordinance, except herein where it shall be cited as the “section”.

1306.02. Purpose. This section is established pursuant to the authority granted by Minnesota Statutes, in particular the Municipal Planning Act, M.S. §§ 462.351 to 462.364, as they may be amended from time to time, the Land Subdivision and Condominium Acts, M.S. Chapters 462, 505, 515 and 515A, as they may be amended from time to time, and Common Interest Community “CIC” plats, M.S. Chapter 515B, as it may be amended from time to time, and any amendments thereto.

Subd. 1. This section is adopted for the purpose of:

- a. Protecting the public health, safety, comfort, convenience and general welfare;
- b. Effectuating the goals of the Comprehensive Plan and the Pierz Zoning Ordinance;
- c. Promoting order in development by providing for subdivision of lands and buildings in accordance with the zoning districts of the city;
- d. Providing for the administration of the provisions of the ordinance and defining the authority and duties of the Zoning Administrator, the Planning Commission, Board of Adjustment and City Council under this section; and
- e. Providing standards and criteria for subdivision in the shore lands to preserve and enhance the quality of surface waters, conserve the economic and natural environment values of shore lands and provide for the wise use of waters and related land resources of the city.

1306.03. Rules and definitions.

Subd. 1. **Rules.** For the purpose of this section, the following rules shall apply to the interpretation of the language used herein:

- a. The word **PERSON** includes a firm, association, organization, partnership, trust, company, corporation or other legal entity as well as an individual;
- b. The masculine gender includes the feminine gender and the neuter;

- c. The singular includes the plural and the plural, singular;
- d. The present tense includes the past and future tenses and the future, the present;
- e. The word **MAY** is permissive; the word **SHALL** is mandatory. Mandatory compliance with the ordinance may allow for variances thereto;
- f. All distances in feet shall be to the nearest one-tenth of a foot, horizontally or vertically; and
- g. In the event of a conflict between provisions of this section, other ordinances of the City of Pierz hereinafter referred to as city, and/or other ordinances, rules or regulations of any governmental body or governmental agency, which apply to the City of Pierz, the most restrictive provision shall apply.

Subd. 2. **Accessory use or accessory structure.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure, including t.v. tower antennas, dish antennas exceeding a 60-inch diameter, swimming pools, wind generators, garages, sheds, boat houses and similar structures. This definition does not include either structures attached to the principal use or structure on the lot or a separate dwelling structure such as a dwelling and/or guest quarters. Antennas shall meet all setback requirements, but shall not be subject to height restrictions.

Subd. 3. **Arterial road.** County roads that provide movement of traffic through the city.

Subd. 4. **Attorney or city attorney.** The attorney duly appointed by the Council to represent the City of Pierz.

Subd. 5. **Block.** An area of land bounded by streets, exterior boundary lines and/or bodies of water.

Subd. 6. **Board of adjustment.** The Board, appointed by the City Council, to hear variance requests and appeals from action of the Zoning Administrator and/or Zoning Inspector.

Subd. 7. **Buffer area.** Land set aside in its natural state, enhanced and/or protected by screening or containing topographical features designed to buffer the impacts of a more intense land use on a less intense use, such as between commercial and residential uses.

Subd. 8. **Building.** Any structure having a roof or completely enclosing an area for the purpose of sheltering persons, animals or property.

Subd. 9. **Building line.** A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Subd. 10. **Campground, membership.** A land use under single ownership consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with management services and with site rentals. See also **RECREATIONAL CAMPING AREA**.

Subd. 11. **Campsite.** A parcel within a resort, campground or recreational camping area designated for the occupancy of one family on a periodic basis in a tent or recreational vehicle. Whether owned, leased or timeshared, or in any other manner recognized.

Subd. 12. **City clerk-treasurer.** The duly appointed person responsible for the administration of the city affairs.

Subd. 13. **City council.** The duly elected governing body of the city.

Subd. 14. **Collector road.** Roads that collect local roads and provide for the movement of people and commodities to arterial roads. Also referred to as *THOROUGHFARES*.

Subd. 15. **Commercial planned unit development.** Uses that provide transient, short term lodging spaces, rooms or parcels and their operations are essentially service oriented. For example, hotel and/or motel accommodations, resorts, recreational vehicle and camping parks and other primarily service oriented activities are Commercial Planned Unit Developments. Includes time shared condominiums where part of a resort.

Subd.16. **Commissioner.** The Commissioner of the Department of Natural Resources.

Subd. 17. **Common interest community** or “**CIC**”. Contiguous or noncontiguous real estate within Minnesota that is subject to an instrument which obligates persons owning a separate described parcel of the real estate or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for:

- a. Real estate taxes levied against;
- b. Insurance premiums payable with respect to;
- c. Maintenance of; or
- d. Construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

Subd. 18. **CIC plat.** A common interest community plat described in M.S. § 515B.2-110, as it may be amended from time to time.

Subd. 19. **Condominium.** A CIC in which:

- a. Portions of the real estate are designated as units;
- b. The remainder of the real estate is designated for common ownership solely by the owners of the units; and
- c. Undivided interests in the common elements are vested in the unit owners.

Subd. 20. **Cooperative.** A CIC in which the real estate is owned by an association, each of whose members are entitled by virtue of the member's ownership interest in the association to a proprietary lease.

Subd. 21. **Declaration.** Any instrument, however denominated, including any amendment to the instrument that creates a common interest community.

Subd. 22. **Planned community.** A CIC that is not a condominium or a cooperative. A condominium or cooperative may be a part of a planned community.

Subd. 23. **Unit.** A portion of the CIC, the boundaries of which are described in the CIC's declaration, and which is intended for separate ownership or separate occupancy pursuant to a proprietary lease.

Subd. 24. **Comprehensive plan.** A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development of the city.

Subd. 25. **Conditional Use Permit (CUP).** A land use or development as defined by the Zoning Ordinance that would not be appropriate without restrictions, but may specifically be allowed with appropriate restrictions or conditions as determined by the Planning Commission upon a finding that:

- a. The use or development is an appropriate conditional use in the land use zone;
- b. The use or development with conditions conforms to the Comprehensive Land Use Plan;
- c. The use with conditions is compatible with the existing neighborhood; and
- d. The use with conditions would not be injurious to public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity.

Subd. 26. **Corrugated; sheet metal.** Maintenance-free or non-coated ribbed, curved or flat steel panels commonly used as exterior surfaces for post frame buildings.

Subd. 27. **Cul-de-sac.** The circular turn around at the end of a street with only one outlet.

Subd. 28. **Deck.** An uncovered, unscreened structure with or without attached railings or seats and which has a floor level above grade. Railings or seats shall be at least 85% open.

Subd. 29. **Duplex, triplex or quad.** A dwelling structure having two, three or four dwelling units, respectively being attached by common walls, and each unit being equipped with separate sleeping, cooking, eating, living and interior sanitation facilities.

Subd. 30. **Dwelling, guest quarters.** A structure used as a dwelling unit that may contain sleeping spaces and/or kitchen and/or bathroom facilities in addition to those provided in the primary dwelling unit on a lot, dependent upon the principal structure for primary utilities, services, entrance, parking and accesses and not for rent or lease.

- Subd. 31. **Dwelling, multi-family.** Two or more dwelling units attached together by any point including duplexes, triplexes, townhouses and multi-level units regardless of type of ownership.
- Subd. 32. **Dwelling, single-family.** A dwelling unit totally separate from any other dwelling unit.
- Subd. 33. **Dwelling site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- Subd. 34. **Dwelling unit.** A structure or portion of a structure or other shelter designed as short or long term living quarters for one or more persons including rental or timeshare accommodations such as motel, hotel, resort rooms and resort cabins.
- Subd. 35. **Dwelling width.** The smallest horizontal dimension of the major portion of a dwelling which does not include decks or patios.
- Subd. 36. **Engineer or city engineer.** The Engineer duly appointed by the Council to perform technical services for the City of Pierz.
- Subd. 37. **Expansion of a non-conforming structure or use.** Any act that would extend, intensify or enlarge a lawful structure or use existing before the effective date of this chapter and which does not conform to the provisions of this chapter.
- Subd. 38. **Family.** An individual, or two or more persons related by blood, marriage or adoption living together in a dwelling unit or a group of not more than four persons not so related, maintaining a common household.
- Subd. 39. **Final plat.** A drawing prepared by a registered land surveyor depicting the subdivision of land and related information conforming to the requirements of M.S. Chapter 505, as it may be amended from time to time, and subsequent revisions.
- Subd. 40. **Floodplain.** The areas adjoining a watercourse, intermittently or permanently flowing, which have been or will be covered by the runoff waters of a storm with a 1% chance of occurrence any year (100-year storm).
- Subd. 41. **Floodway.** The channel of the watercourse and those portions of the adjoining floodplain, which are reasonably required to carry and discharge the regional flood (100-year chance of occurrence).
- Subd. 42. **Footprint.** The area of a property covered by improvements including a dwelling, accessory buildings and appurtenances.
- Subd. 43. **Garage.** An accessory building, or that portion of a principal structure, that is used for the parking of one or more motor vehicles and is totally enclosed with root walls and one or more doors.
- Subd. 44. **Green space.** Privately owned property permanently dedicated by covenant to vegetative ground coverage with allowance for use as recreational facilities, tree coverage, water course, water

supply, sewage disposal and access. Public property dedicated to park, vegetation buffer, tree coverage or similar uses.

Subd. 45. **Hardship.** The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his or her property not created solely by the landowner and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the ordinance.

Subd. 46. **Impervious surface.** The horizontal area of buildings, roof overhangs, patios, walks, driveways, accessory structures and other surfaces generally impervious to the penetration of storm water, including drives and parking areas of any material.

Subd. 47. **Landscaping.** The placement of trees, shrubs, grass, walls and earth mounds or the utilization of existing natural vegetative cover equal thereto.

Subd. 48. **Local roads.** Roads that have a primary function of providing access to property.

Subd. 49. **Lot.** A parcel of land designated by plat, metes and bounds, registered land survey, Auditor's plat or other acceptable means and separated from other parcels or portions by the description for purposes of sale, lease, mortgage, building or separation.

Subd. 50. **Lot area.** The horizontal area of a lot bounded by the lot lines and the ordinary high water line if bounded by water.

Subd. 51. **Lot, corner.** A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of one street with the internal angle less than 135 degrees.

Subd. 52. **Lot front.** The boundary of a lot that abuts on a public right-of-way, or if a corner lot, the shorter of the two boundaries. If the lot abuts public water, the lake or stream side shall be considered the **LOT FRONT**.

Subd. 53. **Lot line.** The property lines bounding a lot except that where the description extends into a public right-of-way, the right-of-way line shall be considered the **LOT LINE**.

Subd. 54. **Lot line, rear.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. Rear setbacks on a triangular lot are measured from the apex of the side lot lines. For other irregularly shaped lots, all lot lines that are most nearly opposite the front lot line is the **REAR LOT LINE**.

Subd. 55. **Lot, pre-existing.** A lot which is one unit of a subdivision plat heretofore duly approved and filed or one unit of an Auditor's subdivision, or registered land survey, or a lot created by metes and bounds, any of which was recorded in the office of the County Recorder prior to the effective date of City of Pierz Subdivision and Zoning Ordinance.

Subd. 56. **Lot size.** The horizontal area of a lot bounded by the lot lines and the ordinary high water line if bounded by water.

Subd. 57. **Lot size, existing.** The minimum lot size that an existing lot must conform to.

Subd. 58. **Lot width.** The shortest distance between lot lines measured at the mid point of the building line.

Subd. 59. **Metes and bounds.** Descriptions of property and descriptions for lots other than lots in recorded subdivision plats.

Subd. 60. **Motel and/or hotel.** A commercial business with a central management to provide lodging and may provide related facilities such as restaurants, bars and other recreational amenities. Includes a bed and breakfast designed with over four separate bedrooms.

Subd. 61. **Non-conforming.** Any building, structure or land use lawfully existing prior to the enactment or amendment of the provisions of this chapter and not in compliance with one or more of the provisions of this chapter.

Subd. 62. **Party wall or floor.** The structural divider between dwelling units vertically or horizontally, respectively.

Subd. 63. **Patio.** An uncovered, unscreened platform without attached railings or seats, which platform is at grade at its highest point and does not exceed 300 square feet cumulative of all patios on the property.

Subd. 64. **Permitted use.** A land use conforming to the character of a zoning district, which is permitted by ordinance requiring only a zoning permit issuable by the Zoning Administrator.

Subd. 65. **Planned unit development (pud).** A land use characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease and also usually involving clustering of these units or sites to provide areas of common green space, density increases and mix of structure types and land uses. These developments may be organized and operated as condominiums, timeshare condominiums, cooperatives, full free ownership, commercial enterprises or any combination of these, or cluster subdivisions of dwelling units, residential, condominiums, townhouses, apartment buildings, campgrounds, recreational vehicles parks, resorts, hotels, motels and conversions of structures and land uses to these uses. Does not include a duplex where specifically allowed in a zoning district on a single parcel of land.

Subd. 66. **Planning commission.** The body, duly appointed by the City Council to determine the development of the city and to make recommendations to the City Council on Comprehensive Plans, zoning district boundaries, subdivision of land and capital improvements. The Commission shall decide conditional use permits, preliminary plats and preliminary condominium plats.

Subd. 67. **Plat.** See *FINAL PLAT*.

Subd. 68. **Preliminary approval.** The official action taken by the Planning Commission of the city on a complete application to create a subdivision which establishes the right and obligations set forth in the statutes and this chapter.

Subd. 69. **Preliminary plat.** A plan prepared in accordance with this chapter depicting the proposed subdivision of property by final plat or final condominium plat.

Subd. 70. **Principal structure or use.** The single primary structure or use on a lot, as distinguished from accessory uses or structure. The principal structure on a residential lot shall be a dwelling unit.

Subd. 71. **Private road or driveway.** Path, route, by-way or place in private ownership and use for vehicular travel by the owner and those having express or implied permission from the owner.

Subd. 72. **Protective covenants.** Restrictions placed on the property by the owner and duly filed with the County Recorder. These may also be used in Planned Unit Developments to establish homeowners associations, restrict shoreline development and provide for common facilities.

Subd. 73. **Public waters.** Any waters as defined in M.S. § 103G.005, Subd. 15, as it may be amended from time to time. However, no lake, pond or flowage of less than ten acres in size in municipalities need be regulated for the purposes of the Shore Land Management Rule. A body of water created by a private user where there was no previous shoreline may, at the discretion of the local government, be exempted from the shore land management. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

Subd. 74. **Recorder.** The County Recorder of Morrison County.

Subd. 75. **Recreational camping area.** Any area whether privately or publicly owned, available on a daily, nightly or weekly basis for the accommodation of five or more units consisting of tents or travel trailers and whether use of the accommodation is granted free of charge or for compensation.

Subd. 76. **Residential planned unit development.** A use where the nature of residency is not transient and the major or primary focus of the development is not service oriented. For example, residential apartments, manufactured home parks, townhouses, cooperatives and full fee ownership residences would be considered as Residential Planned Unit Developments. Includes timeshare condominiums not part of resort.

Subd. 77. **Right-of-way.** A parcel of property dedicated to the public, connecting to other public rights-of-way which afford primary access by pedestrians and vehicles to abutting properties.

Subd. 78. **Semi-public use.** The use of land by private non-profit organizations to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization considered a PUD under this chapter.

Subd. 79. **Sensitive resource management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or bedrock,

highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

Subd. 80. **Setback.** The minimum horizontal distance between a structure, sewage treatment system, well or other facility and an ordinary high water level, sewage treatment system, top of bluff, road, highway, wetland, property line or other facility. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Subd. 81. **Setback; interior lot.** In a Planned Unit Development, the closest horizontal distance between the lot line and the foundation or wall of a structure when the lot line is not the exterior boundary of the development. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Subd. 82. **Setback; side, exterior.** The closest horizontal distance between the exterior boundary side lot line and the foundation or wall of a structure. This setback takes precedence over setback, interior lot, where any conflict exists. Three feet of roof overhang, stoops not exceeding 30 square feet and steps from stoop to ground not over four feet wide may protrude into the setback.

Subd. 83. **Sewage treatment system.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minn. Rules, Chapter 7080 of the State Rules and Regulations.

Subd. 84. **Sewer system.** Pipe lines or conduits, pumping stations and force mains and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other waste to a point of ultimate disposal.

Subd. 85. **Significant historical site.** Any archeological site, standing structures or other property that meets the criteria for eligibility to the National Register of Historical Places, or is listed in the State Register of Historical Sites or is determined to be an un-platted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. A **HISTORICAL SITE** meets this criterion if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archeologist or the Director of Minnesota Historical Society. All un-platted cemeteries are automatically considered to be significant historical sites.

Subd. 86. **Sketch plan.** A plan drawn to scale used for planning and discussion purposes only.

Subd. 87. **Steep slope.** Land where agricultural activity or development is either not recommended or is described as poorly suited due to slope steepness due to the site's soil characteristics as mapped and described in available County Soils Surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12% as measured over horizontal distances of 50 feet or more, but which are not bluffs.

Subd. 88. **Street.** A right-of-way, which affords primary vehicular access to abutting property and shall include avenues, road or highway, boulevard, drive and the like. These shall further be classified as follows:

Subd. 89. **Arterial road.** County highway and/or county state aid highway.

Subd. 90. **Local roads.** All roads (besides highways), including minimum maintenance; and sll local roads not classified as minimum maintenance.

Subd. 91. **Structure.** Any building or appurtenance, including decks or other facilities constructed, placed or erected by any person except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines and also excepting walks or steps on grade not more than four feet wide, stoops not exceeding 30 square feet, fences, temporary furniture, planters or material and retaining walls consisting of wood or concrete block and additions which add less than 12 inches to the silhouette of the structure and do not extend into the setback area. Currently licensed fish houses are not considered structures but must maintain all setbacks as pertain.

Subd. 92. **Subdivider.** The owner, agent, person, corporation, partnership or legal entity proposing to subdivide property under his or her control.

Subd. 93. **Subdivision.** The division of an area, parcel or tract of real estate into two or more parcels, tracts, lots or long term leasehold interests for the purpose of sale, rent, mortgage or lease, including Planned Unit Development.

Subd. 93. **Subdivision by plat.** The subdivision into two or more parcels of any size by the authority of M.S. Chapter 505, as it may be amended from time to time, and subsequent amendments with documents prepared by a registered land surveyor and duly approved by the Planning Commission and Council.

Subd. 94. **Subdivision by metes and bounds.** Any division of real estate resulting in two or more parcels, which are not platted, but divided by description prepared and signed by a registered land surveyor. All subdivision by metes and bounds shall be considered for approval by the Planning Commission.

- a. The following shall not be deemed a **SUBDIVISION** within the meaning of this chapter. When resulting parcels, tracts, lots or interest are:
 - 1) Twenty acres or larger in size and 500 feet in width for residential or agricultural zoned lots;
 - 2) Five acres or larger in size and 300 feet in width for commercial or industrial zoned lots;
 - 3) The result of a court order(s) or adjustment of a lot line by relocation of a common boundary; or

4) Create cemetery lots.

Subd. 95. **Through lot.** A lot that has frontage on two parallel or approximately parallel streets; also called double-front lot.

Subd. 96. **Townhouse dwelling.** A type of multi-family housing consisting of dwelling units attached by common party walls. Ownership may be defined by plat or condominium plat.

Subd. 97. **Variance.** A legally permitted deviation as provided in M.S. § 462.357, Subd. 6, as it may be amended from time to time, from the provisions of this chapter as deemed necessary by the Board of Adjustment when the strict interpretation of the ordinance would create undue hardship and be impractical because of circumstances relating to lot size, shape, topography or other characteristics of the property, and when the deviation from the ordinance with any attached conditions will still be in keeping with the spirit and intent of the ordinance. **VARIANCES** cannot create a land use not permitted in a zone.

Subd. 98. **Waiver of assessment.** Any land owner subject to city assessment of his or her property benefitting from municipal sewer improvements which was not previously assessed, may waive his or her rights to an assessment hearing before the City Council and accept the assessment as set by the city.

Subd. 99. **Walkway.** A parcel of property dedicated to the public for non-vehicular access purposes.

Subd. 100. **Wetland.** Land that is subject to periodic or continued inundation by water, such as floodplains, marshes, swamps and peatlands classified as provided in Circular #39, United States Fish and Wildlife Service and amendments thereto.

Subd. 101. **Zoning administrator.** The duly appointed person responsible for the enforcement and administration of this chapter.

Subd. 102. **Zoning district.** An area of the City of Pierz defined on the zoning map, having uniform zoning provisions.

Subd. 103. **Zoning inspector.** The duly appointed person responsible to the Zoning Administrator and authorized to inspect, enforce and administer provisions of this chapter.

Subd. 104. **Zoning map.** The map of the City of Pierz, amended from time to time, which defines the boundaries of the zoning districts.

Subd. 105. **Zoning permit.** A permit issued by the Zoning Administrator to allow the construction of a structure or to allow a land use when the provisions of this chapter have been met and when approval of any conditional use permits or variances have been granted and when the fees are paid. A zoning permit may have administrative conditions specific to the subject site when provided by the ordinance.

1306.04. Application of this chapter. The provisions of this chapter shall be held to be the minimum requirements for maintaining the public health, safety, morals and welfare. Where the provisions of this chapter are either more restrictive or less restrictive than applicable provisions of other laws, ordinances,

statutes, resolutions, covenants or regulations of any kind, the more restrictive shall prevail, except where authorized by the more restrictive agency.

Subd. 1. Except as this chapter specifically provides, no structure shall be erected, converted or enlarged upon a parcel of land or in a condominium space which is not in conformance with this chapter.

Subd. 2. The provisions of this chapter shall be applicable to any subdivision of property within the city after the effective date of this chapter.

Subd. 3. Subdivision by plat, condominium or "CIC" plat shall be approved by the Planning Commission and Council. The preliminary plat shall require approval by the Planning Commission. The final plat shall require a recommendation by the Planning Commission and an approval by the City Council.

Subd. 4. Subdivision by metes and bounds shall require approval by the Planning Commission if the resulting parcels are less than 20 acres and 500 feet in width for residential or agricultural zoned lots or five acres and 300 feet of width for commercial or industrial zoned lots, and shall be limited to no more than one split of a parcel into two parcels in a three-year period of time. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.

Subd. 5. The proposed legal description for subdivision of land by metes and bounds shall be prepared and certified by a registered land surveyor. Approval by the Planning Commission shall be indicated by the signature of the Planning Commission Chairperson, upon approval of the Commission and attached to the legal description.

Subd. 6. As per M.S. Chapter 272, as it may be amended from time to time, the County Auditor will not transfer any conveyance of property that subdivides or modifies the description of a property unless the conveyance bears the signature of the Zoning Administrator and is stamped with the city seal, to indicate that the conveyance is in compliance with all zoning and subdivision regulations of the City of Pierz. This provision shall not apply to previously platted lots already on record with the office of the County Recorder if the entire lot is the subject of transfer.

Subd. 7. The County Recorder or Registrar of Deeds may accept each certificate for filing and recording upon compliance with these provisions.

1306.05. Environmental documents and concurrent permits.

Subd. 1. It shall be the subdivider's responsibility to secure necessary concurrent permits such as MPCA state waste disposal permits, Health Department permits, Army Corps of Engineers permits, DNR Public Water permits, and DNR Water Appropriation permits. Approval by the city does not imply approval by other agencies.

Subd. 2. When an environmental assessment worksheet is required for the proposed subdivision, the subdivider shall submit a draft for the city to review with other pertinent data regarding run off, storm water, and grading specifics.

1306.06. Existing lots. A lot, pre-existing, for which a deed, recorded contract for deed or other legal conveyance or plat has been recorded prior to the effective date of the Zoning Ordinance, shall be considered for a zoning permit without requiring a variance provided it has at least 80% of required lot area and lot width at the ordinary high water mark and building line, all the setbacks can be maintained and sanitary provisions for well and sewage disposal can be maintained.

1306.07. Improvements.

Subd. 1. Prior to the City Council approving a final plat or the Planning Commission approving a metes and bounds split, the subdivider shall provide for the construction of the required improvements at his or her expense according to the plans approved by the city, and shall have the work completed or shall enter a development contract and give bond or other financial assurance satisfactory to the Council in an amount equal to 125% of the estimated cost of the uncompleted improvements except as provided in division 3 below. The bond shall be released by the City Council upon the recommendation of the City Engineer indicating the improvements are satisfactorily complete.

Subd. 2. The required improvements shall conform to the standards of this code and shall include city street signs and lighting in conformance with city standards.

Subd. 3. The subdivider may request the city construct municipal storm sewer infrastructure or bituminous street surfacing with all costs to be assessed against the benefitted properties. If the City Council agrees, the subdivider shall enter a development contract and give a bond or other financial assurance satisfactory to the Council in an amount equal to 50% of the estimated cost. The assessments shall be paid in full upon sale of the property. The bond shall be released once there are only 25% of the assessment payments to be paid off.

Subd. 4. All costs of the City Engineer, City Attorney, bond counsel, financial experts and other professional costs borne by the city in creating and/or executing development contracts, estimates of cost, inspections, financial arrangements, assessments and pursuing legal remedies in event of default by the subdivider, shall be borne by the subdivider.

Subd. 5. Upon completion of all work, the subdivider shall have his or her engineer provide the city with a full set of as-built Mylar base reproducible plans for city records. These plans shall include the elevations of storm sewer. Upon completion of the work, the subdivider and/or his or her contractor shall be required to furnish the city a one-year maintenance bond guaranteeing the work for public improvements in favor of the city. Prior to acceptance of the completed subdivision by the Council, it will be necessary to furnish Contractor's certificate; and a Subdivider's certificate, certifying that all construction has been completed in accordance with the terms of the contract. Upon receipt of the affidavits and recommendations by the City Engineer that completed work be accepted, the Council will be requested to accept the completed public improvements. Acceptance will be by formal resolution of the Council.

1306.08. Amendments.

Subd. 1. Amendments may be made to this chapter by the City Council after recommendations of the Planning Commission.

Subd. 2. Planning Commission recommendations shall follow the holding of a public hearing on the proposed amendments, with notice of the hearing published in the official newspaper of the city at least ten days prior to the hearing.

1306.09. Fees. Fees shall be those as established from time to time by the City Council and shall cover all costs of the city for advertising, legal services, engineering services and notifications.

1306.10. Sketch Plan. A sketch plan shall contain the following data:

Subd. 1. **Existing conditions.**

- a. Approximate exterior boundary drawn to a scale of not less than one inch equals 100 feet with the scale and northerly direction shown thereon;
- b. Indication of floodplains, wetlands, slopes over 12%, bluffs, tree cover and ordinary high water mark;
- c. Use of adjoining properties including street locations, structure locations and property lines; and
- d. Significant historical sites.

Subd. 2. **Proposed design.**

- a. Proposed roads and walkways;
- b. Proposed lots with building setbacks and bluff impact zones. Flag lots should be considered a remedial action, to be approved only when there is no other option for providing access to a parcel, or as a means of preserving natural resources. Flag lots can have a serious impact on land development including increased density of driveways, drainage, traffic, aesthetics, emergency access and overall privacy can character of a neighborhood;
- c. Proposed green space; and
- d. Proposed city storm sewer connections and extensions existing and proposed with grades shown;
- e. Information regarding adequacy of domestic water supply. Proposed storm drainage system and erosion control, both during and after construction activities;

1306.11. Preliminary Plat. A preliminary plat shall contain the following data, except as it may be waived by the Planning Commission, along with the other reasonable information as it may be requested by the Planning Commission in order to make a proper evaluation of the proposal.

Subd. 1. Existing conditions.

- a. Boundary lines with lengths and bearings drawn to exact scale of not less than one inch equals 100 feet taken from a boundary survey by a registered land surveyor with the legal description of the property, total acreage, name of the fee owner, developer and surveyor. North arrow and scale;
- b. Topography, consisting of
 1. Two-foot contour intervals, or at the discretion of the Planning Commission, during the sketch plan review; and
 2. Ten-foot contour intervals taken from the U.S.G.S. mapping with additional field determined spot elevations added to define drainage ways, 100-year floodplains, wetlands, slopes and the ordinary high water mark. Near shore aquatic conditions, including depths, types of bottom, sediments and aquatic vegetation.
- c. Tree cover limits, specimen tree locations;
- d. Storm Water and Run Off Projects and Elevations/Grading;
- e. Location of adjoining streets, wetlands, structures and property lines within 200 feet of subject parcel, including acreage of any property owned by the developer not included in preliminary plat or plan;
- f. Significant historical sites;
- g. Date of boundary survey, topography and proposed plat; and
- h. Zoning district of the subject and each adjoining parcel.

Subd. 2. Proposed design.

- a. Layout of proposed streets, walkways, blocks, lots, buildings if known, drawn to same scale as existing data.
- b. Dimensions scaled to nearest five feet of all lot lines, street widths, easement widths and lakeshore lengths;
- c. Areas of proposed lots;
- d. Structure setback lines from streets, lot lines and ordinary high water mark;
- e. Proposed green space with area shown;
- f. Proposed public dedication areas other than streets or walkways with area shown;
- g. Proposed city storm sewer connections and extensions existing and proposed with grades shown;

- h. Information regarding adequacy of domestic water supply.
- i. Proposed storm drainage system and erosion control, both during and after construction activities;
- j. Proposed street standards and profiles;
- k. Potential principal structure and accessory structure locations and elevations;
- l. Extent of anticipated vegetation and topographic alterations;
- m. Proposed covenants;
- n. Name of subdivision, proposed street names;
- o. Stages of development proposed;
- p. Timeline; and
- q. Landscaping.

Subd. 3. **Evidence of authority.** Evidence of authority to subdivide the parcel consisting of fee ownership or written concurrence of fee owners.

1306.12. Final plat. A final plat shall contain all elements required by this chapter M.S. Chapters 505 or 515A, as they may be amended from time to time, respectively, and the State Plat Manual, including but not limited to the following.

- Subd. 1. Conformance with approved preliminary plat or preliminary condominium plat or an agreed upon portion thereof.
- Subd. 2. Design standards in conformance with the ordinance and the Pierz Zoning Ordinance.
- Subd. 3. Preparation by a registered land surveyor. Signatures of Mayor, Clerk-Treasurer, County Auditor, County Treasurer and all parties with legal interest in the fee ownership of the land.
- Subd. 4. Dedication to the public of those easements, rights-of-way, walkways and lands to become public.
- Subd. 5. Drainage and utility easements over natural drainage ways and significant wetlands.
- Subd. 6. Reservation of private streets in outlots (Planned Unit Development).
- Subd. 7. Covenants shall be filed concurrently with the plat and shall be required to create an association of homeowners if a privately maintained cluster sewer or water system is proposed for subdivision.
- Subd. 8. The Association shall consist of all benefitted lot owners including the subdivider.

- Subd. 9. The Association shall be responsible for all costs of maintenance and replacement.
- Subd. 10. The costs shall be uniformly divided by lots served.
- Subd. 11. The costs shall be lienable against the lots by the Association if payment is not forthcoming.
- Subd. 12. The status of the facility shall be clearly stated as subject to perpetual private maintenance.
- Subd. 13. Provision shall be made for emergency access or emergency maintenance by the city with subsequent reimbursement by the Association.
- Subd. 14. **Concurrent documents:**
- a. Title opinion, less than 60 days old, acceptable to the City Attorney and showing conformance with those parties represented by signature on the plat as holding interest in the property being divided;
 - b. Evidence of plat check in accordance with the State Plat Manual by an independent registered land surveyor;
 - c. Financial security, acceptable to the City Attorney in the amount of 125% of the cost estimated by the City Engineer for the uncompleted required improvements or 50% in the event of City Constructed improvements; and
 - d. Development contract acceptable to the City Attorney, if required by this section.

1306.13. Design layout standards; minimum. The following design standards shall be considered minimum acceptable requirements in the review of the proposed subdivision by the Zoning Administrator, City Attorney, City Engineer, Planning Commission and Council, except as waived by variance approved by the Board of Adjustment.

- Subd. 1. The land shall be properly zoned and suitable in its natural state for the intended purpose with minimal alteration. Land subject to flooding, land below the ordinary high water mark, wetlands, areas with high water table, bluffs or land containing other significant constraint(s) upon future intended usage, shall not be considered in the minimum size of a lot. The suitability analysis for each lot shall also consider soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites or any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.
- Subd. 2. Lot areas and dimensions shall conform to the requirements of the Zoning Ordinance without variance.
- Subd. 3. Lot layouts shall be compatible with the existing layout of adjoining properties.

- Subd. 4. Each lot shall have a minimum of 33 feet of frontage on a designated right-of-way. Commonly owned property or green space used for access in a Planned Unit Development shall have a minimum of 33 feet of frontage on a public right-of-way. No lot shall directly abut onto a principal arterial or a county level major collector, but rather a frontage road or double frontage lot with extra depth for buffering purposes shall be provided.
- Subd. 5. Proposed streets and cul-de-sacs shall conform to the Comprehensive Plan and minimum standards for residential roadway construction of the city, county and state highway plans and existing boundary conditions.
- Subd. 6. All lots or parcels within a subdivision shall use the local streets provided within the subdivision for driveway access onto the lots. For through lots (lots that have frontage on two parallel or approximately parallel streets), access shall be from the improved street side. Where two or more improved streets abut the property, access shall be from the local street side when possible.
- Subd. 7. Streets shall be related to the topography so as to produce usable lots and reasonable gradients not in excess of 8% for collector roads and 10% for minor roads.
- Subd. 8. Public access shall be given to adjacent properties unless the topography clearly indicates future connection is not feasible and another possible route exists.
- Subd. 9. Access points to county highways shall be approved by the respective authorities, shall be kept to a minimum through the use of frontage roads and shall be located in accordance with intersection design standards.
- Subd. 10. Minor streets shall be designed to discourage through traffic. Collector streets shall be designed to be direct, with a connection to a county highway where possible.
- Subd. 11. Half streets or connections to half street or partial streets without providing for the fully required right-of-way will not be permitted.
- Subd. 12. Streets will be designed as collector or local in accordance with the Comprehensive Plan of the city.
- Subd. 13. Dead-end streets shall be minimized and the street connected to a cul-de-sac (turnaround) and shall not exceed 1,200 feet in length as measured from the radius point of the cul-de-sac.
- Subd. 14. Access shall be given to all adjacent properties when required by the Planning Commission. All streets intended to be extended to adjoining property shall be provided with a temporary cul-de-sac with the sides on a temporary easement, which will revert to the adjoining lot owner when released by the city.
- Subd. 15. **All rights-of-way dedicated to the public shall have the following minimum dimensions, in addition to the foregoing provisions:**
- a. Cul-de-sac (turnaround): 75 feet radius;

- b. Principal arterial: 200 feet to 324 feet as determined by MnDOT;
- c. Arterial roads: 100 feet to 120 feet as determined Morrison County;
- d. Collector roads: 66 feet;
- e. Local roads: 66 feet; and
- f. Service drive; 66 feet if detached from other right-of-way and 66 feet if parallel with and adjacent to another right-of-way. Additional right-of-way may be required to promote public safety, if special conditions require, such as corners, sight lines on corners or excessive fill sections.

Subd. 16. **Intersections.**

- a. Street centerline shall intersect at not less than 75 degrees;
- b. Street jogs shall be no less than 200 feet from centerline to centerline;
- c. Streets shall have names continuous with existing patterns; and
- d. Gradients at intersections and for 50 feet approaching on each side of an intersection shall not exceed 2%.

Subd. 17. Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when any other reasonable and feasible placement alternatives exist.

Subd. 18. Street names shall conform to the pattern of the city, continue an existing name on the same alignment and generally promote order and direction in the community.

Subd. 19. **Blocks.**

- a. A block shall not exceed 1,320 feet in length;
- b. A public walkway shall be required across a block longer than 800 feet at the discretion of the Planning Commission and in other locations as designated on the Comprehensive Plan;
- c. Blocks shall normally allow two tiers of lots except adjoining a lake, highway, railroad, boundary line or other limited access feature; and
- d. Blocks shall be divided into lots considering topographic features on the site and the following:
- e. Side lot lines shall be within 15 degrees of radial or right angles to a street or lakeshore;
- f. Double frontage lots shall be avoided unless substantially deeper than minimum requirements;

- g. Residential lots abutting a highway or railroad shall be 20% deeper than minimum requirements; and
- h. Lots containing easements for surface drainage shall not include the easement area in the minimum lot size.

Subd. 20. Easements shall be provided for public utilities or drainage where required by the Planning Commission and shall be the following widths, minimum:

- a. Storm sewer: ten feet;
- b. Electrical, telephone or cable television: ten feet; and
- c. Drainage way: ten feet.

Subd. 21. Lots requiring variances to allow their use for the intended purposes or requiring holding tanks for sewage shall not be allowed.

1306.14. Survey standards. Survey standards shall be those required by M.S. Chapter 505, as it may be amended from time to time, including the placement of all monuments including block corners, lot corners, curve points and lake survey line points on lot lines. All United States, state, county and other official benchmarks, monuments or triangulation stations in or adjacent to the proposed subdivision shall be preserved in position unless relocation is approved by the controlling agency.

1306.15. Street improvement standards. All streets within the subdivision shall be constructed by the subdivider or otherwise provided for by agreement in a development contract between the subdivider and the City Council with all expenses borne by the subdivider.

1306.16. Drainage and/or grading standards. The subdivider shall consider the retention of natural stormwater and/or snowmelt drainage pattern in the design of his or her proposed subdivision. The subdivider shall be responsible to provide adequate drainage facilities for his or her development and upstream properties.

Subd. 1. All natural drainage ways draining properties upstream from the subject property shall be preserved, and no structures shall be less than one foot above the water level in the drainage way created by a storm of a 100-year return period or a 1% chance of occurrence. No filling in areas inundated by the 100-year storm along drainageways shall be allowed except by conditional use permit.

Subd. 2. All streets, buildings sites and subsurface sanitary disposal sites shall be drained to a natural drainageway. The subdivider shall provide adequate grading or drainage structures so no inundation or ponding will occur from a storm of a five-year return period of 20% chance of occurrence. Culverts shall handle a two-year storm without overtopping.

Subd. 3. Natural or man-made storage areas may be utilized, if designated by drainage and utility easement by the subdivider or include in green space. No storage area shall be considered part of the

minimum lot area requirement. All storage areas shall be vegetated and designed to lower naturally after a storm.

Subd. 4. All drainage structures provided shall be sufficient in size to pass a five-year storm to a natural drainageway and to pass a 100-year storm along a drainageway. All areas disturbed by grading, street construction or structure installation shall be covered with three-inches natural topsoil and seeded. Drainageways over 2% in gradient shall be sodded.

Subd. 5. All parking areas, heavy use areas, storage areas and impervious area shall be diverted to a basin designed to allow entrapment of silts and nutrients prior to discharge to a natural drainageway or public water.

Subd. 6. Erosion control measures shall be provided where necessary in the opinion of the Engineer.

1306.17. Dedication to the public; standards.

Subd. 1. In accordance with the provisions of M.S. § 462.358, Subd. 2.b, as it may be amended from time to time, or amendments thereto, the subdivider shall dedicate, to the public, lands for highway rights-of-way, street rights-of-way, utility easements, drainage easements, wetland easements and similar lands required for perpetual access and public improvements.

Subd. 2. In addition, every new plat, condominium plat or subdivision of land to be developed for residential purposes, shall be required by the Planning Commission to dedicate or reserve a reasonable portion of land for parks, playgrounds, trails or green space of sufficient size to meet the needs of the residents of the subdivision. The maximum amount of land the Planning Commission may require shall be equal to 10% of the gross area of the subdivision.

Subd. 3. If, in the judgment of the Planning Commission, the area proposed to be dedicated for parks, playgrounds, trails or green space is not suitable or desirable, or if centralization of facilities and development thereof becomes the city policy in the Comprehensive Plan, the Planning Commission, with the concurrence of the City Council, shall require a payment to the city, in lieu of land dedication, of a sum equal to 10% of the fair market value of the land to be subdivided or a combination of land and payment equal to 10% of the fair market value of the land to be subdivided, all determined at the time of final plat approval by the City Council. Cash received by the city in lieu of land dedication shall be placed in a special fund in accordance with M.S. § 462.358, Subd. 2.b, as it may be amended from time to time.

Subd. 4. All dedications shall be included in the dedication portion of the plat, included in the development contract, or received by the city in warranty deed prior to the approval of the final plat, without further restrictions or reservations.

1306.17. Pre-application meeting. A pre-application meeting shall be held including the subdivider and City Planner, including the City Engineer, City Administrator and/or Public Works Director if requested by the City Planner. Discussion at this meeting shall be limited to procedure, ordinance requirements and timing.

1306.18. Metes and bounds subdivision approval.

Subd. 1. Where appropriate under the provisions the subdivider shall submit documents containing the essential information of a proposed plat or plan and including dimensions computed to one-one-hundredth of a foot and bearings computed to equivalent accuracy to the Planning Commission for approval.

Subd. 2. The review of the Planning Commission need not include a public hearing.

- a. The subdivider shall submit four copies of his or her proposal to the Zoning Administrator no less than 25 days prior to the normal Planning Commission meeting.
- b. The Zoning Administrator shall review the proposed subdivision for conformance with the Zoning Ordinance including a field review at his or her discretion.
- c. The Planning Commission shall decide the approval of the lot split within a reasonable time based on the resulting lots complying with the ordinance, the feasibility of the resulting lots for their intended purpose and the provision for access to adjacent properties. Conditions may be attached to an approval requiring appropriate improvements. No more than one split into two parcels shall be allowed in a three-year period of time. An additional parcel for right-of-way or commonly owned driveway access may also be allowed.
- d. The resulting land descriptions shall be prepared and signed by a registered land surveyor and shall comply with this section.

1306.19. Approval of lot splits.

Subd. 1. Lot splits of existing lots shall be considered for approval when in conjunction with recombination with adjacent lots to create larger parcels that meet or exceed existing lot standards.

Subd. 2. The proposer shall submit documents containing the essential information of a proposed plan and including dimensions computed to one-one-hundredth of a foot and bearings computed to equivalent accuracy to the Planning Commission for approval.

Subd. 3. Review by the Planning Commission need not include a public hearing.

- a. The proposer shall submit four copies of his or her plan to the Zoning Administrator no less than 25 days prior to the normal Planning Commission meeting.
- b. The Zoning Administrator shall review the proposed lot split for conformance with the Zoning Ordinance including a field review at his or her discretion.
- c. The Planning Commission shall decide the approval of the lot split within a reasonable time based on the resulting lots complying with the ordinance, and the feasibility of the resulting lot for their intended purpose.

- d. The resulting land descriptions shall be prepared and signed by a registered land surveyor and shall comply with this code.

1306.20. Preliminary plat Approval Process.

Subd. 1. The preliminary plat approval constitutes formal approval of the concept and design of the subdivision.

Subd. 2. The Planning Commission review shall include a public hearing and may include a field review at its discretion.

Subd. 3. All reports of city staff, DNR and road authorities shall be reviewed and included in the hearing record. Related variance requests, re-zoning requests and conditional use requests may be heard concurrently with a subdivision request, at the discretion of the Planning Commission and Board of Adjustment.

Subd. 4. The subdivider shall submit six copies of his or her preliminary plat to the Zoning Administrator no less than 25 days prior to the normal Planning Commission meeting, pay the required fees and request a public hearing.

Subd. 5. The Zoning Administrator shall notify all property owners within 350 feet of the proposed subdivision and the subdivider of the public hearing by regular mail. The Zoning Administrator shall cause notice of the public hearing to be advertised once in the legal section of the official newspaper, the notice to be published at least ten days before the public hearing and including a legal description of the property sufficient to identify the property at issue. The Zoning Administrator shall distribute the information received to the City Attorney, Planning Commission Chairperson, Parks Commission, City Public Works Director and the City Engineer. If the proposal is located adjacent to a county highway, one copy of the preliminary plat or preliminary condominium plat shall be mailed to the County Engineer by regular mail, postmarked at least ten days prior to the public hearing. If the plat is located in shore lands, one copy of the preliminary plat shall be mailed to the DNR by regular mail postmarked at least ten days before the public hearing. Each of the above shall review the proposal and comment, in writing, within 15 days to the Planning Commission.

Subd. 6. The Zoning Administrator shall review the proposed plat as to content standards, necessary variances, from the zoning ordinance and this chapter, necessary re-zonings or necessary conditional use permits and advise the subdivider and the Planning Commission of his or her findings.

Subd. 7. The subdivider shall make additional application for necessary permits at least 25 days prior to the normal Planning Commission or Board of Adjustment meeting as applicable, if he or she desires to have a concurrent public hearing for variance, conditional use or re-zoning.

Subd. 8. The Planning Commission shall hold the public hearing and may continue the hearing as it deems necessary to allow all factual input it deems necessary to allow a decision. Lack of submission of comments by outside agencies shall be construed to mean the agency has no objection.

Subd. 9. The Planning Commission shall determine the acceptability of the preliminary plat, within 120 days of submission, and the findings shall be sent to the subdivider. The Planning Commission shall consider the following in its decision:

- a. Whether the property is properly zoned;
- b. Whether the preliminary plat conforms to the requirements of the Zoning Ordinance;
- c. Whether the preliminary plat conforms to the requirements of this chapter; and
- d. Whether the concerns of the affected agencies have been addressed.
- e. The Planning Commission may consider additional standards and requirements necessary to protect the best interest of the surrounding area and the city as a whole, including but not limited to the following:
 - a. Whether streets and driveways within the preliminary plat are designed to provide good access and efficient use of the property;
 - b. Whether the design of the preliminary plan (e.g., road location, lot placement, buffers and/or green space) is compatible and not injurious to the use and enjoyment of other property in the surrounding area; and
 - c. Whether vehicular approaches to the property are designed so as not to create traffic congestion or interference on surrounding public highways.

Subd. 10. Appeals from the action of the Planning Commission shall be filed with the City Clerk-Treasurer within 15 days of the Commission's action. The appeal may be initiated by the subdivider or by resolution of the City Council. The City Council will hear the appeal within 30 days of the filing of the appeal. The City Council will make its decision on the appeal within 30 days of the appeals hearing, unless an extension of the review period has been agreed to by the appeal applicant.

Subd. 11. Failure of the subdivider to act after an appeal of the preliminary plat within one year shall void the approval unless extended by the Planning Commission. A second extension shall require a new public hearing.

1306.21. Final Plat Approval Process.

Subd. 1. Upon approval by the Planning Commission, the subdivider shall cause the final plat documents and concurrent documents to be prepared and submitted to the Planning Commission for recommendation to the City Council.

Subd. 2. All coincident variance requests, conditional use permit requests and/or re-zoning requests shall either have been decided or be pending approval simultaneously with the final plat.

Subd. 3. The subdivider shall submit four paper copies of the final plat and concurrent documents to the Zoning Administrator no less than 25 days prior to the normal Planning Commission meeting.

Subd. 4. The Zoning Administrator shall distribute the information received to the City Attorney, Planning Commission Chairperson, Parks Commission, City Public Works Director and City Engineer, who shall review the submission for conformity to this chapter and comment thereupon to the Planning Commission. The Zoning Administrator shall compare the final plat to the preliminary plat and comment thereupon. The Attorney shall ascertain that all parties with an interest in the parcel to be divided are indicated as signers of the documents. The Engineer shall determine that the improvements required have been completed or have been included in a development contract and that the required security has been posted with the City Council.

Subd. 5. The Planning Commission shall review the reports of the Attorney, Engineer and Zoning Administrator and make recommendation to the City Council within 45 days of submission. The Planning Commission shall consider the following:

- a. Whether the applicant has complied with all conditions and requirements upon which the preliminary approval was expressly conditioned, either through performance or execution of appropriate agreements assuring performance;
- b. Whether the final plat agrees with the preliminary plat, preliminary condominium or CIC plat;
- c. Whether the City Attorney agrees that all parties with an interest in the property are shown as signers of the final plat;
- d. Whether the City Engineer agrees that all required improvements are satisfactorily completed or are guaranteed by contract with adequate financial security;
- e. Whether an independent Professional Land Surveyor agrees that the final plat meets the statutory requirements; and
- f. Whether financial security for the subdivision project has been posted by the subdivider in the appropriate amount.

Subd. 6. The City Council shall review the proposal at its next regular meeting and determine the acceptability of the final plat within 60 days of its submission to the city.

Subd. 7. Following approval by the City Council, the subdivider shall submit two double mounted cloth backed prints on card stock (hardshells) and two Mylar prints of the final plat to the Zoning Administrator for signature by the Mayor and Clerk-Treasurer.

Subd. 8. Upon signature, the subdivider shall file all pertinent documents with the County Recorder. Failure to file a final plat within two years shall void approval of the plat unless the time is extended by resolution of the City Council.

1306.22. Variance approval. Variance requests for relief from provisions of the Zoning Ordinance and this chapter shall be administered in accordance with this code and with decisions thereupon by the Board of Adjustment.

Subd. 1. Variances shall not create a use not provided for in a zoning district; and

Subd. 2. Variances shall be issued to the property and are transferable to subsequent owners.