

CITY OF LAMBERTON, MINNESOTA

Development Code

- zoning ordinance
- subdivision regulations

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Zoning Ordinance

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ZONING ORDINANCE
CITY OF LAMBERTON, MINNESOTA

An ordinance regulating the use of land in the City of Lamberton, Minnesota.

SECTION 1.

Intent and Purpose

Section 101 Title

This ordinance from the date of its passage shall be entitled: ZONING ORDINANCE, CITY OF LAMBERTON, MINNESOTA.

Section 102 Purpose

The purpose of this ordinance is to promote the public health, safety, comfort, and general welfare of the people of Lamberton, Minnesota. To accomplish this end, the ordinance shall regulate the location of structures proposed for specific uses, the height and bulk of buildings hereafter erected, provide for minimum sanitation standards, and regulate and determine the area of lots, dependent on the provision of central water and/or sewage disposal facilities.

Section 103 Legal Authority

This ordinance is enacted pursuant to the Municipal Planning Act, M.S. 462,357 eq seq.

Section 104 Compliance

No structure located in the City of Lamberton shall be erected or altered which does not comply with the regulations

of this ordinance for the zoning use district wherein located, nor shall any structure or premises be used for any purpose other than a use permitted by this Ordinance in the district wherein located.

SECTION II.

RULES AND DEFINITIONS

Section 201 Rules

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word person includes a firm, association, partnership, trust, company or corporation as well as an individual. The word shall is mandatory, the word may is permissive. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular. The word lot shall include the words "piece" and "parcel".

Section 202 Definitions

1. Abandoned Motor Vehicle: A motor vehicle, as defined in Minnesota Statutes, Chapter 169.01, that:
 - A. has remained for a period of more than 48 hours on public property illegally.
 - B. has remained for a period of more than 48 hours on public property and is lacking vital component parts such that it is in inoperable condition.

- C. has remained for a period of more than 48 hours on private property and is without the consent of the person in control of such property.
 - D. has remained for a period of more than 48 hours on private property with or without the consent of the person in control of such property, which is in an inoperable condition such that it has no substantial potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
 - E. has been voluntarily surrendered by its owner to a unit of government or person duly licensed pursuant to Minnesota Statutes, 168B.10 and these regulations, except that a classic car or pioneer car, as defined by statute, shall not be considered an abandoned motor vehicle within the meaning of these regulations.
- 2. Accessory, Use or Structure: The use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structures.
 - 3. Agricultural: The Art of Science of cultivating the soil and activities incidental thereto the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry, farming. The term shall include incidental retail selling by the producer of products raised on the premises,

provided the space necessary for parking of vehicles of customers shall be furnished off the public right-of-way.

4. Attorney: The City Attorney of Lamberton, Minnesota, or his authorized representative.
5. Automobile Service Station: Any building or premises used for the dispensing or sale of automobile fuels (including diesel), lubricating oil or grease, tires, batteries, or minor automobile accessories. Automobile service stations shall not include the sale or storage of junkers, premises offering major automobile repairs, automobile wrecking, or automobile sales.
6. Building: Any structure built for the shelter, enclosure of persons or animals.
7. Conditional Use Permit: A permit issued by the Zoning Administrator when ordered by the City Council. When such a permit is issued, it may or may not have stated thereon any special requirements as may be imposed as a condition for issuance of that permit, and subsequent use of the property covered by such a permit would change to a non-conforming use, at any time such special requirements stated on the permit were not adhered to, and the premises would be in violation of this ordinance.
8. Dwelling: A building or portion thereof used exclusively for residence occupancy, including one-family, two-family and multiple dwelling but not including hotels, motels, boarding or rooming houses.

9. Hardship: The property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created 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 a reasonable use for the property exists under terms of the official controls.
- ✓10. Home Occupations: The occupation carried on by an occupant of a dwelling, as an accessory activity to the main residential use of the building, and meeting the following restrictions:
- A. No person shall be employed other than residents of said dwelling.
 - B. No commodity shall be sold on the premises other than products directly related to their business.
 - C. The occupation shall be conducted wholly within the dwelling or an accessory building.
 - D. The occupation shall not be objectionable to adjacent residents due to noise, hours of operation, traffic, electrical interference, etc.
 - E. There shall be no signs other than those allowed by this ordinance in residential districts.
 - F. There shall be no display or evidence apparent from the exterior of the lot that the premises are being

used for any purpose other than that of a dwelling that are objectionable to adjacent residents.

11. Junkyard: The area where used waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, parked, disassembled or handled, including, but not limited to scrap iron, and other metals, paper rags, rubber products, bottles, and used building materials. Storage of material in conjunction with construction or a manufacturing process shall not be included. Such use shall not include garbage. Three or more automobiles without current licenses constitute a junkyard.
12. Land Use Plan: A compilation of policy statements, goals, standardizations and maps for guiding the development of land, both private and public within the City of Lambertton.
13. Lot: A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required.
14. Lot, Corner: A lot situated at the junction of and abutting on two or more intersecting streets.
15. Lot of Record: A lot which is part of a subdivision recorded in the office of the Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

16. Lot Width: The horizontal distance between the side lot lines measured at the building setback line. In the case of a lot of irregular shape, the mean width shall be the lot width.
17. Mobile Home: A manufactured relocatable residential unit providing completed, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.
18. Mobile Home Residential District: A site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are parked and connected to utilities, either free of charge or for revenue purposes, and shall include any buildings, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home residential district.
19. Motel: A building or group of detached, semi-detached or attached buildings containing guest rooms or dwellings, with parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accomodation of automobile transients.
20. Non-conforming Individual Sewage Treatment: A system that is functioning in an unsanitary manner.
21. Non-conforming Use: Any building, structure or land lawfully occupied by a use established at the time of the passage of this ordinance or amendments to it, which does not conform, after the passage of this ordinance or amendments to it.

22. Parking Space: A suitably surfaced and maintained area for the storage of one standard automobile (10' x 20').
23. Setback: The minimum horizontal distance between a structure or sanitary facility and a road, highway or property line.
24. Signs: A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
25. Street: The entire width between property lines of a way or place dedicated, acquired, or intended for the purpose of public use for vehicular traffic or access other than an alley.
26. Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but not limited to walls, fences, signboards and billboards.
27. Substandard Individual Sewage Treatment System: A system that is functioning in a sanitary manner, but may not be constructed to acceptable design standards.
28. Transportation Plan: A compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the City of Lambertton.

29. Variance: Any modification or variation of the zoning ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of the zoning ordinance would cause unnecessary hardships.
30. Yard: A required open space unoccupied and unobstructed by a structure or portion of a structure from thirty six (36) inches above the ground level of the graded lot upwards, provided, however, that fences, signs, utility poles, lawn lights, antenna and related minor equipment may be permitted in any yard provided that they do not create a traffic safety hazard.
31. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof.
32. Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the building or any projection thereof.
33. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building, or any projection thereof.
34. Zoning Administrator: The Zoning Administrator of Lamberton, Minnesota, or his authorized agent.
35. Zoning Map, Official: The map or maps incorporated into this chapter as part thereof, designating the zoning district.

SECTION III.

ZONING USE DISTRICTS

Section 301 District Boundaries

1. Boundaries indicated as approximately following the center lines of streets or highways shall be considered to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the township boundary shall be construed as such township boundaries.
4. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Planning Commission upon request of the owner.

Section 302 District Regulations

1. The regulation of this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly except as hereinafter provided.
2. No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, moved, or structurally altered except in conformity with all of the

regulations herein specified for the district in which it is located.

3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 303 Establishment of District and (District) Map

Certain districts are hereby created which shall be shown upon the zoning map which is incorporated herein and made a part hereof. Said map and all notation, references, and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said map were all duly described herein.

1. Agricultural (A)
2. Single Family Residential (R-1)
3. Multi Family Residential (R-2)
4. Mobile Home Residential (R-MH)
5. Commercial, Downtown (C-1)
6. Commercial, Highway (C-2)
7. Industrial (I)

Section 304 Agricultural District

304.1 Purpose

To establish and maintain a district that is rural in character and to prevent the occurrence of premature scattered urban development.

304.2 Permitted Uses

Agricultural activities of all types, including farm dwellings and agricultural related buildings and structures subject to Minnesota Pollution Control Standards.

Public and private parks, recreational areas, game management farms, and wildlife refuges.

Essential services.

304.3 Conditional Uses

The following are conditional uses in the "A" District (requires a conditional use permit based upon procedures set forth in and regulated by Section 603 of this Ordinance.)

Public Buildings

Other agricultural uses determined by the Planning Commission to be of the same general character as the principal uses above and found not to be detrimental to the general public health and welfare.

304.4 Accessory Uses

Accessory uses incidental to the principal uses are allowed.

304.5 Lot Area, Lot Width and Yard Requirements

Lot Size	20 acres
Lot Width	300 feet
Front Yard	50 feet from the public right-of-way
Side Yard	75 feet
Rear Yard	50 feet

A. Transitional Side Yard Requirements

For any adjoining lot, the side yard requirements shall be 75 feet, 150 feet in total.

B. Maximum Ground Coverage

The sum total of the ground area covered by all structures shall not exceed 30 percent of the zoning lot on which the structures are located.

Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each lot.

304.6 Height Requirements

Two and one-half (2 $\frac{1}{2}$) stories or thirty (30) feet, excluding silos.

Section 305 "R-1" Single Family Residential District

305.1 Purpose

The Single Family Residential District is intended to promote moderate to intensive residential use in areas that are provided with community water and sewer facilities.

305.2 Permitted Uses

Single family detached dwellings

Public parks and playgrounds

305.3 Conditional Uses

Two-family dwellings or duplexes
Single-family attached dwellings or townhouses
of no more than 4 in a row
Multifamily Dwellings
Schools
Churches
Funeral Homes
Municipal Buildings
Nursing Homes
Medical Facilities
Planned Unit Developments
Power Company Substations
Motels

305.4 Accessory Uses

Private garages, tool sheds and other accessory uses incidental to the principal uses are allowed, subject to yard regulations as provided in Section 405 of General Regulations.

305.5 Lot Area, Lot Width and Yard Requirements: Single-Family Detached Residences and Other Principal Uses

Lot Area: 12,600 square feet; except for a single-family residence to be located on an existing lot or contiguous portions of lots of record, in which a minimum of 6,000 square feet shall be required.

Lot Width: 90 feet; except for a single-family residence to be located on an existing lot or contiguous portions of lots of record, in which a minimum of 50 feet shall be required.

Side Yard: 10 feet each side; except for lots of less than 90 feet in width, in which 10% of the lot width or a minimum of 5 feet, whichever is greater, shall be required for each side.

305.6 Lot Area, Lot Width and Yard Requirements: One-Family Attached, Two-Family and Multi-Family Residences

Lot Area: 14,000 square feet for a two-family residence plus 1,500 square feet for each additional dwelling unit or attached dwelling/townhouse. A group of 3 or more two-family or multi-family structures shall be considered a Planned Unit Development and subject to regulations as provided in Section 311.

Lot Width: 125 feet.

Front Yard: 30 feet from the public right-of-way.

Side Yard: 10% of the lot width, up to a maximum of 15 feet.

Rear Yard: 30 feet from the public right-of-way or lot line.

305.7 Maximum Ground Coverage

The total area of all imperivous surfaces shall not exceed thirty (30) percent of the lot area.

305.8 Height Requirements

Two and one-half ($2\frac{1}{2}$) stories or thirty (30) feet, maximum height.

305.9 Dwelling Width and Floor Area Requirements

All residences in the R-1 Residential District shall have a dwelling width of no less than 25% of the lot width. Dwelling width is hereby defined as the narrowest dimension of a residence.

All dwellings in the R-1 Residential District shall have no less than 500 square feet of floor area.

Section 306 "R-2" Multi-Family Residential District

306.1 Purpose

The Multi Family Residential District is intended to promote multiple family dwellings in areas that are provided with community water and sewer facilities.

306.2 Permitted Uses

Two-family dwellings or duplexes

Multiple family dwellings

Single family attached dwellings or townhouses
(3 or more in a row)

306.3 Conditional Uses

Multiple family dwelling in excess of two stories
in height

Churches

Municipal building

Medical facilities

Planned unit developments

306.4 Accessory Uses

Private garages, tool sheds and other accessory uses incidental to the principal uses are allowed, subject to yard regulations as provided in Section 405 of General Requirements.

306.5 Lot Area, Lot Width, and Yard Requirements

Lot Area: 10,000 square feet (2 units) for a two-family residence plus 1,500 square feet for each additional dwelling unit or attached dwelling/townhouse.

A group of 3 or more two-family or multi-family structures shall be considered as a Planned Unit Development and subject to regulations as provided in Section 311.

Lot Width: 100 feet
Front Yard: 30 feet from the public right-of-way
Side Yard: 10% of the lot width, up to a maximum of 15 feet
Rear Yard: 30 feet from the public right-of-way or lot line

306.6 Maximum Ground Coverage

The total area of all impervious surfaces, excluding parking areas, shall not exceed thirty (30) percent of the lot area.

306.7 Height Requirements

Two and one-half (2 $\frac{1}{2}$) stories or thirty (30) feet, maximum height.

Section 307 Mobile Home Residential District

307.1 Purpose

It is the purpose of this district to permit the development of mobile home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens by minimizing any adverse effects of such development.

307.2 Permitted Uses

1. Mobile Home Development

307.3 Accessory Uses

1. Administrative offices, recreation, utility and laundry buildings, and other supporting nature to the mobile home development.

307.4 Minimum Site Standards

1. There shall be a minimum area requirement of three (3) acres with a minimum width of three hundred (300) feet.
2. There shall be a maximum of six (6) mobile homes per gross acre of land.

307.5 Lot Area, Lot Width, and Yard Requirements

With Public Sewer

Lot Size	6,000 square feet
Lot Depth	100 feet
Lot Width	45 feet
Front Yard	25 feet from right-of-way line
Side Yard	20 feet total, 5 foot minimum
Rear Yard	10 feet

Without Public Sewer

The same lot area, width and yard requirements as listed in the single family residential shall apply.

307.6 Height Requirement

Maximum height of a mobile home is sixteen (16) feet.

307.7 Application for Mobile Home Development

An application for the establishment of a Mobile Home Development shall be submitted to the Zoning Administrator and must be accompanied by a plat, drawn to scale, and certified by a registered land surveyor, civil engineer or architect. Such drawing shall include, but not limited to the following:

1. Accurate dimensions of the proposed mobile home park.
2. The number, location and size of all mobile home lots.
3. The location and width of roadways, walkways, approaches and method of ingress and egress from public highways.
4. The complete electrical service installation, wire service outlets and lighting facilities, complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof.
5. The location of electric power or gas distribution systems, water mains or wells or water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, fire hydrants, and other buildings, structures or uses contemplated for use by the applicant.

307.8 District Standards

1. Access: Each park shall abut upon a public street and each mobile home lot shall have direct access to a private road, unless lots are 20,000 square feet or more.
2. Concrete Slab: Each mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have minimum horizontal dimensions of eight by ten (8 x 10) feet and a minimum thickness of four (4) inches.
3. Utilities: No building, plumbing, heating and electrical requirements other than those adopted pursuant to Minnesota Statutes Section 327.31 - 327.34 shall be required. A sanitary sewer or septic system and water system shall be installed in accordance with City and State specifications.
4. Interior Streets: The minimum right-of-way of interior streets shall be fifty (50) feet.
5. Recreation Areas: There shall be provided within each mobile home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area of 2,500 square feet in the aggregate or one hundred (100) square feet for each mobile home space in said park, as determined by the Planning Commission. The recreation sites

shall be furnished, equipped and maintained for the use of mobile home families. If every site in the park is 20,000 square feet or more no recreation area is required.

6. Parking: All areas used for automobile access and parking shall comply with the applicable provisions of the Ordinance, provided that there shall be at least two off-street parking spaces for each mobile home lot and one additional space for each four (4) such lots to accommodate guests if adequate space is not available on interior streets.
7. Landscaping -- Unused Areas: All areas not used for access parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width and thirty (30) feet adjoining residential districts, shall be established and maintained within the park along its exterior boundaries.
8. Anchorage and Tie-Down: Every parking space for mobile homes shall be provided with devices for anchoring the unit to prevent overturning or uplift. Where concrete platforms are provided for the parking of the units, anchorage may be eyelets imbedded in the concrete with adequate anchor plates or hooks -- or other suitable means. The anchorage shall be adequate to withstand

wind forces and uplift as required in Section 903 for buildings and structures of the 1967 National Building Code of the American Insurance Association, based upon the size and weight of the units. Every mobile home shall be required to have the devices for anchorage and tie-downs attached to the mobile home.

9. Mobile Home Skirting: Every unit within the City shall be skirted.
10. Mobile Home Additions: It shall be unlawful to construct, erect, attach, or cause to be constructed, erected, or attached any enclosure room, wing, annex, entrance, porch, or other similar structure to any mobile home coach or on any mobile home lot unless the same is so designed and constructed of compatible material retaining the basic design of the original mobile home. Movable awnings or shades and screened enclosures which are readily collapsible and removable and which can be stored or moved in the mobile home may be used and may encroach on setback area. Building permits shall be required for additions or alterations to a mobile home or other structure within the mobile home park.

Section 308 Downtown Commercial District

308.1 Purpose

The downtown commercial district is designed to furnish areas

to satisfy the downtown retail shopping needs of the people of Lamberton.

308.2 Permitted Uses

All usual and customary commercial activities as determined by the Planning Commission and found not to be detrimental to the general health and welfare of the citizens of Lamberton.

308.3 Conditional Uses

Planned Unit Development

Hotels and Motels

Other commercial uses determined by the Planning Commission to be of the same general character as the principal uses and found not to be detrimental to the general public health and welfare.

308.4 Accessory Uses

Accessory uses incidental to the principal uses are allowed.

308.5 Lot Area, Lot Width, and Yard Requirements

Lot Size	3,500 square feet
Lot Width	25 feet
Front Yard	8 feet from curb
Side Yard	no restrictions, 15 feet if abutting a residential district
Rear Yard	no restrictions, 15 feet if abutting a residential district

308.6 Off Street Parking and Unloading

Off street parking and unloading requirements as established in Section 4.

308.7 Height Requirements

Five (5) stories or sixty (60) feet, maximum height.

Section 309 Highway Commercial District

309.1 Purpose

The purpose of the Highway Commercial District is to provide for areas adjacent to major traffic arteries where commercial uses catering to the motoring public are permitted.

309.2 Permitted Uses

All usual and customary highway commercial activities as determined by the Planning Commission and found not to be detrimental to the general health and welfare of the citizens of Lamberton.

309.3 Conditional Uses

Commercial uses determined by the Planning Commission to be of the same general character as the principal uses and found not to be detrimental to the general public health and welfare.

309.4 Accessory Uses

Accessory uses incidental to the principal uses are allowed.

309.5 Lot Area, Lot Width, and Yard Requirements

Lot Size	10,000 square feet
Lot Width	80 feet
Front Yard	50 feet
Side Yard	10 feet
Rear Yard	25 feet

309.6 Off Street Parking and Unloading

Off street parking and unloading requirements as established in Section 4.

309.7 Height Requirements

Two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet, maximum height, excluding material handling equipment and its containing structure.

Section 310 General Industry District

310.1 Purpose

The General Industry District is intended to provide a district that will allow compact, convenient, railroad and highway oriented industry to occur within the City. The regulations for this district are intended to encourage industrial development that is compatible with surrounding or abutting districts.

310.2 Permitted Uses

Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which

conform to the performance standards set forth in Section 5 and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of voice, vibration, smoke, dust, or other particular matter, toxic materials, odors, fire or explosion hazards or glare.

310.3 Conditional Uses

Junk yards and salvage yards

Other industrial uses determined by the Planning Commission to be of the same character as the principal uses previously listed and found not to be detrimental to the general public health and welfare.

310.4 Lot Area, Lot Width, and Yard Requirements

↓ Lot Coverage

No more than seventy (70) percent of the total lot area shall be covered by buildings.

↓ Lot Width

Every lot shall have a width of not less than one hundred (100) feet abutting a public right-of-way.

↓ Front Yard

There shall be a front yard set back of twenty (20) feet from all public right-of-ways.

Side Yard

No side yard shall be required except that no building shall be located within one hundred (100) feet of any residential district.

Rear Yard

No rear yard shall be required except that no building shall be located within seventy-five (75) feet of any rear lot line abutting a lot in any general district.

310.5 Height Requirements

No building other than grain elevators shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet in height, excluding material handling equipment and its containing structure.

Section 311 Planned Unit Development

311.1 Purpose

The Planned Unit Development (PUD) provisions are intended to encourage: (a) more efficient use of land and public services, and (b) greater amenity by allowing, under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the lot-by-lot restrictions of each use district. The uniqueness of a PUD may necessitate council action modifying or waiving certain provisions of the Zoning Ordinance and Subdivision Regulations.

311.2 Application

1. Ownership

A tract of land to be developed as a PUD shall be under the control of:

- a. a single owner; or
- b. a group of land owners, acting through a corporation, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements, and other provisions with the county registrar of deeds.

2. Type

Each Planned Unit Development shall be designated as one of three types as follows according to the principal type of use by area permitted in the existing zoning district or districts in which the land proposed for such unit is located: residential (PUD-R), commercial (PUD-C), industrial (PUD-I).

3. Designation

All PUD districts shall be so designated and numbered in sequence on the zoning map.

4. Minimum Project Size

- a. Within residential districts a PUD shall not be permitted on a parcel of land containing less than one (1) acre.

b. Within a commercial or industrial district a PUD shall not be permitted on a parcel of land containing less than two (2) acres.

5. Permitted Uses

A PUD may include a mixture of residential, commercial and industrial uses or any combination thereof, the extent of each use being determined by the type of PUD district proposed and as hereinafter provided. Uses other than the principal type of use by area permitted in the existing zone district or districts in which the land proposed for such unit is located shall not occupy more than thirty-three percent (33%) of the land area in the proposed PUD district, shall not result in undue adverse effect on surrounding areas, and shall be consistent with the intent of this Section and the concept of the proposed PUD district.

311.3 Procedures

Concept Statement

The applicant shall submit a written statement and sketch to the Zoning Administrator for preliminary approval of the Commission and Council prior to the submission of a PUD district rezoning application. The concept statement must identify the boundaries and proposed type of PUD district and be in sufficient detail to identify proposed land uses, population

densities and building intensity; proposed circulation patterns (pedestrian and vehicular), parks, and other open space; uses of land surrounding the proposed PUD district; and the tentative development schedule. Approval of the concept statement shall not obligate the city to approve the final plan or any part thereof or to rezone the property to a PUD district. The final acceptance of land uses are subject to the following procedures.

311.4 Preliminary Plan, Initiation & Fee

After receiving approval of the concept statement, the applicant shall submit to the Zoning Administrator an application for a zoning amendment. The application shall be accompanied by a plan showing: the locations and dimensions of the area; the exact sizes and location of existing and proposed buildings; the existing and proposed uses of structures and open areas; exterior lighting plan; landscaping plan; grading plan; utility plan; construction schedule or time table; off-street parking, including parking for the handicapped when required (roadways not designed for parking shall be designated "no parking"); exterior view of buildings; floor plans of buildings; table summarizing the area of land devoted to various uses including floor area, open space, living space, recreation space; type of con-

struction for driveways, walkways, etc.; location and design of outdoor advertising devices, playground equipment, mailboxes, air-conditioning, trash receptacles, etc.; statement as to whether units will be rented or sold and how land will be transferred; statement as to when a plat will be submitted for approval; protective covenants and homeowners association by-laws; information relating to topography, access, surrounding land uses and, if requested by the Zoning Administrator, other matters, including documents showing ownership, preliminary plat, etc. In the case of projects to be executed in increments, a schedule showing the time within which application for approval of the various parts are intended to be filed shall also be attached. The application shall be accompanied by a fee as listed in Fee Schedule.

311.5 Preliminary Plan, Zoning Administrator

Upon receipt of the application and plan, the Zoning Administrator shall refer it to other departments and agencies for review as to compliance with pertinent city standards and regulations. The Zoning Administrator shall recommend to the Commission prior to the next meeting, a) approval of the proposal in the form submitted, or b) approval with modifications, or c) disapproval of the proposal. The recommendation of the Zoning Administrator shall include findings

of fact and shall set forth the reasons for the recommendation specifying with particularity in what respects the plan would or would not be in the public interest, including but not limited to the following:

- a. The extent to which the plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
- b. The manner in which the plan does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
- c. The nature and extent of open space, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and function of the open space in terms of the densities proposed in the plan;
- d. The relationship, beneficial or adverse, of the planned development project upon the neighborhood in which it is proposed to be established;

- e. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan which finding shall be made only after consultation with the city attorney;
- f. In built-in areas, the suitability of the proposed structures in relation to existing structures to remain and anticipated future development of the area;
- g. Conformity with all applicable provisions of this chapter and the Lambertton Land Use Plan.

311.6 Preliminary Plan, Commission

Within fifteen (15) days after receiving the Zoning Administrator's report, the Commission shall hold a public hearing on the application after giving notice as provided in Section 6 . Within fifteen (15) days after such hearing, the Commission shall submit its recommendation to the Council. The Commission may recommend tentative approval in whole or in part, with or without modification, or recommend disapproval.

311.7 Final Plan

Upon tentative approval of the preliminary plan, the applicant shall submit: (a) a final plan with required modifica-

tions, and (b) if required, a final plat or a final plan of that segment to be developed first, to the Zoning Administrator within the time specified by the Council but in any case not more than one (1) year from the date of tentative approval. If the final plan and plat are not submitted within the allowed time, the tentative approval shall automatically become void unless notice is filed by applicant indicating plans to proceed.

311.8 Final Approval

If the Zoning Administrator finds the final plan and plat to be in substantial agreement with the actions of the Council he shall submit the documents directly to the Council for final action; if not, he shall identify such discrepancies in a letter of transmittal to the Council. The Council shall consider the final plan after giving notice as provided in Section 6. If approved by the Council, the final plan shall be adopted by resolution subject to such conditions or restrictions as may be imposed by the Council, and the area of land involved shall be redesignated as a PUD District by ordinance. The resolution approving the final plan shall not become effective until the effective date of the Ordinance designating the area as a PUD.

311.9 Effect of Approval

The final plan as approved by resolution together with the conditions and restrictions imposed, if any, shall govern

and control the use and development of the land involved; provided that general zoning regulations which were applicable to the land prior to approval of the plan and which are not inconsistent with the plan shall continue to be applicable.

No building permit shall be issued for any structure within the district unless and until the Zoning Administrator certifies that it conforms to the provisions of the plan and other applicable zoning requirements.

311.10 Criteria and Standards

1. Preparation of Plans

The applicant is encouraged to have the required documents and supporting evidence, prepared and endorsed by a qualified professional team, and if the PUD requires the subdivision of land and the installation of public site improvements, a registered land surveyor and registered civil engineer should also be utilized.

2. Maximum Ground Coverage

Not more than fifty percent (50%) of the PUD shall be covered by the principal use buildings, all accessory buildings and impervious surfaces.

3. Plats

Any PUD of two acres or more shall be platted or replatted.

311.11 Administration

1. Administrative Standards and Procedures

The Commission may adopt specific rules and regulations from time to time and place them on public record in the office of the City Clerk.

2. Annual Review

The Zoning Administrator shall review each PUD at least once each year and shall make a report through the Commission to the Council on the status of the development in each PUD district. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the Council finds that the development has not occurred according to the established development schedule or is not otherwise reasonable in the view of the Council, the Council may initiate rezoning to remove the PUD district. In any event, it shall not be necessary for the Council to find the rezoning to a PUD district was in error.

311.12 Changes

Changes in the final plan involving the location and alignment of structures not to exceed ten (10) feet in any direction may be authorized by the Zoning Administrator for good cause

shown. All other changes shall be made only after public hearings by the Commission and Council upon notice as provided in Section 6 and any changes approved by the Council shall be by resolution as an amendment to the final plan.

SECTION IV.

GENERAL REQUIREMENTS

Section 401 Intent

Pursuant to the purposes of this ordinance, there are certain general requirements that are not provided for in Section III. It is the purpose of this section to set forth these requirements.

Section 402 Non-Conforming Uses and Structures

Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following:

1. No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
2. If a nonconforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Ordinance.
3. If a nonconforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.
4. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs

and incidental alterations which do not extend or intensify the nonconforming use.

Section 403 General Sign Provisions

Notwithstanding directional or parking signs, no sign shall be located on the zoning lot or on the exterior of any structure, except those signs which identify the name and/or type of business conducted within such structure or identify the building. All flashing, revolving and intermittently lighted signs are expressly prohibited.

403.1 Residential Districts

No billboards or signs shall be erected in the residential districts except as follows:

1. Signs displaying the name only of the property on the premises upon which displayed or the owner or lessee thereof.
2. Signs not exceeding eight (8) square feet in area, pertaining only to the sale, rental, or lease of the premises upon which displayed.
3. Property entrance signs are acceptable.

403.2 Commercial and Industrial District

The total of the area of all signs measured in square feet shall not be greater than two times the number of lineal feet of each street frontage of each zoning lot. No sign shall be located more than 15 feet above the street level

with the exception of a building identification sign. The gross surface of all illuminated signs shall not exceed the lineal feet of frontage of such zoning lot. The total allowable sign area shall be reduced by 10 percent for each sign in excess of four (4) signs per street frontage.

403.3 Political Posters

Political posters in accordance with applicable state laws are allowed, provided they are removed within ten (10) days following the election for which they are intended.

403.4 Sign Design, Construction, and Maintenance

A. Required marking on signs.

1. Every sign, for which a permit is required, shall have painted in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the permit number and voltage of any electrical apparatus used in connection therewith.
2. Every outdoor advertising sign erected under the provisions of this Ordinance shall be plainly marked with the name of the person, or firm erecting such sign.

B. Ground Signs

1. No ground sign shall be erected, constructed, altered, rebuilt, or relocated to a height exceeding thirty-five (35) feet above the ground.

2. No ground sign for which a permit is required shall be erected to a height of more than twelve (12) feet above the ground unless the face is constructed of sheet metal or other noncombustible facing materials.
3. The bottom of the facing of every ground sign shall be at least three (3) feet above the ground, which space may be filled with platform or decorative trim of light wood or metal construction.
4. No private sign shall be erected, constructed, or maintained within the boundary of any street, avenue, highway, alley or public ground of the city, county, or state in which it is to be located, except by special permit.
5. The soil used for the dug-in type of anchor or post support shall be carefully placed and thoroughly compacted. The anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

403.5 Obsolete Signs

Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found within ten (10) days after written notice from the City Council.

403.6 Unsafe or Dangerous Signs

Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the City Council.

403.7 Off Site Signs

Off site directional signs shall require a permit. Off site signs shall not be spaced closer than three hundred (300) feet to any other advertising sign on the same side by the road except back to back.

403.8 Non-Conforming Signs

Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use and shall be discontinued within the following period of amortization:

1. Advertising and business signs one (1) year from the effective date of this Ordinance.

Section 404 Parking and Loading Requirements

Off-street automobile parking shall be provided on any commercial, industrial, and residential lot on which any new structures are hereafter established in conformance with said district's requirements. The parking area shall be provided with vehicular access to a street, alley, or road-

way and shall be required with such use and shall not be reduced or encroached upon in any manner.

Required off-street automobile parking space shall not be utilized for open storage or for the storage of vehicles which are inoperable, for sale, or for rent.

If, in the application of these provisions, a fractional number is obtained, one parking space shall be provided for that fraction. Each space required constitutes a gross area of 200 square feet.

404.1 Surfacing and Drainage

On-site parking areas may be required to be improved with a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. These requirements shall also apply to open sales lots for cars, trucks and other equipment. This section shall not apply to one and two family dwellings.

404.2 On-Site Parking Spaces

Required on-site parking spaces or area so devoted shall be as set forth in Table 1.

TABLE 1

ON-SITE PARKING REQUIREMENTS

<u>Use</u>	<u>Parking Spaces</u>
Single-family dwelling	2/ dwelling unit
Mobile Home	2/ dwelling unit

Two-family dwelling	2/ dwelling
Multi-family dwelling	2/ dwelling
Home Occupation	1 parking space per employed person
Commercial Buildings	Not less than three (3) parking spaces per commercial enterprise.
Industrial Building	One space for each two employees on maximum shift or one for each 500 sq. ft. of gross floor area, whichever is larger.
Uses not specifically noted	Determined by the Planning Commission following review by the Planning Commission.

404.3 Screening of Parking Areas

Where any commercial or industrial use (i.e. structure, parking or storage) is adjacent to property zoned for residential use or where it is adjacent to a public or private institution or park and recreation area, that commercial enterprise or industry shall provide appropriate screening, such as a solid wall of shrubs or by a solid fence. A solid fence shall include a louvered fence which blocks direct vision along the boundary of the residential property. Screening shall also be provided where a commercial enterprise or industry is created across the street from a residential zone, but not on that side of a commercial enterprise or industry considered to be the front or as determined by the Planning Commission.

404.4 Loading Requirements

All required loading berths shall be off-street and shall be located on the same lot as the building to be served. Loading berths shall not occupy the required front yard space.

Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

All loading berths and access ways shall be improved with a durable material to control the dust and drainage.

Unless otherwise specified, a required loading berth shall be not less than 15 feet wide, 50 feet in length and 14 feet in height, exclusive of risk and maneuvering space.

404.5 Required Loading Spaces

Retail sales, service stores, and offices: one loading berth for each 6,000 square feet of floor area. A loading berth shall not be less than 15 feet wide and 50 feet in length.

Manufacturing, fabrication, processing and warehousing: one loading berth for each building having 3,000 square feet of floor area, plus one loading berth for each additional 25,000 square feet of floor area up to 100,000 square feet plus one loading berth for each 50,000 square feet of floor area over the first 100,000 square feet of floor area.

Unless not specifically noted or as not needed as determined by the Planning Commission.

Section 405 Accessory Building, Uses and Equipment

405.1 Connections to Principal Building

An accessory building shall be considered an extension or portion of the principal building if it is connected to the principal building by a covered passageway.

405.2 Location

No accessory building, use or equipment shall be erected or located: within any front yard, within 6 feet of the principal building on the same lot or within a utility easement.

405.3 Height and Setback

Accessory buildings and garages shall not exceed 15 feet in height in residential districts and shall not be less than 5 feet from all lot lines of adjoining lots except that accessory buildings in a commercial or industrial district shall not be less than 10 feet from all lot lines of adjoining lots in an abutting residential district. An accessory building in a residential district may be set back no less than 3 feet from the side lot line, if it is located 70 feet or more from the front property line and if the yard is not fronting on a side street or public right-of-way.

12 amended

405.3 Amended
8-9-04

AMENDMENT TO ORDINANCE NO. 120

The City Council of the City of Lambertton ordains that Ordinance No. 120 entitled "AN ORDINANCE REGULATING THE USE OF LAND IN THE CITY OF LAMBERTON" shall be amended as follows:

Amendment Proposal -- Section 405.3 Height and Setback shall be amended to read as follows:

Accessory buildings and garages shall not exceed 12 feet in sidewall height in residential districts and shall not be less than 5 feet from all lot lines of adjoining lots and from any public right-of-way except that accessory buildings in a commercial or industrial district shall not be less than 10 feet from all lot lines of adjoining lots in an abutting residential district. An accessory building in a residential district may be set back no less than 3 feet from the side lot line, if it is located 70 feet or more from the front property line and if the yard is not fronting on a side street or public right-of-way.

This Amendment shall become effective upon publication according to law.

Passed and adopted by the City Council of the City of Lambertton on this 9th day of August 2004.

405.4 Yard Regulations - Corner Lot

A yard along the side street lot line of a corner lot shall be considered as a front yard and shall have a minimum front yard setback of no less than 2/3 of the front yard of the adjacent structure along the side street or no less than 20 feet where there is no adjacent structure; except that a corner lot directly adjoining in the rear another corner lot, shall have a front yard along the side street lot line of no less than 15 feet.

See section 318

405.5
Fences
All next
page

Amendment Proposal -- Section 405.5 Fences Height and Setback shall be added to read as follows:

Fences shall not exceed 8 feet in height in residential districts and shall not be less than 3 feet from all lot lines of adjoining lots and not less than 5 feet from an alley public right of way.

Passed and adopted on October 12, 2010.

SECTION V.

PERFORMANCE STANDARDS

Section 501 Intent

It is the intent of this section to provide that industrial and commercial related activities shall be established and maintained with the proper front streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining properties by the control of the following:

Section 502 Noise

Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located. This standard shall not apply to incidental traffic, loading, parking, construction, farming or maintenance operators.

Section 503 Vibration

Any use creating periodic, earth-shaking vibrations shall be prohibited if undue vibrations are perceptible beyond boundaries of the property on which the use is located. The standard shall not apply to vibration created during the process of construction.

Section 504 Glare

Glare, whether direct or reflected, such as from flood lights spotlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site or origin at any property line.

Section 505 Smoke, Dust, Fumes, or Gases

Any use established, enlarged, or remodeled after the effective date of this ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke, dust, fumes, or gases.

Section 506 Toxic or Noxious Matter

Any use shall not discharge into the atmosphere, water or subsoil, any toxic or noxious matter. All sewage and industrial wastes shall be treated and disposed of in such manner as to comply with the Minnesota State Department of Health Standards and Requirements.

Section 507 Storage Standards

All materials and equipment shall be stored within a building or fully screened so as to not be visible from adjoining properties except for the following:

- Agricultural equipment
- Construction
- Automobile sales
- Recreation equipment

Section 508 Hazardous Materials

Any use requiring the storage, utilization, or manufacturing of hazardous products shall not be located less than 500 feet from any residence or public meeting place.

Section 509 Visual Standards

Where any commercial or industrial use is adjacent to proposed zoned or developed residential use, that activity shall

provide screening along the boundary of the residential property. Screening shall also be provided where a commercial or industrial activity is across the street from a residential zone, but not on that side of a commercial or industrial site considered to be the front as determined by the Planning Commission.

Junk and auto wrecking yards shall be adequately screened by fences, walls, land forms, and/or natural landscape materials to effectively conceal the establishment from the surrounding area.

Section 510 Yard Regulations - Corner Lots

A yard along the side street lot line of a corner lot shall be considered as a front yard and shall have a minimum front yard setback of no less than 2/3 of the front yard or the adjacent structure along the side street or no less than 20 feet where there is no adjacent structure; except that a corner lot directly adjoining another corner lot, shall have a front yard along the side street lot line of no less than 15 feet.

Section 511 Sanitation Standards

The improper design, location, installation, use and maintenance of individual sewage treatment systems adversely affects the public health, safety and general welfare by discharge of inadequately treated sewage to surface and ground waters. In accordance with the authority granted in Minnesota Statutes ch. 104, 105, 115, and 116 (1976), the Minnesota Pollution Control Agency, provides the minimum standards and maintenance of individual sewage treatment systems, and thus protect the

surface and ground waters of the state and promotes the public health and general welfare.

These standards are hereby adopted by reference and made part of this Ordinance and all development in any zoning use district established by this Ordinance shall comply with the sanitary standards provided in Minnesota Regulations WPC40.

511.1 Permits

No person, firm or corporation shall install, alter or extend individual sewage disposal systems in the City without first obtaining a permit therefore from the Zoning Administrator for the specific installation, alteration or extension. The permit shall be valid for a period of twelve months from the date of issue.

Each application for a permit shall state the correct legal description of the property on which the proposed installation, alteration, or extension is to take place and each application for a permit shall be accompanied by a plan drawn to scale of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed systems with substantiating data, if necessary attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size and design of all parts of the system to be installed, altered or extended. The application shall also show the present or proposed name of the person, firm, or corporation who is to install the system and shall provide such additional information as may be required by the City Council.

Every individual sewage disposal system installed after the effective date of this ordinance and every alteration or extension to any system made after that date shall conform to Minnesota Regulations WPC40.

The City may require the applicant to provide percolation tests when soil absorption capabilities with the proposed system are in doubt. The percolation test may be administered by a certified soil technician. The results shall be evaluated by the Planning Commission and such conditions necessary to meet minimum Health Code Standards be so attached to the sewage permit. The fee for such percolation tests shall be set by the City Council and shall be paid by the applicant.

511.2 Inspections

The Zoning Administrator shall cause such inspection or inspections as are necessary to determine compliance with this ordinance, no part of the system shall be covered until it has been inspected and accepted by the Zoning Administrator or his agent. It shall be the responsibility of the applicant for the permit to notify the Zoning Administrator that the system will be ready for inspection or re-inspection, and it shall be the duty of the Zoning Administrator to cause the indicated inspection within twenty-four (24) hours of said notification. It shall be the duty of the owner or occupant of the property to allow the Zoning Administrator free access to the property at reasonable times for the purpose of making inspections. Upon satisfactory completion and final inspection of the system, Zoning Administrator shall issue to the applicant a certificate of zoning compliance.

If upon inspection, it is discovered that any part of the system is not constructed in accordance with the minimum standards provided for in this ordinance, the applicant shall pay an additional inspection fee for each inspection. The applicant shall be responsible for the correction or elimination of defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

Section 512 Right of Inspection

An applicant for any permit under this ordinance, by making such application, does thereby give the Zoning Administrator reasonable right of access to the premises concerned for inspection from time to time, so he may carry his duties as specified in this ordinance.

Section 513 Right of Inspection for Investigation

The Zoning Administrator is hereby authorized to enter upon lands within the City of Lambertton for the purpose of carrying out his duties and functions imposed upon him under this Ordinance, or to make investigations of any possible violation of this Ordinance, and to cause proceedings to be instituted if proofs at hand warrant such action.

Section 514 Environmental Documents

514.1 Intent

It is the intent of this SECTION to implement the environmental review procedures to follow the provisions of Minnesota Statutes, Chapter 1160, relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board. All terms used in this SECTION shall have the same meaning as the terms used

in Chapter ~~1150~~^{116D}. The provisions of the rules for the Environmental Review Program, 6 MCAR 3.021 to 3.047 are hereby adopted and are on file in the City Clerk's office.

514.2 Cost of Preparation and Review

1. The applicant for a permit for any action for which environmental documents are required either by state law or rules or by the City Council shall supply in the manner prescribed by Section 6 of this Ordinance all unprivileged data or information reasonably requested by the City that the applicant has in his possession or to which he has reasonable access.
2. The applicant for a permit for any action for which an Environmental Assessment Worksheet (EAW) is required either by state law or rules or by the City Council shall pay all costs of preparation and review of the EAW, and, upon the request of and in the manner prescribed by the City shall prepare a draft EAW and supply all information necessary to complete that document.
3. Both the City and the applicant shall comply with the provisions of the Rules Governing Assessment of Costs for Environmental Impact Statements. One copy of these rules is on file in the office of the City Clerk.
4. No permit for an action for which an EAW and an Environmental Impact Statement (EIS) is required shall be issued until all costs of preparation and review are paid, and the environmental review process has been completed.

5. The City Council and applicant may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in 6 MCAR 3.042.

514.3 Administration

1. The Zoning Administrator shall be the person responsible for the administration of the Environmental Review Program.
2. The Zoning Administrator shall be responsible for investigating whether an action for which a permit is required is an action for which an EAW is mandatory under 6 MCAR 3.024. The Zoning Administrator shall also investigate those proposed actions for which an optional EAW may be required under the provisions of the ordinance and shall notify the Planning Commission and the City Council of these proposed actions for final determination.
3. All EAW's and EIS's shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission and reviewed and approved by the City Council, to form and completeness.
4. When reviewing an EAW or EIS, the zoning Administrator and the Planning Commission may suggest design alteration which would lessen the environmental impact of the action. The City Council may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.

5. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the City Council whether or not it should require the preparation of an EIS. The City Council shall require an EIS when it finds under 6 MCAR 3.025 that an action is major and has potential for significant environmental effects.

514.4 Optional EAW

The City Council may, upon recommendation by the Zoning Administrator and Planning Commission require that an optional EAW be prepared on any proposed action which may be a major action and appears to have the potential for significant environmental effects. The following guidelines shall also be considered in determining whether an optional EAW shall be required:

- (a) Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
- (b) Is the action likely to have disruptive effects such as generating unusual traffic and noise?
- (c) Are there unanswered public questions or controversy concerning the environmental effects of the proposed actions?

514.5 Enforcement

1. No permit shall be issued for a project for which en-

vironmental documents are required until the entire environmental review procedures established by this Ordinance are completed.

2. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established by this Ordinance are fully complied with.

SECTION VI.

ADMINISTRATION

Section 601 Planning Commission

601.1 Creation of the Planning Commission

A Planning Commission, consisting of five (5) members, shall be appointed by the Mayor with the approval by the majority of the Council Members. The City Zoning Administrator and building inspector shall be ex-officio members. Terms of appointment shall expire at one year intervals over the next three (3) years or until a successor shall take office. On the first (1st) Monday of January in each year hereafter, or as soon thereafter as the City Council shall meet, the Mayor of the Lambertton City Council shall make appointments for three (3) year terms of office to reappoint or replace members whose terms have expired. At any time, the Mayor of the City Council may appoint members to serve for the unexpired term of office. Membership on the Planning Commission shall include no more than two (2) members of the City Council. Unexcused absence from three (3) consecutive regular meetings of the Planning Commission shall constitute grounds for dismissal of such member by order of the Chairman of the Planning Commission.

601.2 Organization

The officers of the Planning Commission shall be elected by the members of the Planning Commission at a regular meeting

thereof in January of each year. Notice of a meeting for the election of officers shall be given the members of the Planning Commission at least seven (7) days prior to such meeting and election. The officers shall consist of a Chairman, a Vice Chairman, and a Secretary-Treasurer. The Chairman shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally offered by parliamentary usage; on such officers as well as any other duties specified within this Ordinance. The Vice-Chairman shall act for the Chairman in his absence. Members of the Planning Commission in attendance may choose a chairman for the meeting or hearing if the Chairman and Vice-Chairman are both absent. The City Clerk shall preside for the election and takes up his office as Chairman. Nominations for officers shall be made from the floor. The election for each office who receives a majority of votes cast shall be declared elected and shall serve until the following January election or until his successor shall take office. Vacancies in office of the Officers of the Planning Commission shall be filled immediately by the same procedure.

601.3 Quorum

A quorum for any meeting or hearing of the Planning Commission shall be a majority of the members of the Planning Commission.

601.4 Meetings

The Planning Commission shall hold not less than one (1)

regular meeting in each calendar month on a regular schedule. Special meetings may be held as provided for herein. The Planning Commission shall set the meeting times for all regular meetings. Special meetings may be called by the Chairman on five (5) days written notice mailed to each member. Special meetings shall be called by the Chairman of the Planning Commission at the written request of three (3) members of the Planning Commission within five (5) days notice if at least four (4) members of the Planning Commission agree to waive of notice. All meetings of the Planning Commission shall be held in the Community Building, Lamberton, Minnesota, and shall be open to the public.

601.5 Meeting Procedure

The Planning Commission may set such rules and procedures as are necessary for the orderly conduct of its business. Rules and procedures not otherwise adopted or not covered by applicable law shall be governed by Roberts Rules of Order, Revised, as may be necessary for the proper conduct of the business of the Planning Commission.

601.6 Compensation

The members of the Planning Commission may receive such compensation for per diem and expenses as may be allowed by the Lamberton City Council.

601.7 Powers and Duties

The Planning Commission shall be the planning agency and shall have the powers and duties as allowed by statute or regulation of the State of Minnesota, 1977, Section 462.351 to 462.364 and as allowed by Ordinance of the City of Lamberton including the specific duties as stated in this Ordinance.

601.8 Recording Secretary

All testimony at any hearing held by the Planning Commission shall be recorded or transcribed by the Recording Secretary. The duties as Recording Secretary shall be as prescribed by the Planning Commission.

Section 602 Board of Adjustment

602.1 Creation of the Board of Adjustment

The functions of the Board of Adjustment are very specific. Variances and appeals from decisions made by administrative officers are the two areas in which the Board has authority. The Board has no role in conditional use permits or amendments to the Zoning Ordinance. A Board of Adjustment shall be appointed by the Lamberton City Council, consisting of three (3) members. Each member of the Board of Adjustment shall be appointed for a term of three (3) calendar years. The members of the Board of Adjustment shall serve without compensation, except that they shall be paid for necessary expenses in the conduct of the business of the Board.

602.2 Organization

The Board of Adjustment shall elect a Chairman and Vice-Chairman from among its members and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations. The meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

VARIANCE, EXPECTED CONDITIONS TO PREVAIL:

The Board may authorize a variance where the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of the zoning code or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or if the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of the zoning code would involve unnecessary hardships and not mere inconvenience.

602.3 Variance, Findings Required:

No variance from the terms of the zoning code shall be authorized unless all of the following facts and conditions are considered:

- a) Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of property, that do not apply generally to other properties or classes of uses in the same zoning district.
- b) Natural Causes: That the alleged difficulty or hardship has not resulted from the actions of the applicant.
- c) Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment by the owner of the property in question of similar and substantial property rights possessed by the owners of other properties in the same zoning district and in the same vicinity.
- d) Absence of Detriment: That the authorization of such variance will not be of substantial detriment to adjacent property, and will be in keeping with the spirit and intent of the zoning code and the public interest.

- e) General Nature: That the condition, situation, or intended use of the subject property, is not so general or recurrent in nature as to make it reasonably practicable to formulate a general regulation to cover such cases.

602.4 Appeals Filed

Appeals to the Board of Adjustment shall be filed with the Zoning Administrator who shall thereupon notify the Chairman of the Board of Adjustment. Any such appeals must be filed with the Zoning Administrator within thirty (30) days of the date of the order, action, or determination appealed from. The Chairman shall, within one (1) week of such notice from the Zoning Administrator, call a public hearing to hear such appeal. The Chairman shall cause notice of such hearing to be published in the legal newspaper for the City of Lambertton, not more than two (2) weeks nor less than one (1) week before the time of such hearing. The notice shall include the purpose of the hearing, the name of the applicant, the legal description of the premises concerned, and the time, date, and place for the hearing. The Chairman of the Board of Adjustment shall send similar notices to the Lambertton City Council and by mail shall send notices of such hearings to the adjacent property owners or those wholly or partly affected within 200 feet of the property to which the permit application relates. The Board shall de-

cide the matter appealed within thirty (30) days after the date of the hearing and shall file such decision with the Zoning Administrator therewith. The applicant shall pay the cost of publication notice. At any such hearing, any part may appear in person, or by agent, or by attorney.

602.5 Minutes and Recording of the Voting

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and shall keep the records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Clerk.

602.6 Basis of Actions

The Board of Adjustment shall always act with due considerations to promoting the public health, safety, convenience, and welfare, assure that the proposal is consistent with the intent and purpose of this Ordinance, will insure a density of land use no higher than otherwise required in this Ordinance for the Zoning District the premises lie within, will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area, and that the location and character of the proposed development is consistent with the desirable pattern of development for the locality in general and the Zoning District more particularly.

602.7 Appeal

The decision of the Board of Adjustment shall not be final. Any person having an interest affected by this Ordinance or any decision made relating to it shall have the right to appeal to the Lamberton City Council within ninety (90) days of when the decision of the Board of Adjustment is filed with the Zoning Administrator.

The decision of the City Council shall not be final. Any person having an interest affected by this Ordinance or any decision relating to it shall have the right of appeal to the District Court on questions of law and fact within ninety (90) days of the date of such Council action.

Section 603 Zoning Administrator

603.1 Duties of the Zoning Administrator

This Ordinance shall be administered and enforced by the Zoning Administrator, who shall be appointed by the Lamberton City Council. The Zoning Administrator shall:

1. Determine that all permit applications comply with the terms of this Ordinance.
2. Conduct inspections of buildings and use of land to determine compliance with this Ordinance.
3. Maintain permanent and current records of this Ordinance, including all maps, amendments, conditional uses, variances, appeals, and applications thereof.

4. Receive, file, and forward all applications for variances, conditional uses, appeals, and amendments to the designated official bodies.
5. Notify, in writing, any person responsible for violating a provision of this Ordinance, indicating the nature of the violation and ordering the action necessary to correct it.
6. Serve as an ex-officio member of the City Planning Commission.

Section 604 Conditional Use Permits

604.1 Application

Applications for Conditional Use Permits shall be made to the Zoning Administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Description of site (legal description)
2. Site plan drawn at scale showing parcel and building dimensions
3. Location of all buildings and their square footage
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks
5. Landscaping and screening plans
6. Drainage plan
7. Sanitary sewer and water plan with estimated use per day

8. Soil type
9. Any additional written or graphic data reasonably required by the Zoning Administrator or the Planning Commission

604.2 Procedure

1. The Zoning Administrator shall forward said application to the Planning Commission for consideration at their next regular meeting.
2. The Planning Commission shall set a date for the official public hearing. Notice of such hearing shall be published in accordance with State Law and notice shall be published at least once in the official paper of the City of Lambertton and mailed to individual properties within three hundred-fifty (350) feet of the parcel included in the request not less than ten (10) days nor more than thirty (30) days prior to the date of said hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings.
3. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within sixty (60) days after the first regular meeting at which the request was initially considered.

4. Upon receiving the report and recommendation from the Planning Commission, the City Council shall have the option of holding a public hearing if necessary and may impose any conditions deemed necessary. Approval of a conditional use shall require passage by a majority vote of the full City Council.

604.3 Standards

No Conditional Use shall be recommended by the Planning Commission unless said Commission shall find:

1. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
2. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a

nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

6. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
7. The demonstrated need for the proposed use.
8. The proposed use is in compliance with the City Land Use Plan.

604.4 Recording

A certified copy of any Conditional Use Permit shall be filed with the Redwood County Recorder. The Conditional Use Permit shall include the legal description of the property involved.

604.5 Compliance

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith.

604.6 Lapse of Conditional Use Permit by Non-Use

Whenever within one (1) year after granting the Conditional Use the work permitted has not been started, then such permit shall become null and void unless a petition for an extension has been approved by the City Council.

Section 605 Amendments/Rezoning

605.1 Initiation

The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person, persons, firm or corporation or his expressed agent owning real estate within the City may initiate a request to amend the district boundaries and/or text of this Ordinance so as to affect the said real estate.

605.2 Procedure

1. A request plus copies of detailed written and graphic materials fully explaining the proposal for an amendment to this Ordinance shall be filed with the City Council.
2. The Zoning Administrator shall refer said amendment request along with all related information to the City Planning Commission for consideration and a report and recommendation to the City Council.
3. The Planning Commission shall consider the amendment request at its next regular meeting. The Zoning Administrator shall refer said amendment proposal along with all related information to the Planning Commission.
4. The Planning Commission shall set a date for the official public hearing, at their next regular meeting. Notice of such hearing shall be published in conformance with

the state law and individual notices, if it is a district change request, shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property, according to the County Treasurer records, within three hundred-fifty (350) feet of the parcel included in the request, such notice shall also be published in the official paper within the above time periods.

Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.

5. The Planning Commission shall reach a decision and make its report to the City Council within thirty (30) days after the regular meeting at which the amendment request was first considered by the Commission.
6. The Council shall, upon receiving no report from the Planning Commission within sixty (60) days, from time of public hearing, place such request on the agenda of its next regular meeting and decide the issue within thirty (30) days.
7. Upon receiving the reports and recommendations of the Planning Commission, the City Council shall place the amendment request on the agenda of the next regular Council meeting with a decision to be issued within thirty (30) days. Said reports and recommendations shall

be entered in and made part of the permanent written record of the City Council meeting.

8. The City Council shall have the option to set and hold a public hearing if deemed necessary for reaching a decision.
9. Amendment of this zoning ordinance shall be by a four-fifths (4/5) vote of the full City Council.
10. The Zoning Administrator shall notify the originator of the amendment request of the Council's decision in writing.

SECTION VII.

ENFORCEMENT/VIOLATIONS/PENALTIES/APPEALS

Section 701 Enforcement

This Ordinance shall be administered and enforced by the City Council of Lamberton, Minnesota, or its authorized representative. The Zoning Administrator may institute appropriate action for any violations of this Ordinance at the direction of the City Council and through the City Attorney as deemed necessary.

Section 702 Violations and Penalties

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statements in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and,

upon conviction, shall be fined not more than five hundred dollars (\$500.00) for each offense, or be imprisoned for not more than ninety (90) days, and each day that a violation is permitted to exist shall constitute a separate offense.

Section 703 Schedule of Fees

The City Council shall determine the fee and collection procedure for all permits, certificates, and petitions. No permit, certificate or petition shall be recognized or issued unless such fee or fees have been paid in full.

Section 704 Building Permits

No building or structure shall hereafter be erected or moved or construction on an existing structure shall be started until a lawful building permit has been issued by the Zoning Administrator. Fees for all building permits shall be established by the City Council in accordance with the Minnesota State Building Code. Building permits shall be valid for one (1) year from date of issue.

Section 705 Repeals

This Ordinance repeals ordinances and any other ordinances or parts of ordinances inconsistent herewith.

Section 706 Appeals from the City Council

The decision of the City Council may not be final. Any per-

son or persons jointly aggrieved by any decision of the City Council may appeal to the District Court of Redwood County by filing a petition setting forth that such decision is illegal in whole or in part, specifying the grounds for such illegality.

Section 707 Separability

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgement shall not affect other property, buildings or structures.

Section 708 Effective Date

This Ordinance shall be effective from and after its adoption by the City Council and publication thereof as provided by law.

Adoption by the Council this Fifth day of

JANUARY, 1981.

Charles Mac Arthur

Mayor

(Seal)

Attest:

Clarence Hansen

City Clerk

Published in the LAMBERTON NEWS on JANUARY 22, 1981

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SUBDIVISION PLATTING ORDINANCE

LAMBERTON, MINNESOTA

AN ORDINANCE ESTABLISHING COMPREHENSIVE SUBDIVISION PLATTING REGULATIONS TO PROVIDE FOR ORDERLY, ECONOMIC AND SAFE DEVELOPMENT OF LAND AND URBAN SERVICES AND FACILITIES, AND TO PROMOTE THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE FOR THE CITY OF LAMBERTON, MINNESOTA, UNDER PROVISIONS OF MINNESOTA STATUTES 1967, CHAPTER 462 SECTION 462.358; MINNESOTA LAWS OF 1965 AMENDED.

WHEREAS, THE FOLLOWING REGULATIONS HAVE BEEN RECOMMENDED BY THE LAMBERTON CITY PLANNING COMMISSION AFTER A PUBLIC HEARING FOR THE PURPOSES STATED BELOW.

THE CITY COUNCIL OF LAMBERTON DOES ORDAIN:

SECTION I GENERAL PROVISIONS

Section 101 Short Title

This Ordinance shall be known as the Subdivision Platting Ordinance for the City of Lambertton, Minnesota.

Section 102 Purpose

Each new subdivision becomes a permanent unit in the basic physical structure of the City, a unit to which in the future, communities will of necessity be forced to adhere. In order

that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome community environment, adequate public services, and safe streets, all subdivisions shall be platted, and shall fully comply with the regulations hereinafter set forth in this Ordinance.

Section 103 Interpretation

In the interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

Section 104 Scope

This Ordinance shall apply and be binding upon all of the area of the City of Lambert, Minnesota, located within the incorporated limits of the City.

Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming part of a subdivision recorded in the office of the County Recorder, prior to the effective date of this Ordinance, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or resolutions except those specifically repealed by, or in conflict with, this Ordinance, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land. Where this Ordinance

imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this Ordinance shall control.

Section 105 Repeal of Existing Resolutions

All resolutions or parts of resolutions of the City in conflict with the provisions of this Ordinance are hereby repealed.

SECTION II DEFINITIONS

Section 201 Definitions

Unless the context indicates a different meaning, for the purposes of this Ordinance certain words, phrases, and terms shall be construed as follows:

1. Alley

A public right-of-way which affords a secondary means of access to abutting property.

2. Attorney

The City Attorney of the City of Lambertton, or his authorized representative.

3. Auditor

The County Auditor of the County, or his authorized representative.

4. Block
An area of land within a subdivision that is entirely bounded by streets or a combination of streets and exterior boundary lines of the subdivision.
5. City Clerk
The City Clerk of Lamberton, Minnesota, or his authorized agent.
6. City Council
The City Council of Lamberton, Minnesota.
7. Cluster Development
A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas.
8. Collector Road
A road that serves as a principal connection between a thoroughfare and minor roads.
9. Commission
The Planning Commission of the City of Lamberton, Minnesota.
10. County
Redwood County, Minnesota.
11. Cul-De-Sac
A street with only one vehicular traffic outlet and a turn around at the other end.

12. Drainage Course
A watercourse or indenture for the drainage of water, whether manmade or provided by nature.
13. Engineer
The person or firm appointed by the City, providing professional engineering service to the City.
14. Thoroughfare or Secondary Thoroughfare
Heavy traffic roads of highway status as shown on the Road Circulation Plan Map.
15. Final Plat
The drawing of a subdivision prepared in the manner and containing the data, documents, and information required by Article VII of this Ordinance.
16. General City Plan
The plan or plans for the orderly growth of the City of Lambertton, as adopted and amended from time to time by the Planning Commission and the City Council.
17. Group Housing
A housing project consisting of a group of five or more buildings constructed on a parcel of ground of three (3) acres or more in size.
18. Lot
Any parcel of land within a subdivision marked as a numbered or lettered parcel of land and available for title

transfer by use of such number or letter for identification; or any tract where the title has been transferred by metes and bounds description and duly recorded in the Office of the County Recorder or in the Office of the Registrar of Titles for the County.

19. Lot Front

That part of a lot lying along and butting a road.

For corner lots abutting two roads, the front yard shall be that portion fronting onto the highest class road, except the subdivider may elect the alternative by providing that each such corner lot be given a width of not less than 115% of what is otherwise required by this Ordinance.

20. Lot Width

The horizontal distance between the side lot lines measured at the building setback line.

21. Marginal Access Road

A service road parallel to and adjacent to a thoroughfare or secondary road which provides access from the thoroughfare or secondary thoroughfare road to abutting properties.

22. Minor Road

A road of relatively short length or serving lower levels of traffic that provides direct access to a limited number of properties.

23. Person
Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
24. Preliminary Plat
A sketch of a proposed subdivision prepared in the manner and containing the data, required under Section 305 of this Ordinance.
25. Preliminary Plan
The Preliminary Plat, together with the additional information required in Section 307 of this Ordinance.
26. Private Road
A purported road or way reserved for the use of a limited number of persons.
27. Public Walkway
A public way designed for the use of pedestrian traffic.
28. Reserve Strip
A parcel or strip of land purposely platted or not platted as the case may be for the purpose of limiting or precluding orderly development of adjoining or nearby property.
29. Road
A public right-of-way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or however otherwise designated.

30. Subdivider

The owner, agent, or person having control of such land as the term is used in this Ordinance.

31. Subdivision

The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use of any combination thereof, except these separations:

- a. Where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses;
- b. Creating cemetery lots;
- c. Resulting from court order, or the adjustment of a lot line by the relocation of a common boundary.

32. Surveyor

The County Surveyor of the County, or his authorized representative.

33. Tract of Land

For the purposes of this Ordinance, a Tract of Land is a parcel of ground which a subdivider desires to subdivide, constituting one of the following:

- a. A 40 acre tract which is a quarter of a quarter section of land;
- b. A platted lot per a duly recorded plat which is on record in the Office of the County Recorder or in the Office of the Register of Titles for the County;
or
- c. A metes and bounds description which has been of record prior to the enactment of this Ordinance.

34. Zoning Administrator

The Zoning Administrator of Lamberton, Minnesota, or his authorized agent.

SECTION III

PRE-APPLICATION OR ADVISORY MEETING AND PRELIMINARY PLAT

Before preparing a Preliminary Plat and submitting it to the Planning Commission for approval, the subdivider or a duly authorized representative shall meet informally with the City Planning Commission to discuss the requirements which pertain to his proposed subdivision. The Planning Commission will review, discuss, and advise the subdivider of the extent to which the proposed subdivision conforms to this and other ordinances as well as how it conforms to the City Land Use Plan. The Planning Commission shall make specific recommendations and comments to be incorporated by the subdivider in the Preliminary Plat. This informal review would prevent unnecessary and costly revisions in the layout and development of the subdivision. Formal application or filing of a plat with the City of Lambertton is not required for this informal advisory meeting.

Section 301 Procedure for Preliminary Plat Approval

After preparation of the Preliminary Plat, the subdivider shall submit to the Zoning Administrator, four (4) copies of the preliminary plans. The Zoning Administrator shall distribute copies of the preliminary plans to the Chairman of the Planning Commission, the City Inspector, the City Engineer and the County Engineer if adjacent to a county road for their examination. These parties shall, within fifteen (15) days, submit reports to the Commission,

expressing whether or not all concerned provisions of this Ordinance or applicable regulations have been met. If no report is received within that time, it will be assumed by the Commission that there are no objections to the preliminary plans as submitted.

At the first meeting following receipt of the above reports, the Commission shall determine whether or not to approve the preliminary plans. The Commission may approve the preliminary plans subject to certain revisions which will make the plans conforming or the Commission may approve preliminary plans which do not conform under the procedure provided in Article VI.

Section 302 Reports to the Commission

The Engineer, County Highway Engineer, Department of Natural Resources, and the City Inspector when appropriate, shall, within fifteen (15) days, submit reports to the Commission expressing whether or not compliance has been met covering all concerned provisions of this Ordinance or supporting regulations. If no report is received within fifteen (15) days, it will be assumed by the Commission that there are no objections to the Preliminary Plat as submitted.

Section 303 Public Hearing

Upon review by City Department heads, the copy of the Preliminary Plat together with all comments and suggested revisions shall be referred to the Planning Commission for a

public hearing. The City of Lambertton shall notify the subdivider by certified mail of the time and place of the public hearing not less than five (5) days before the date fixed for the hearing. Similar notices shall be mailed to the owners of the land immediately adjoining the area to be subdivided as shown on the Preliminary Plat. Time and place shall be published at least once in the official newspaper at least ten (10) days prior to the hearing. The publication shall include a description of the location of the proposed subdivision.

Section 304 Planning Commission and City Council Action

1. A subdivision application shall be preliminarily approved or disapproved within one-hundred twenty (120) days following delivery of an application completed in compliance with the municipal ordinance by the applicant to the municipality, unless an extension of the review period has been agreed to by the applicant. Failure of the Planning Commission to act on this Preliminary Plat within one-hundred twenty (120) days shall be deemed a recommendation of approval of the plat. If a plat is recommended for disapproval, reasons for such disapproval must be stated in writing. If approval subject to modifications is recommended, the nature of the required modifications shall be indicated in writing. The Planning Commission shall then forward the Preliminary Plat together with its recommendation to the City Council for final action.

The final action of the City Council shall be noted on two (2) copies of the Preliminary Plat with any notations made at the time of approval or disapproval of the specific changes required. One (1) copy shall be returned to the subdivider and the other placed on file in the office of the City Clerk.

2. Approval of the Preliminary Plat shall constitute general acceptance of the Final Plat. If the Final Plat is not submitted within one year, the approval of the Preliminary Plat shall expire unless the applicant applies to the Planning Commission, in writing, for an extension of time of such approval. An extension of time shall normally not be given for more than one extension of one year unless the applicant can prove the need therefore.

Section 305 Data Required for a Preliminary Plat

The following minimum information shall be furnished to the Commission by the subdivider for consideration of the Preliminary Plat:

1. Names and addresses of the owner, subdivider, surveyor, and designer of the Plan as appropriate.
2. Legal description of the land within which the proposed subdivision is located, either in writing or by use of writing and a sketch so such land can be easily located without question.
3. Proposed name of the subdivision, which name shall not be a duplicate of or be alike in pronunciation of the name of any plat heretofore recorded in the County or in

the City of Lambertton.

4. A drawing to scale of the proposed subdivision with the scale thereof identified.
5. The North point be identified on the drawing to scale.
6. Date of preparation of the drawing to scale.
7. Total acreage of the land contained within the proposed subdivision and the acreage adjoining owned by the same ownership, but which is not to be included within the proposed subdivision.
8. Existing conditions within the tract proposed subdivision as well as within the surrounding lands of such distance from the proposed subdivision as will enable the Commission to properly evaluate conformance with an orderly plan to development, including:
 - a. Property lines of all concerned properties shown.
 - b. Zoning classification districts of properties shown.
 - c. Platted property thereby shown with block identification.
 - d. Platted roads, established roads whether public or private, railroad right-of-ways, established utility easements, and any other ways, alleys, or similar established details, all properly and fully identified.
 - e. Buildings and other structures located on any such lands.

- f. Topographic conditions of the area to be platted and of any immediately adjoining property which may effect or be effected by such proposed subdivision including terrain exceeding a 15% slope in order to portray adequately the land form conditions concerned.
 - g. Information necessary to portray fully other conditions which may condition or qualify such proposed subdivision be reason of proximity to certain highways or any other factor where laws or regulations are concerned and must be adhered to.
 - h. Other reasonable information as may be requested by the Commission in order to make proper evaluation of the proposal.
9. Proposed design features of the subdivision shown in the Preliminary Plat including:
- a. Layout of proposed roads, showing widths of the right-of-way of each and the proposed name, or where applicable, the name of streets of roads continued from adjoining property.
 - b. Location and widths of proposed alleys, pedestrian ways, utility easements, or other similar features.
 - c. Layout, numbers, and approximate dimensions of lots and blocks.

- d. Building setback lines in their approximate locations with relation to roads and the dimensions thereof.
- e. Areas, other than roads, alleys, pedestrian ways, utility easements or other similar features intended to be dedicated or reserved for public use, or for community use, including the size of such area or areas in acres, together with the covenants to be used to govern the use of such areas.

Section 306 Stage Development

Whenever a Preliminary Plat is proposed for Commission approval, but where such area concerned is a portion of a larger tract intended for further development by the subdivider at a future time or times, the Preliminary Plat shall be furnished for the entire tract or area in all respects except that the data required under Section 305 9, (c), (d), and (e) will not initially be required for the future stages of development.

Section 307 Information Required

The Commission may have reason to request additional information to properly evaluate a Preliminary Plat because of information known or furnished by the subdivider. The Zoning Administrator or the Chairman of the Planning Commission may often suggest that this information be included in the Preliminary Plat so the Commission may expedite its action thereon. Such information may include, but not

be limited to, soil tests, grade elevations within the subdivision, proposed road profiles and grades, and plans for land contour changes within the proposed subdivision by the subdivider.

Section 308 Report by the Zoning Administrator or the Chairman of the Planning Commission

When the proposed Preliminary Plat is offered to the Planning Commission for action thereon, the Zoning Administrator or the Chairman of the Planning Commission shall furnish a report regarding such plan. The report will inform the Commission that such plan conforms to this Ordinance in all respects except the items the Zoning Administrator or the Chairman of the Planning Commission enumerates specifically in his report, to the best of his knowledge.

Section 309 Nonconformity

The Commission shall not approve a Preliminary Plat which does not conform to this Ordinance or to any other applicable ordinance, law, or regulation unless the procedure therefor has been followed as required under Article VI of this Ordinance.

SECTION IV MINIMUM DESIGN STANDARDS

Section 401

The following land subdivision principles, standards and requirements will be applied by the Commission in evaluating plans for proposed subdivisions, which shall be considered minimum standards

and requirements for the promotion and protection of the public health, safety, morals, and general welfare and shall not preclude the Commission from requiring stricter standards or requirements when the conditions merit such consideration as the Commission may from time to time determine.

Section 402 Land Requirements

Land shall be zoned or the application for zoning shall be suited to the purpose for which it is to be subdivided. No Preliminary Plat shall be approved if, considering the best interests of the public, and considering other limitations of ordinances, laws, or regulations, the property concerned is not suitable for plat and development purposes of the kind proposed for any reason, nor which may contribute to increase danger to the health, life, or property of others or would aggravate hazards present. Such portions of lands within a proposed plat must be set aside for other purposes unless they can be modified and the subdivider includes in his Preliminary Plat the procedure he will take to modify such portions of his proposed plat. Generally such property or portions thereof shall be deemed unsuitable if it is low land, subject to flooding, extreme topographic features, has severe soil limitations or will adversely affect traffic safety, but is not limited solely thereto. Land subject to hazards of life, health, or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguards against such hazards are

provided for by the Preliminary Plat.

Section 403 Road System

Proposed roads shall be properly related to such road plans or parts thereof as have been officially prepared, adopted, filed as prescribed by Law by the Redwood County Highway Engineer's Department or within the City of Lamberton as registered on the Road Circulation Plan filed with the City Clerk, and as stated within this Ordinance. Design features and other requirements shall be as follows:

1. The minimum widths for each type road as shown on the Road Circulation Map or as subsequently designated by the Commission shall be:

Major or Arterial Road	100 ft. of minimum width
Collector Road	70 ft. of minimum width
Minor or Local Road	60 ft. of minimum width
Alley	24 ft. of minimum width

However, additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it, such as at corners or intersections for safe sight-distance, for excessive cut or fill sections of a roadway, or in areas of intensive use. Where a subdivision abuts or contains an existing road of inadequate width to conform to these

standards, provision for sufficient additional width shall be made by the subdivider to meet these standards for a road passing thru the proposed subdivision or at least one-half the sufficient additional width for a road abutting the proposed subdivision as follows:

- a. No road, other than an alley or a marginal access road, shall be platted with a width less than sixty-six (66) feet.
- b. The subdivider shall plat the full width for the designated road type as above enumerated.

Extensions of existing roads with lesser right-of-ways than herein prescribed may be allowed under the procedure prescribed in Article VI.

2. Roads shall be logically related to the topography of adjoining lots as proposed, with grades on all roads which are not in excess of five (5) percent. In addition, there shall be a minimum grade on all roads of not less than four tenths (0.4) of one percent.
3. Access shall be given to all lots in the subdivision and to adjacent unsubdivided territory unless the topography clearly indicates that connection with adjacent territory is not feasible or that it has alternative adequate access and additional access is not necessary for proper long-term planning. Access shall be provided to the

limits of the subdivision. Reserve strips and land-locked areas shall not be created. Private roads shall be prohibited unless allowed under the procedure provided for in Article VI.

4. Minor roads shall be laid out to discourage their use by through traffic. Thoroughfares not protected by limited access provisions and requirements, shall be protected for use by through traffic by the provision of marginal access roads, by interior roads, or by similar planned means.
5. Half or partial roads will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other standards or requirements of this Ordinance and where, in addition, satisfactory assurance can be given the Commission that the dedication of the remaining portion of such road can be secured. Wherever a tract to be subdivided borders a half or partial road, the balance of the required road right-of-way width shall be plotted within the tract proposed for subdivision.
6. Dead-end roads shall be prohibited except as stubs to permit future road extension into adjoining tracts, or when designed as cul-de-sac roads.

7. Cul-de-sac roads, permanently designed as such, shall not exceed five hundred (500) feet in length. Cul-de-sac roads shall be provided at the closed end with a turn-around having a minimum radius of fifty (50) feet to the outside edge of the finished road or curb line and a minimum radius of sixty (60) feet to the outer edge of the right-of-way thereof.
8. Cul-de-sac roads, temporarily designed as such with the intent that such road may be extended at some future time, shall have the turn-around right-of-way placed adjacent to the subdivision property line and the right-of-way of the same width as the road concerned shall be carried to the property line in such a way as to permit future extension of the road into the adjoining property. Provision should be made so that at such time as the road is extended beyond the concerned subdivision, the overage created by the turn-around circle and outside the normal boundaries of the extended road shall revert in ownership to the property owners fronting onto such temporary cul-de-sac turn-around.
9. Road intersections shall be as nearly at right angles as is reasonably possible, and no intersection of road centerlines shall be at an angle of less than sixty (60) degrees. Where better traffic safety is required at any such intersection of roads, enlargement of the right-of-way width.

of one or both roads should be made so that safer sight-visibility can be achieved.

10. Road jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed unless topographic conditions preclude strict adherence to this requirement.
11. A proposed road which is in alignment with and joins an existing named road shall bear the name of the existing road.
12. When a subdivision or portion thereof abuts a thoroughfare, no lot shall have direct access thereto except by special permission. Instead, such lots may be provided with frontage on a marginal access road or an interior road, or of similar design feature.
13. Alleys shall be provided to the rear or side of all lots designed for use for commercial or industrial use unless alternate design features are provided, such as oversized lots, to provide for off-street loading space access. Alleys shall be designed for use by necessary traffic and not for use for parking or for off-street loading. When provided, alleys shall run from one road to another and shall not be dead-end ways.

Section 404 Recommended Minimum Construction Standards for
City Roads

1. Minimum Right-of-way Width - 66 feet.

2. Roadbed Width - 24 feet shoulder to shoulder.
3. Sufficient clearing and grubbing to provide adequate snow storage area during winter maintenance. Stumps and debris should be burned or else buried outside the limits of the roadbed.
4. Care should be taken in the selection of soils in the construction of embankments insofar as possible, using the best materials available for the upper portion of the embankments. The poorer soils should be placed in the lower portion of the embankments. Unsuitable soils such as swamp materials should be disposed of on the inslopes, outside of the roadbed shoulder lines. Embankments shall be constructed in layers not to exceed 6" in plastic soils or 12" in non-plastic soils. Each layer of embankment material shall be compacted until there is no evidence of further consolidation. Embankments constructed over low wet areas shall be placed in one lift to an elevation at least one foot above water elevation before proceeding with layer construction as described above.
5. Side ditch and embankment construction should provide adequate roadbed drainage including installation of centerline culverts as required.

Inslopes shall not be constructed steeper than three (3) feet horizontally to one (1) foot vertically (3:1), except in extremely high fill sections where a 2:1 slope may be acceptable.

Backslopes shall not be constructed steeper than two (2) feet horizontally to one (1) foot vertically (2:1) and the top of the backslopes shall be blended into the natural ground line.

6. Centerline grades for a 30 mile per hour design speed should not exceed 12 to 15 percent, unless extenuating circumstances dictate a steeper grade. Also, centerline grades should not be constructed flatter than 0.5 percent wherever possible, and the roadway should be adequately crowned to drain surface water laterally to prevent standing water from saturating the roadbed.

Horizontal and vertical alignment should be coordinated so that sharp curves do not result at the crest of a steep grade or the foot of along steep slope.

7. The following will be required during the first five (5) years after the addition of a new subdivision:
 - by the end of year 1 - installation of all utilities
 - by the end of year 2 - addition of curb and gutter and the majority of the base
 - by the end of year 5 - hard surface of the streets

The Minnesota Department of Transportation Road Construction Design Standards, 1978 edition, shall govern.

Section 405 Design of Blocks

Blocks shall meet the following standards:

1. In residential areas, other than where topographic conditions necessitate otherwise for prudent land-use, blocks shall be not less than six hundred (600) feet nor more than thirteen hundred twenty (1320) feet in length measured along the greatest dimension of the enclosed block area. To conform to an adjoining plat, a portion thereof adjoining a partial block in the proposed subdivision may be considered one block. Where design features might require consideration of future plats of other adjoining property in context with the proposed subdivision, the procedures in Article VI may be used as necessary.
2. Blocks for commercial and industrial areas may vary from the elements of design contained in this section, if the Commission, in its judgement, shall approve thereof.
3. Blocks shall be wide enough to allow two tiers of lots with the minimum depths as required herein, or as required by an applicable zoning regulation, except adjoining a railroad, or adjoining a road to which access is not provided, or adjoining other topographic conditions

of a peculiar nature, where only one tier of lots is necessary.

4. In blocks designed for residential purposes of over eight hundred (800) feet in length and width two (2) tiers of lots, the Commission may require one or more public walkways not less than ten (10) feet in width, each such walkway to extend across the full width of the block, at intervals of not less than four hundred (400) feet from a cross-street or from another walkway.

Section 406 Design of Lots

No lot shall be designed to have less area, width, or depth than is required by any applicable zoning regulation.

Other design features for lots in a proposed subdivision shall be as follows:

1. Side lot lines shall be substantially at right angles to straight road lines or radial to curved road lines or radial to waterfront unless topographic conditions necessitate a modification of this requirement.
2. Each lot shall front upon a public road with not less than thirty-three (33) feet of such frontage.
3. Through lots or lots with road frontage on front and back shall be avoided wherever possible.
4. Residential lots shall be increased in depth and area by ten (10) percent when the back of such lots abut the

right-of-way of a thoroughfare, or secondary thoroughfare.

5. The Commission can require the subdivider, at the subdivider's expense, to furnish soil and percolation tests within the proposed subdivision. Such required tests shall not be more than one such test per lot, but may be less than that number. Such tests shall not be required for lots intended to be connected to community water supply and sewer facilities. Such tests shall be used to determine whether or not the lot sizes proposed will meet minimum standards of health and sanitation under its intended use.
6. Lots designed for commercial or industrial purposes shall contain sufficient area to serve for off-street parking and loading facilities.
7. Except where roads or alleys are provided for joint use for utility easements, utility easements shall be provided along the side lines and/or back lines of lots, with such easements to be not less than twenty (20) feet in width.
8. Where storm water from adjacent areas naturally pass through a proposed subdivision, and pass thru any lot or lots, and where no provision has been made in the Preliminary Plat for diversion of such drainage courses, the area within any lot of such drainage courses shall

not be counted toward meeting the minimum size of area of the lot.

9. Any lot or lots within the proposed subdivision which do not meet the requirements of Section 401 of this Ordinance can be included in the proposed plat if the subdivider, in the information submitted with his Preliminary Plat, enumerates each such lot and the improvements he intends to do thereto to make each suitable.

Section 407 Public Use Dedication or Reservation

In accordance with the provisions contained in MSA 462.358, every new plat or subdivision of land to be developed for residential purposes may include a reasonable portion of land for park and open space purposes. The Planning Commission may require the dedication or reservation of park and open space sites of sufficient size to meet the needs of the residents of the subdivision. The maximum amount of land the Planning Commission may require for dedication or reservation shall not exceed ten (10) percent of the gross area of the subdivision.

The City Council may in lieu of the dedication or reservation of parks and open space land, require the subdivider to contribute cash in the amount not to exceed ten (10) percent of the fair market value of the undeveloped land included in the subdivision as determined by the Planning Commission for park and open space

use. This option may be chosen at any time, especially if an area proposed to be dedicated is not suitable or desirable for park/playground purposes because of location, size, or any other reason. The money received from this source will be placed in a special fund to be used for park and open space purposes within a reasonable distance from the subdivision. This money will be received no later than at the time of final plat approval. No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved for the purpose to which they are to be dedicated. The subdivider shall leave such dedicated land in a condition suitable to the City Council.

Such dedications of land for park and open space shall be without further restrictions or reservations and shall be dedicated to the City in the plat or transferred to the City by deed.

Section 408 Reserved Areas

When any governmental agency requests the Commission reserve any specified area of land for a proposed highway, road, school, historic site, park, recreation area, public access, or other type of public area, such request shall be made in writing by that agency to the Commission and shall be reasonably specific as to the land description therefore. The Commission shall require such information as may be necessary to evaluate such request. If the Commission approves the request to reserve such area or any portion thereof for the purpose requested, the same shall be re-

served from subdivision platting for one year from the date of such Commission approval. Each such reserved area shall be noted on a copy of the City Road Circulation Plan Map posted in the Office of the City Clerk.

Section 409 Sanitary Facility Specifications

Where the lots of a proposed subdivision are not located within the service area of a public sanitary sewage system, and/or not located within the service area of a public water supply system, the subdivider shall furnish the information as to plans, standards, restrictions, or covenants he intends to use or require of ultimate lot purchasers and users. In all other situations, the following standards shall apply:

1. If the proposed subdivision is not located within a service area of a public sanitary sewerage system, and/or is not located within the service area of a public water supply system, and subdivider plans to furnish a community system for either or both purposes, he shall furnish plans and complete information thereon with his preliminary plan. All such systems must meet the standards and regulations of the City and of the State of Minnesota and its agencies, and such design standards as specified in this Ordinance as if such facilities were public systems rather than community systems providing a service.

2. When the lots of a proposed subdivision are located within the service area of a public sanitary sewerage system, sanitary sewers shall be constructed throughout the entire subdivision in such manner as will serve adequately all lots with connections to such public system.
3. When the lots of a proposed subdivision are located within the service area of a public water supply system, water mains of the size and quality approved by the City shall be provided throughout the entire subdivision in such manner as to serve adequately all lots with connections to such public system, together with shut-off valves and fire hydrants as required by State Law.
4. In the event a subdivision is partly within a public service area and partly outside that public service area, each such part shall be treated as if it was a separate subdivision from the other part, for the purposes of this section. In the event the subdivider desires to furnish a community system for either or both sanitary sewerage system and water supply system for only a portion of the proposed subdivision, each such part shall be treated as if it was a separate subdivision from the other part for the purposes of this section.

SECTION V IMPROVEMENTS

Section 501

Before the Commission shall recommend approval, and before the City Council shall approve the final plat of a proposed subdivision, the subdivider shall provide the required improvements thereto at his own expenses. All survey monuments must be set and in place. All other improvements must either have been completed, or the subdivider may provide a bond to the City equal to the Engineer's estimate of the cost of the uncompleted work, or the subdivider may make such other financial arrangements as may be acceptable to the City Council to cover the cost of the uncompleted work. The work and improvements which are concerned with herein are:

1. Survey Monuments

All subdivision boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of State Law. All U.S., state, county, and other official bench marks, monuments, or triangulation stations in or adjacent to the proposed subdivision shall be preserved in position unless a relocation is approved by the controlling agency.

2. Roads

All road work as provided for in the preliminary plan approval.

3. Drainage

All drainage work as provided for in the preliminary plan approval.

4. Lot Improvement Work

All lot improvement work as provided for in the preliminary plan approval in order to make such lots acceptable to the Commission for platting.

5. Community Sanitary Sewerage System

The entire system as may be provided for in a preliminary plan approval.

6. Community Water Supply System

The entire system as may be provided for in a preliminary plan approval.

7. Public Sanitary Sewerage System

The entire system within the proposed subdivision as may be provided for in a preliminary plan approval.

8. Public Water Supply System

The entire system within the proposed subdivision as may be provided for in a preliminary plan approval.

9. Other

Such other improvement work, if any, as made a part of the Preliminary Plat approval by the Commission.

Section 502 Engineer's Estimate

In the event the Engineer is required to estimate the value of uncompleted improvements, at the request of the subdivider, the subdivider shall pay the cost to do so, in the amount billed by the engineer for the necessary time to make such cost estimate.

Section 503 Completed Improvements

Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

Section 504 Inspection of Improvements

At least ten (10) days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

Section 505 Modification of the Design of Improvements

If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Zoning Administrator that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Zoning Administrator may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extent to the waiver or substantial alteration of the function of any improvements required. The Zoning Administrator shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and City Council.

Section 506 Proper Installation of Improvements

If the Zoning Administrator shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall first report to the subdivider, and if not corrected, shall report his findings to the City Council. The Zoning Administrator then shall notify, if necessary, the bonding company, and take all necessary steps to preserve the City's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously approved plat.

SECTION VI VARIATIONS FROM REQUIREMENTS

Section 601

The Board of Adjustment may recommend a variation to the City Council from the requirements of subdivision planning procedure or public improvements when the tract to be subdivided is of such unusual size, shape, or character or is surrounded by such development or unusual conditions that the strict compliance with the requirements of this Article would result in substantial hardship or injustice or the best interests of the public.

The standards and requirements of these regulations may be modified by the City Council in the case of plans which, in the judgement of the Board of Adjustment, achieve substantially the objective of this resolution and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

In recommending any variation, the Board of Adjustment shall take into account the following:

1. The location of the proposed subdivision, proposed land use, and existing use of land in the vicinity.
2. The number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

3. Those variations that will allow the subdivider to develop his property in a reasonable manner and at the same time preserve the general intent and spirit of this resolution and to protect the public welfare and interests of the City.

In granting variances and modifications, the Board of Adjustment may impose such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

Section 602 Procedure for Variation

Application for any variation shall be submitted in writing by the subdivider at the time the preliminary plan is filed and shall state fully the grounds for the application and the facts relied upon by the petitioner. The Board of Adjustment shall consider such application, given its written recommendations thereon, with the reasons therefore, at the time of its approval or disapproval of said plan.

Section 603 Appeal

If the Board of Adjustment refuses to approve a request for a variation the subdivider may at once, without preparing a Final Plat, petition the City Council for a review of the decision of the Board of Adjustment under such procedure as the City Council may prescribe. The decision of the City Council upon such review shall be binding on the Board of Adjustment.

Section 604 Special Situations

The Board of Adjustment may recommend a variation to the City Council from the requirements of this Ordinance when the strict compliance with the standards and requirements herein would result in substantial hardship or injustice not necessary to protect the safety, health, morals, or welfare of the public or the interests of the City or its political subdivisions. Situations which may be encountered and considered hereunder could be group housing or cluster developments proposed whose plans require variations hereunder to obtain compliance with the intent of this Ordinance, or in specific cases when the tract proposed for subdivisions is of such unusual size, shape, or character or is surrounded by such development or unusual conditions which require variations hereunder to obtain compliance with the intent of this Ordinance. In situations not before encountered and considered in the specific requirements and standards of this Ordinance, by reasons of changing technology, laws, regulations, or other reasons, variations may be recommended in order to obtain compliance with the intent of this Ordinance. In any such special situation, it shall be in the judgement of the Board of Adjustment as to whether or not any such variation shall be recommended, subject to the appeal procedure of Section 602 herein.

SECTION VII FINAL PLAT

Section 701 Procedure

When the necessary prints, papers, and documents for the Final Plat are prepared and the subdivider desires to proceed to obtain approval thereof, he shall submit them to the Zoning Administrator together with his written request for approval addressed to the City Council. A plat inspection fee, payable to the City, shall be paid at the same time the final plat is submitted to the Zoning Administrator consisting of \$15.00 plus \$2.00 per lot up to a maximum fee of \$100.00. The necessary prints, papers, and documents required for submission of the Final Plat shall include: (a) six (6) paper prints of the Final Plat of uniform size 20 inches in width by 30 inches in length and conforming to all applicable state Laws and Regulations, (b) a Title Opinion made by the subdivider's attorney showing the date that opinion is effective for which shall not be more than sixty days old, (c) a Certificate from the subdivider's surveyor indicating Latitude and Departure traverse closure of the Final Plat, and (d) such other recordable papers containing covenants or restrictions for such Final Plat tract as were required by the terms of approval of the Preliminary Plat therefore. Prior to the review by the Commission, the subdivider shall also pay to the City the cost of the Engineer's report per Section 705.

Expense of the public hearing publication fee will be paid by the developer. After review of the Final Plat by the Planning Commission, such Final Plat, together with the recommendations of the Planning Commission, shall be submitted to the City Council for approval.

Section 702

The Final Plat may constitute only a portion of the Preliminary Plat previously approved, at the subdivider's discretion.

Section 703

The submission of the Final Plat for approval must be done within one (1) year following the approval of the Preliminary Plat unless an extension of time has been requested and granted per Section 304.

Section 704

Unless the subdivider informs the Commission in writing, to be submitted with the final plat, that all improvements are not completed within the proposed subdivision, such improvements as were required under the preliminary plat approval, the presumption shall be that the subdivider represents to the Commission that all such improvements have in fact been completed according to the standards and requirements of this Ordinance. If the subdivider does inform the Commission that certain of such improvements have not been completed, that information shall constitute

a request for the Engineer to prepare an estimate of the cost of the remaining work to be done to complete such improvements within the proposed subdivision. Unless the subdivider has made other prior arrangement with the City Council and that information has been transmitted to the Commission, as provided in Section 501, it shall be presumed that the subdivider shall furnish a cash or surety bond that will be acceptable to the City Council in an amount equal the estimate of the cost to complete the remaining improvements work. Such bond must be furnished before the Council signs the Final Plat.

Section 705

Immediately upon receipt of the proposed Final Plat, the Zoning Administrator or the Chairman of the Planning Commission shall refer two paper prints of the Final Plat, together with one copy of each further paper or document submitted therewith, to the Engineer. Within fifteen (15) days the Engineer shall report to the Commission stating: (a) whether or not the Final Plat conforms to the State Platting Regulations, (b) that the closure certificate made by the subdivider's surveyor is correct, (c) that the Final plat meets all standards and requirements of this Ordinance, unless there may be items of noncompliance herewith, and in the event shall enumerate such items, and (d) such other information as the Engineer may deem pertinent. In the event the Final Plat has been prepared by the Engineer under private con-

tract with the subdivider, the Commission shall engage another engineer to prepare this report, whichever firm preparing such report shall bill the cost therefore to the developer.

Section 706

Immediately upon receipt of the proposed Final Plat, the Zoning Administrator or the Chairman of the Planning Commission shall refer one paper print of the Final Plat, together with one copy of each further paper or document submitted therewith, to the Engineer. Also, if applicable, a request for the Engineer to prepare a cost estimate of the value of work remaining to be done on improvements required in such proposed Final Plat as provided in Section 501 and Section 713 shall be included. Within fifteen (15) days the City Engineer shall report to the Commission stating: (a) whether or not all of the improvements required under the approval of the preliminary plan have been completed, (b) whether or not such improvements have been made in compliance with the design standards and requirements specified in this Ordinance, (c) that the Final Plat meets all standards and requirements of this Ordinance, unless there be items of noncompliance herewith, and in that event shall enumerate such items, and (d) such other information as the Engineer may deem pertinent. In the event the Engineer was requested to make a cost estimate of the unfinished improvements for the proposed Final Plat, his report shall include such estimate, and a copy

of that estimate shall be mailed to the subdivider by the Zoning Administrator, together with the Engineer's bill for the cost to prepare such report. The report will be paid for by the developer.

Section 707

The Zoning Administrator, within thirty (30) days of his receipt of the Final Plat together with such other papers and documents as are submitted therewith, shall make a report to the Commission stating that the proposed Final Plat either does or does not conform to the approval of the Preliminary Plat previously made by the Commission. In the event the proposed Final Plat does not conform to the approval of the Preliminary Plat, he shall enumerate each item of such noncompliance with this Ordinance which he may find in such Final Plat.

Section 708

The failure of the Zoning Administrator to make their reports to the Commission within the specified thirty (30) day period of time shall be construed as prima facia evidence of their approval of the Final Plat and the other papers or documents submitted therewith.

Section 709

Not less than fifteen (15) days nor more than sixty (60) days after the submission of the Final Plat to the Zoning Administrator or the Chairman of the Planning Commission, the Commission shall

consider the proposed Final Plat together with all other papers or documents submitted therewith, and shall either approve or disapprove that Final Plat. Upon approval, the matter shall be forwarded to the City Council with the Commission's recommendation for final approval. The matter may be approved, subject to certain corrections being made, or deficiencies remedied, or other action to be taken by the subdivider before final consideration for approval might be taken by the City Council. The City Council may disapprove a proposed Final Plat for one or more of the following:

1. It has not been properly shown that the title to the property concerned is marketable or that the fee simple title is the name of the person shown as subdivider on the Final Plat.
2. The Engineer has reported that there is a question or closure.
3. Requirements of State Law, or regulations thereunder, have not been met.
4. The proposed Final Plat does not comply with the intent of the approval given for the Preliminary Plat.
5. The required improvements have not been made and the subdivider has neither furnished a bond to cover the costs of the work remaining yet to be done nor has the subdivider made other arrangements with the City Council,

as a substitute for furnishing such bond.

6. The required improvements have not been completed in accordance with the requirements and standards of this Ordinance.
7. Covenants or other recordable documents, required under the approval of the Preliminary Plat, have either not been furnished with the proposed Final Plat or do not comply with the requirements made as a condition for the approval of the Preliminary Plat. In the event the Commission or City Council disapproves a proposed Final Plat, the reason or reasons therefor shall be recorded in the proceedings of the Commission, and a copy of such proceedings shall be mailed to the subdivider.

Section 710 Appeal

In the event a proposed Final Plat is disapproved by the Commission and the subdivider wishes to appeal that decision to the City Council for review, he may do so. The decision of the City Council upon such review shall be binding upon the Commission.

Section 711

Within thirty (30) days after the Commission has disapproved a proposed Final Plat or after a review has been made by the City Council per Section 710, the subdivider may request the Commission to reconsider the proposed Final Plat.

Section 712 City Council Action

Within thirty (30) days after the Commission approved a proposed Final Plat, the City Council shall act on the same. The Commission shall furnish to the City Council one (1) copy of the paper print of the Final Plat, one (1) copy of each other paper or document submitted by the subdivider with the Final Plat, one (1) copy of each of any reports received from the Engineer, Zoning Administrator, City Inspector, County Engineer, and Department of Natural Resources, and a copy of the record of proceedings of the Commission wherein the proposed Final Plat was approved; and when applicable per Section 7.6, that a bond be furnished by the subdivider to cover unfinished improvements in the proposed subdivision, such bond shall also be forwarded to the City Council. The City Council may disapprove a Final Plat for reasons as specified in Section 709 hereof.

Section 713

When the Final Plat is approved by the City Council and certified by the City Clerk, the subdivider shall submit two (2) double mounted cloth backed prints on card stock or materials of equal quality and one (1) transparent reproducible copy. The Final Plat shall then be recorded with the County Recorder in and for the County.

SECTION VIII SEPARABILITY

Section 801

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portions hereof.

SECTION IX PENALTY

Section 901

Any person who shall violate any of the provisions of this Ordinance, or who shall aid and abet another in the violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and be required to correct the violation.

SECTION X AMENDMENTS

Section 1001

Amendments may be made to this resolution by the City Council after recommendations of the Commission following the holding of a public hearing with notice given in the official newspaper of the City at least ten (10) days in advance of the hearing.

SECTION XI EFFECTIVE DATE: PUBLICATION

Section 1101

This Ordinance shall take effect and be in force immediately after its adoption and publication. The City Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form.

Adoption by the Council this Fifth day of

JANUARY, 1981.

Charles M. Arthur

Mayor

(Seal)

Attest:

Flaine Starnes

City Clerk

Published in the LAMBERTON NEWS on JANUARY 29, 1981.