

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING CODE

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CODES ADOPTED

§ 150.01 BUILDING CODE

(A) The Minnesota State Building Code, one copy of which is on file in the office of the City Clerk, has been adopted by M.S. § 326B.121, as it may be amended from time to time, as a Uniform Building Code applicable throughout the state.

(B) The code is hereby confirmed as the Building Code of the City of Cokato and incorporated in this chapter as completely as if set out in full.

§ 150.02 CONTENTS OF BUILDING CODE; CODES ADOPTED BY REFERENCE

The Minnesota State Building Code adopted under § 150.01 includes the following:

- (A) Minn. Rules Ch. 1300, Minnesota Building Code Administration;
- (B) Minn. Rules Ch. 1301, Building Official Certification;
- (C) Minn. Rules Ch. 1302, State Building Code Construction Approvals;
- (D) Minn. Rules Ch. 1303, Conditional Provisions;
- (E) Minn. Rules Ch. 1305, Adoption of the International Building Code;
- (F) Minn. Rules Ch. 1306, Special Fire Protection Systems;
- (G) Minn. Rules Ch. 1307, Elevators and Related Devices;
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- (I) Minn. Rules Ch. 1311, Minnesota Conservation Code for Existing Buildings;
- (J) Minn. Rules Ch. 1315, Adoption of the National Electrical Code;
- (K) Minn. Rules Ch. 1325, Solar Energy Systems;
- (L) Minn. Rules Ch. 1330, Fallout Shelters;
- (M) Minn. Rules Ch. 1335, Flood proofing Regulations;
- (N) Minn. Rules Ch. 1341, Minnesota Accessibility Code;
- (O) Minn. Rules Ch. 1346, Minnesota Mechanical Code;
- (P) Minn. Rules Ch. 1350, Manufactured Homes;
- (Q) Minn. Rules Ch. 1360, Prefabricated Structures;
- (R) Minn. Rules Ch. 1361, Industrialized/Modular Buildings;

- (S) Minn. Rules Ch. 1370, Storm Shelters (Manufactured Home Parks);
- (T) Minn. Rules Ch. 4715, Minnesota Plumbing Code; and
- (U) Minn. Rules Chs. 7670, 7672, 7674, 7676, and 7678, Minnesota Energy Code.
(Minn. Rules Part 1300.0050) (Prior Code, § 901.01(B))

§ 150.03 ORGANIZATION AND ENFORCEMENT

- (A) The organization of the Building Department and enforcement of the code shall be conducted within the guidelines established by Minn. Rules, Chapter 1300.
- (B) The Administration Department shall be the Building Code Department of the City of Cokato.
- (C) The Administrative Authority shall be a state certified Building Official so designated by the appointing authority.
- (D) The appointing authority shall be the City Council of the City of Cokato.
(Prior Code, § 901.02)

PERMITS, INSPECTIONS, FEES AND SURCHARGES

§ 150.15 RULES

- (A) *Rules.* The issuance of permits, conduction of inspection and collection of fees shall be as provided for in Minn. Rules, Part 1300.0160.
- (B) *Fees.* The City Council shall annually establish fees for building permits.
(Prior Code, § 901.03)

§ 150.16 SURCHARGES

- (A) In addition to the permit fee required by this subchapter, the applicant shall pay a surcharge in the amount fixed by state law.
- (B) The amount required shall be remitted quarterly to the Minnesota Department of Administration.
(Prior Code, § 901.04)

Statutory reference:

State surcharge, see M.S. § 326B.148 and Minn. Rules Part 1300.0160(10)

SMOKE DETECTION IN EXISTING RENTAL PROPERTIES**§ 150.30 DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

APARTMENT BUILDINGS. Buildings containing three or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment or by any other name.

CODE ENFORCEMENT OFFICER. A licensed peace officer, Fire Chief or Building Official designated with the power to cite property owners for noncompliance with this chapter and/or federal or state mandates.

DUPLEXES. Buildings containing two living units with independent cooking and bathroom facilities.

EXISTING. Buildings on structures which are already in existence on the date when this chapter becomes effective.

MOTEL/LODGING, ROOMING HOUSE or MIXED USE PROPERTIES. The entire building in which separate sleeping rooms are rented, providing sleeping accommodations for either transient or permanent basis, with or without meals but without separate cooking facilities for individual occupants.

SINGLE-FAMILY RENTAL PROPERTY. All buildings containing one living unit with independent cooking and bathroom facilities, whether designated as a dwelling, house, mobile home or any other name.

(Prior Code, § 901.06(1))

§ 150.31 DETECTION REQUIREMENTS

Approved single-station or multiple-station smoke detectors, continuously powered by the building's electrical service, shall be installed in accordance with §150.34 in subdivisions in every living unit within existing apartment buildings, existing duplexes, existing single-family rental property, mixed use properties and in every sleeping room within existing lodging and rooming houses regardless of the number of stories or number of living units or sleeping units. When activated, the detector(s) shall initiate an alarm that is audible in the sleeping rooms of that living unit or in the sleeping areas of that sleeping room. The living unit or sleeping room detector(s) shall be in addition to any sprinkler system or other detection system that may be installed in the building. (Exceptions: single-station smoke detection is not required where the building is equipped with a total automatic smoke detection.)

(Prior Code, § 901.06(2))

§ 150.32 TYPE

The detector shall be of a type that consists of a superior quality that uses alternating current power with a nine-volt direct current battery back-up.

(Prior Code, § 901.06(3))

§ 150.33 EXISTING PROPERTIES

Apartments, duplexes, single-family rental units, lodging and rooming houses and mixed use properties shall be required to install smoke detectors no later than December 31, 1994. After that date, the Code Enforcement Officer may inspect any property for noncompliance.

(Prior Code, § 901.06(4))

§ 150.34 INSTALLATION

(A) Single-station or multiple-station smoke detectors shall be installed in accordance with MFPA 74, Standard for the Installation, Maintenance, and Use of Household Fire Warning Equipment, and Appendix 1A of the Uniform Fire Code.

(B) If, due to the configuration of the living unit or sleeping room, two or more smoke detectors are required within the living unit or sleeping room, they shall be arranged so that the activation of any detector causes the operation of an alarm that shall be clearly audible throughout the living unit, sleeping room and mixed use properties over background noise with all intervening doors closed.

(C) The detector(s) shall sound an alarm only within an individual living unit, sleeping room and mixed use property and shall not activate the building protective signaling and control system, if any.

(Prior Code, § 901.06(5))

§ 150.35 EXCEPTIONS

Single-station smoke detection is not required where the building is equipped with a total automatic smoke detection system throughout.

(Prior Code, § 901.06(6))

§ 150.36 PRE-EMPTION

If any model fire prevention, life safety, Building Code or standard recognized in or by the State of Minnesota is or becomes more stringent or restrictive than the requirements of this chapter, the requirements of the code or standard shall be added to and/or supersede the requirements of this chapter.

(Prior Code, § 906.01(7))

§ 150.37 TAMPERING

Whoever tampers with any smoke detector installed pursuant to this chapter so as to render the same inoperable for a period of time longer than is necessary to repair same or for the period of time to disable the detector while the same is making an audible noise due to heat or smoke while someone is in the living unit and cooking, which the cooking causes the detector to go off, is guilty of a petty misdemeanor.

(Prior Code, § 906.01(8)) Penalty, see § 150.99

§ 150.38 ENFORCEMENT

The Code Enforcement Officer shall be directed to cite property owners without smoke detection equipment in accordance with § 150.99.

(Prior Code, § 906.01(9))

§ 150.99 PENALTY

Any person violating any provision of this chapter shall be subject to the provisions of § 10.99 as established by state law and which changes from time to time.

Statutory reference:

Building Code; violation of deemed misdemeanor, see Minn. Rules Ch. 1300, Part 1300.0150

CHAPTER 151: FLOOD PLAIN

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GENERAL PROVISIONS**§ 151.001 STATUTORY AUTHORIZATION**

The Legislature of the State of Minnesota has, in M.S. Chapters 103F and 394 for counties or Chapter 462 for municipalities, as it may be amended from time to time, delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statutes Chapter 103F, as it may be amended from time to time, further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program. Therefore, the City of Cokato, Minnesota does ordain as follows in this chapter.
(Ord. passed 9-9-1991)

§ 151.002 STATEMENT OF PURPOSE

The purpose of this chapter is to maintain the community's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
(Ord. passed 9-9-1991)

§ 151.003 WARNING OF DISCLAIMER OF LIABILITY

(A) This chapter does not imply that areas outside of the Flood Plain District, or land uses permitted within the districts, will be free from flooding and flood damages.

(B) This chapter shall not create liability on the part of the City of Cokato or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decisions lawfully made thereunder.
(Ord. passed 9-9-1991)

§ 151.004 ADOPTION OF FLOOD INSURANCE RATE MAP

(A) The Flood Insurance Rate Map for the City of Cokato, dated August 19, 1985, developed by the Federal Emergency Management Agency, is hereby adopted by reference as the Official Flood Plain Zoning District Map and made a part of this chapter.

(B) This map was previously entitled the "Flood Hazard Boundary Map" dated August 19, 1985.
(Ord. passed 9-9-1991)

§ 151.005 LANDS TO WHICH CHAPTER APPLIES

This chapter shall apply to all lands designated as flood plain within the jurisdiction of the City of Cokato.

(Ord. passed 9-9-1991)

§ 151.006 INTERPRETATION

(A) The boundaries of the Flood Plain District shall be determined by scaling distances on the official Flood Plain Zoning District Map.

(B) Where interpretation is needed as to the exact location of the boundaries of the Flood Plain District, the City Council shall make the necessary interpretation based on elevations on the regional (100-year) flood profile, if available.

(C) If 100-year flood elevations are not available, the community shall:

(1) Require a flood plain evaluation consistent with § 151.037 to determine a 100-year flood elevation for the site; or

(2) Base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the flood plain.

(Ord. passed 9-9-1991)

§ 151.007 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ACCESSORY USE OR STRUCTURE. A use, structure or the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

EASEMENT. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

FLOOD FRINGE. That portion of the flood plain outside of the floodway.

FLOOD PLAIN. The channel or beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. **FLOOD PLAIN** areas within the city shall encompass all areas designated as Zone P on the Flood Insurance Rate Map.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged soil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand, gravel or other material, or matter in, along, across or projecting into any channel, watercourse, lake bed or regulatory flood plain which may impede, retard or change the direction of flow, either in itself or by catching or collecting debris carried by flood water.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur, or an average frequency in magnitude of the 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term “base flood” used in the Flood Insurance Rate Map.

REGULATORY FLOOD PROTECTION ELEVATION. An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in this chapter and other similar items.

(Ord. passed 9-9-1991)

CONFLICT WITH PRE-EXISTING ZONING REGULATIONS AND GENERAL COMPLIANCE

§ 151.020 THE FLOOD PLAIN DISTRICT AS OVERLAY ZONING DISTRICT

The Flood Plain Zoning District shall be considered an Overlay Zoning District to all existing land use regulations of the community. The uses permitted in §§ 151.035 through 151.038 shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this chapter shall apply in addition to other legally established regulations of the community, and where this chapter imposes greater restrictions, the provisions of this chapter shall apply.

(Ord. passed 9-9-1991)

§ 151.021 COMPLIANCE

(A) No new structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

(B) Within the floodway and flood fringe, all uses not listed as permitted uses in §§ 151.035 through 151.036 shall be prohibited.

(C) In addition, a caution is provided here that:

(1) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this chapter and specifically §§ 151.035 through 151.037;

(2) Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by §§ 151.004 through 151.007 and specifically § 151.074; and

(3) As-built elevations for elevated structures must be certified by ground surveys as stated in §§ 151.070 through 151.072.
(Ord. passed 9-9-1991) Penalty, see § 151.999

STANDARDS

§ 151.035 PERMITTED USES IN THE FLOOD PLAIN

The following uses of land are permitted uses in the Flood Plain District.

(A) Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction to flood flows such as fill, excavation or storage of materials or equipment.

(B) Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the flood plain. These uses shall be subject to the development standards in § 151.036 and the flood plain evaluation criteria in § 151.037 for determining floodway and flood fringe boundaries.

(C) Travel trailers and travel vehicles are regulated by the ordinance passed September 9, 1991.
(Ord. passed 9-9-1991)

§ 151.036 STANDARDS FOR FLOOD PLAIN PERMITTED USES

(A) *Fill.* Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate

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specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(B) *Storage of materials and equipment.*

(1) The storage or processing of materials that are, in times of flooding, flammable, explosive or potentially injurious to human, animal or plant life, is prohibited.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the regulatory flood protection elevation.

(C) *Draining abilities.* No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, any drainage ditch, or any other drainage facility or system.

(D) *Building elevation regulations.* All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the basement floor, or first floor if there is no basement, is at or above the regulatory flood protection elevation. The finished fill elevation must be no lower than one foot below the regulatory flood protection elevation and shall extend at such elevation at least 15 feet beyond the limits of the structure constructed thereon.

(E) *All uses.* Uses that do not have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board shall specify limitations or the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.

(F) *Commercial and manufacturing uses.* Accessory land uses, such as yards, railroad tracks and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for the facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

(G) *On-site sewage treatment and water supply systems.* Where public utilities are not provided:

(1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and

(2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters,

and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

(H) *Anchoring.* All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(Ord. passed 9-9-1991) Penalty, see § 151.999

§ 151.037 FLOOD PLAIN EVALUATION

(A) (1) Upon receipt of an application for a permit, manufactured home park development or subdivision approval within the Flood Plain District, the City Administrator shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the regulatory flood protection elevation for the site.

(2) Procedures consistent with Minn. Rules Parts 6120.5600 (Technical Standards and Requirements for Flood plain Evaluation) and 6120.5700 (Minimum Flood plain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.

(B) (1) The City Administrator shall submit one copy of all information required by division (A) above to the respective Department of Natural Resources Area Hydrologist for review and comment at least 20 days prior to the granting of a permit or manufactured home park development/subdivision approval by the community.

(2) The City Administrator shall notify the respective Department of Natural Resources Area Hydrologist within ten days after a permit or manufactured home park development subdivision approval is granted.

(Ord. passed 9-9-1991)

§ 151.038 STATE FLOOD PLAIN MANAGEMENT STANDARDS

All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state flood plain management standards contained in Minn. Rules Parts 6120.5000 through 6120.6200.

(Ord. passed 9-9-1991)

*SUBDIVISIONS***§ 151.055 SUBDIVISIONS**

(A) No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the Mayor and/or City Council and the Planning and Zoning Commission for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. The City Council and Planning and Zoning Commission shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.

(B) In the Flood Plain District, applicants for subdivision approval, development of a manufactured home park or manufactured home park expansion shall provide the information required in § 151.037(A). The City Administrator shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in §§ 151.036 through 151.038.

(C) For all subdivisions in the flood plain, the floodway and flood fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

(D) The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(E) This section is not intended as a substitute for a comprehensive city or county subdivision ordinance. It can, however, be used as an interim control until the comprehensive subdivision ordinance can be amended to include necessary flood plain management provisions.
(Ord. passed 9-9-1991) Penalty, see § 151.999

*ADMINISTRATIVE REGULATIONS***§ 151.070 PERMIT REQUIRED**

A permit issued by the Building Inspector shall be secured prior to the construction, addition or alteration of any building or structure, prior to the use or change of use of a building, structure or land, prior to the change or extension of a nonconforming use and prior to excavation or the placement of an obstruction within the flood plain.

(Ord. passed 9-9-1991)

§ 151.071 STATE AND FEDERAL PERMITS

Prior to granting a permit or processing an application for a variance, the City Administrator shall determine that the applicant has obtained all necessary state and federal permits.

(Ord. passed 9-9-1991)

§ 151.072 CERTIFIED OF LOWEST FLOOR ELEVATIONS

The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this chapter. The Building Inspector shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the Flood Plain District.

(Ord. passed 9-9-1991)

§ 151.073 VARIANCES

(A) A **VARIANCE** means a modification of a specific permitted development standard required in an official control, including this chapter, to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

(B) The Board may authorize, upon appeal in specific cases, the relief or variance from the terms of this chapter as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate.

In the granting of the variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance.

(C) Variances from the provisions of this chapter may be authorized where the Board of Adjustment has determined the variance will not be contrary to the public interest and the spirit and intent of this chapter. No variance shall allow, in any district, a use prohibited in that district or permit a lower degree of flood protection than the regulatory flood protection elevation. Variances may be used to modify permissible methods of flood protection.

(D) The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposal or variance sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing. A copy of all decisions granting a variance shall be forwarded by mail to the Commissioner of Natural Resources within ten days of the action.

(E) Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.

(F) The Zoning Administrator shall notify the applicant for a variance that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance coverage as is set by City Council; and

(2) The construction below the 100-year or regional flood level increases risks to life and property. The notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for its issuance and report the variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

(Ord. passed 9-9-1991)

§ 151.074 NONCONFORMITIES

A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued, subject to the following conditions:

(A) No such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity;

(B) An alteration within the inside dimensions of a nonconforming use or structure is permissible provided it will not result in increasing the flood damage potential of that use or structure;

(C) The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial flood plain controls must be calculated into today's current cost, which will include all costs such as construction materials and a reasonable cost placed or all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of

§§ 151.035 through 151.036 for new structures; and

(D) If any nonconforming use of a structure, land or nonconforming structure is destroyed by any means, including floods, to an extent of 50% or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. The Mayor and City Council may issue a permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated or fill in conformity with the provisions of this chapter.

(Ord. passed 9-9-1991)

§ 151.999 PENALTY

A violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in correction with grants of variance) shall constitute a misdemeanor.

(A) In responding to a suspected ordinance violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(B) When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

(Ord. passed 9-9-1991)

CHAPTER 152: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

§ 152.001 TITLE

This chapter shall be known and may be cited as the City of Cokato Subdivision Regulations.
(Prior Code, § 904.01)

§ 152.002 INTENT AND PURPOSE

All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- (A) Encourage well planned, efficient and attractive subdivisions by establishing adequate standards for design and construction;

(B) Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service;

(C) Place the cost of improvements against those benefitting from their construction; and

(D) Secure the rights of the public with respect to public lands and waters.
(Prior Code, § 904.02)

§ 152.003 SCOPE AND LEGAL AUTHORITY

(A) *Rules and regulations.* The rules and regulations governing plats and subdivisions of land contained herein shall apply within the community and other land as permitted by state statutes. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between this community and the other municipality or municipalities concerned. Except in the case of re-subdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this chapter, nor is it intended by this chapter to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this chapter, or with restrictive covenants running with the land. Where this chapter imposes a greater restriction upon the land than is imposed or required by the existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

(B) *Two-mile extension of subdivision regulations.* The City of Cokato herein extends the application of subdivision regulations to surrounding unincorporated territory located within two miles of the City of Cokato city limits, pursuant to M.S. § 462.358, as it may be amended from time to time.

(Prior Code, § 904.03)

§ 152.004 AMENDMENTS

The provisions of this chapter may be amended by the Cokato City Council in accordance with the state enabling statutes.

(Prior Code, § 904.04)

§ 152.005 ADMINISTRATION

The Cokato City Council or any Zoning Administrator that it may designate shall administer this chapter.

(Prior Code, § 904.06)

§ 152.006 RULES

(A) Words used in the present tense include the past and future tense; the singular numbers include the plural and the plural include the singular; the word “shall” is mandatory, and the words “should” and “may” are permissive.

(B) In the event of conflicting provisions in the text of this chapter, the more restrictive shall apply. (Prior Code, § 904.10)

§ 152.007 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ATTORNEY. The attorney employed by the city unless otherwise stated.

BLOCK. The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

BOULEVARD. The portion of the street right-of-way between the curb line and the property line.

BUTT LOT. A lot at the end of a block and located between two corner lots.

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, and meeting the overall density regulations of this chapter and Chapter 153.

COMMUNITY. City of Cokato.

COMPREHENSIVE PLAN. A Comprehensive Plan prepared by the Planning and Zoning Commission, with input from the community, and adopted by the City Council which includes a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use and for the general physical development of the community and includes any plan or parts thereof.

CONTOUR MAP. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

COPY. A print or reproduction made from a tracing.

CORNER LOT. A lot bordered on at least two sides by streets.

COUNTY. Wright County, Minnesota.

COUNTY BOARD. The Wright County Board of Commissioners.

DEVELOPMENT. The act of building structures and installing site improvements.

DOUBLE FRONTAGE LOTS. Lots which have a front line abutting on one street and a back or rear line abutting on another street.

DRAINAGE COURSE. A water course or indenture for the drainage of surface water.

EASEMENT. A grant by an owner of land for a specific use by persons other than the owner.

ENGINEER. The registered engineer employed by the community unless otherwise stated.

FINAL PLAT. The final map, drawing or chart on which the subdivider's plan or subdivision is presented to the County Board for approval and which, if approved, will be submitted to the County Recorder.

GOVERNING BODY. City of Cokato.

KEY MAP. A map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

LOT. A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale, lease or separate use thereof.

METES AND BOUNDS DESCRIPTION. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

MINIMUM SUBDIVISION DESIGN STANDARDS. The guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

NATURAL WATERWAY. A natural passageway in the surface of the earth so situated and having a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

OWNER. An individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to be subdivided the same under these regulations.

PEDESTRIAN WAY. A public right-of-way across or within a block, to be used by pedestrians.

PERSON. Any individual, firm, association, syndicate or partnership, corporation, trust or any other legal entity.

PLAT. A map or drawing that graphically delineates the boundary of land parcels for the purpose of identification and record of title. The **PLAT** is a recorded legal document and must conform to all Minnesota State Laws.

PRELIMINARY PLAT. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning and Zoning Commission and City Council for consideration.

PRIVATE STREET. A street serving as vehicular access to two or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

PROTECTIVE COVENANTS. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

RIGHT-OF-WAY. The land covered by a public road or other land dedicated for public use or for certain private use, such as land over which a power line passes.

SKETCH PLAN. A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

STREET. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, land, place or however otherwise designated.

ALLEY. A minor way which is used primarily for secondary vehicular service access to the back, the side or properties abutting on a street.

ARTERIAL STREET. A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the county and beyond.

COLLECTOR STREET. A street which carries traffic from local streets to arterial.

CUL-DE-SAC. A minor street with only one outlet and having a turn-around.

LOCAL STREET. A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.

SERVICE STREET. Marginal access street, or otherwise designated, is a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

STREET WIDTH. The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER. Any person commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or herself or for another.

SUBDIVISION. The dividing of any parcel of land into two or more parcels.

PLATTED SUBDIVISION. If any resultant parcel is less than five acres in area and less than 300 feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development, or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels must be platted in accordance with the terms and the procedure of the city Subdivision Regulations.

UNPLATTED SUBDIVISION. A division of any parcel of land into two or more parts wherein all parts are at least five acres and at least 300 feet in width and where no new road is involved. These do not require platting.

SURVEYOR. The County Surveyor.

TRACING. A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

ZONING ORDINANCE. A zoning ordinance or resolution controlling the use of land as adopted by the city or county.
(Prior Code, § 904.11)

PLAT PROCEDURES

§ 152.025 PRE-APPLICATION MEETING

(A) Prior to the preparation of a preliminary plat, the subdividers or owners may meet with the Zoning Administrator and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site.

(B) The subdivider is urged to avail himself or herself of the advice and assistance of the local Planning and Zoning Commission and appropriate planning staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.
(Prior Code, § 904.20) (Am. Ord. 03-2009, passed 10-13-2009)

§ 152.026 PRELIMINARY PLAT

(A) After the pre-application meeting, the subdividers or owners shall file with the Zoning Administrator and file five hard copies plus one digital copy of a preliminary plat and a cash fee per ordinance. This fee will be used for expenses of the city in connection with the review of the plat.

(B) The Zoning Administrator shall refer copies of the preliminary plat to the appropriate agencies and/or individuals for their review and report.

(C) Within 45 days after the plat was filed and after reports and certifications have been received as requested, the Cokato Planning and Zoning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten days before the day of the hearing. This shall constitute the public hearing on the plat as required by state law. Within 15 days of the date of the public hearing, the Planning and Zoning Commission shall make its report to the City Council.

(D) The Cokato Planning and Zoning Commission and the City Zoning Administrator may forward to the City Council a favorable, conditional or unfavorable report, and the reports shall contain a statement of findings and recommendations.

(E) The City Council shall act as the approval authority. If the City Council disapproves the preliminary plat, the grounds for any disapproval shall be set forth in the minutes of the Board meeting and reported to the owners or subdividers.

(F) The approval of a preliminary plat is an acceptance of the general layout as submitted and indicates to the subdivider that he or she may proceed toward final plat in accordance with the terms of approval and provisions of this chapter.

(G) During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements.

(H) In the case of all subdivisions, the Planning and Zoning Commission shall recommend denial of, and the City Council shall deny approval of a preliminary or final plat if it makes any of the following findings:

- (1) That the proposed subdivision is in conflict with adopted applicable general and specific plans of the city;
- (2) The design or improvement of the proposed subdivision is in conflict with any adopted component of the Comprehensive Plan of the City of Cokato;

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- (3) The physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;
- (4) The site is not physically suitable for the proposed density of development;
- (5) The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
- (6) The design of the subdivision or the type of improvements is likely to cause serious public health problems; and
- (7) The design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.
(Prior Code, § 904.21)

§ 152.027 FINAL PLAT

- (A) The owners or subdividers shall file five hard copies plus one digital copy of the final plat with the Zoning Administrator. If this is not done within 90 days, the preliminary plat will be considered void unless for good cause an extension is requested in writing by the subdivider and granted by the City Council. The owners or subdividers shall also submit at this time an up-to-date certified abstract, title or registered property report.
- (B) The final plat shall have incorporated all changes recommended by the Zoning Administrator, the County Engineer regarding county roads and the City Council as conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time, provided that such a portion conforms with all requirements of this chapter.
- (C) The Zoning Administrator shall refer copies of the final plat to the appropriate agencies and/or individuals for their review and report. The report of these agencies and persons shall be submitted to the City Council within 30 days of the date of submission of the plat and the City Council shall act on the final plat within 60 days of submission of the plat.
- (D) Upon approval of the final plat by the City Council, the subdivider shall record the final plat with the Wright County Recorder, as provided for by that office, within 60 days after the approval. Otherwise the approval of the final plat shall be considered void. The subdivider shall, within 30 days of recording, furnish the City Council with one black line print and a reproducible print of the final plat showing evidence of the recording.
(Prior Code, § 904.22)

DATA REQUIREMENTS; STANDARDS

§ 152.040 DATA FOR PRELIMINARY PLAT

(A) Identification and description.

- (1) Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the county;
- (2) Location by section, township, range and by legal description;
- (3) Name of municipality;
- (4) Names and addresses of the record owner and any agent having control of the land, subdivider, land surveyor, engineer and designer of the plan;
- (5) Graphic scale not less than one inch to 100 feet;
- (6) North point;
- (7) Key map including area within one mile radius of plat;
- (8) Date of preparation; and
- (9) A current abstract of title or a registered property certificate along with any unrecorded documents and an opinion of title by the subdivider's attorney.

(B) Existing conditions.

- (1) Boundary line of proposed subdivision, clearly indicated and to a close degree of accuracy;
- (2) Existing zoning classifications for land within and abutting the subdivision. A general statement on the approximate acreage and dimensions of the lots. Location, right-of-way width and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements, sections and corporate lines within the plan and to a distance 150 feet beyond shall also be indicated;
- (3) Boundary lines of adjoining unsubdivided or subdivided land, within 150 feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider;
- (4) Topographic data, including contours at vertical intervals of ten feet, water courses, marshes, rock outcrops, power transmission poles and lines and other significant features shall also be shown. USGS datum shall be used for all topographic mapping where feasible;

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(5) An accurate soil survey of the subdivision prepared by a qualified person. Soil percolation tests may also be required if conditions warrant it;

(6) A central water and sewer system feasibility study to be completed by a registered civil engineer, if a central water and sewer system is determined to be feasible. Where a central sewer system is found to be unfeasible, a qualified soil scientist from the SCS shall report on the feasibility of individual home sewer systems and shall include soil borings and percolation tests as needed to verify conclusions; and

(7) A survey prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.

(C) *Subdivision design features.*

(1) Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections and proposed names of streets. The name of any street heretofore used in the county or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. Locations and widths of proposed alleys and pedestrian ways;

(2) Layout, numbers and preliminary dimensions of lots and blocks;

(3) Minimum front and side street building setback lines; and

(4) When lots are located on a curve, the width of the lot at the building setback line. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of the area or areas in acres.

(D) *Other information.*

(1) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards and congestion of population;

(2) Provision for surface water disposal, drainage and flood control;

(3) If any zoning changes are contemplated, the proposed zoning plan for the areas. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning and Zoning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions;

(4) Potential re-subdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated in a satisfactory manner;

(5) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system;

(6) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted; and

(7) A water feasibility study shall also be required to determine if water is readily available. The other information as may be required by the Zoning Administrator or the Planning and Zoning Commission.
(Prior Code, § 904.30)

§ 152.041 DATA FOR FINAL PLAT

(A) The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and these regulations.

(B) Surveying requirements of the final plat shall be under the regulation of the County Surveyor.

(C) The subdivider or owner shall provide a map showing location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plan area and to a distance of 150 feet beyond. The data as grades, invert elevations and locations of catch basins, manholes, hydrants and street pavement width and type, shall also be shown.

(D) The subdivider or owner shall prepare a map showing all existing and proposed private restrictions.

(E) Title opinion by a practicing attorney-at-law based upon an examination of an abstract of the records of the Wright County Recorder of the Register of Titles for the lands included within the plat and showing the title to be in the name of the owner of the subdivider. The date of continuation of the abstract examined or the date of the examination of the records shall be within 30 days prior to the date the final plat is filed with the County Auditor. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the County Recorder.

(F) Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes, and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the county of sufficient easements to accommodate utility services in the form as shall be approved by the County Attorney.

(Prior Code, § 904.31)

§ 152.042 SUBDIVISION DESIGN STANDARDS

(A) The Planning and Zoning Commission in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided.

(B) The proposed subdivision shall conform to the Comprehensive Plan adopted by the City of Cokato.

(C) The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by the streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.
(Prior Code, § 904.40)

§ 152.043 STREETS

(A) *Widths.* Street right-of-way widths shall be as determined in the Comprehensive Plan and official map, and where applicable, shall conform to county and state standards for trunk highways. If there is no such plan or standard, right-of-way widths shall conform to the following minimum dimensions:

- (1) Street;
- (2) Right-of-way width;
- (3) Major arterial: 250 feet;
- (4) Minor arterial: 150 feet;
- (5) Collectors: 60 to 80 feet;
- (6) Local: 50 feet;
- (7) Marginal access roads: 30 feet;
- (8) Cul-de-sac streets: 60 feet;
- (9) Cul-de-sac turn-around radius: 60 feet;
- (10) Street intersections; and

(11) Insofar as practical, streets shall intersect at right angles. In no case shall the angles formed by the intersection of two streets be less than 60 degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated.

(B) *Tangents.* A tangent of at least 300 feet shall be introduced between reverse curves on arterial and collector streets.

(C) *Deflections.* When connecting street lines deflect from each other at one point by more than ten degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 500 feet for arterial streets, 300 feet for collectors and 100 feet for all other streets. The Planning and Zoning Commission may allow greater or lesser sight distances at the recommendation of the Engineer.

(D) *Street jogs.* Street jogs with centerline offsets of less than 150 feet shall be avoided for local streets.

(E) *Local streets.* Minor streets shall be laid out so that their use by through traffic is discouraged.

(F) *Cul-de-sac.* The maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way.

(G) *Centerline gradients.* All centerline gradients shall be at least 0.5% and shall not exceed the following:

- (1) Arterial streets and collector streets: 5%; and
- (2) Minor streets and marginal access streets: 8%.

(H) *Access to arterial streets.* In the case where a proposed plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to the highways. As a general requirement, access arterial streets shall be at intervals of not less than one-fourth mile and through existing and established crossroads where possible.

(I) *Platting of small tracts.* In the platting of small tracts of land fronting on arterial streets where there is no convenient access to existing entrances and where access from the plat would be closer than one-fourth mile from an existing access point, a temporary entrance permit may be granted. Provision shall be made in the plats for the connection of roads to neighboring land. As the neighboring land is platted and developed and access becomes possible at a preferred location, the temporary entrance permits shall become void.

(J) *Half streets.* Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision.

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(K) *Private streets.* Private streets may be permitted, however, they must conform to the same standards as public streets.

(L) *Hardship to owners of adjoining property.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(Prior Code, § 904.41)

§ 152.044 BLOCKS

The length, width and acreage of blocks shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1,300 feet or shorter than 300 feet only if the Zoning Administrator agrees that exceptions are warranted.

(Prior Code, § 904.42)

§ 152.045 LOTS

(A) *Size.* The lot dimensions shall be such as to comply with the minimum lot areas specified in Chapter 153.

(B) *Side lot line.* Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines. Lots shall be graded so as to provide drainage away from building locations.

(C) *Natural features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots or similar conditions and plans adjusted to preserve those which proposed development.

(D) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

(E) *Double frontage lots.* Double frontage lots with frontage on two parallel streets or reverse frontage shall not be permitted except where lots back an arterial or collector street. The lots shall have an additional depth of at least ten feet in order to allow for screen planting along the back lot line.

(F) *Septic tank and drainfield locations.* On large lots (one acre or more) septic tanks and drainfields, when permitted, shall be located in such a way as to allow future subdivision of the land.
(Prior Code, § 904.43)

§ 152.046 ALLEYS

(A) *Location requirements.* A public or private alley shall be provided in a block where commercially zoned property abuts a major thoroughfare of a major street. Alleys in residential areas

other than those zoned for multiple-use will not be permitted except for special permission of the Planning and Zoning Commission.

(B) *Widths.* Alleys, where permitted by the City Council, shall be at least 18 feet in width.

(C) *Grades.* All centerline gradients in alleys shall be at least 0.5% and shall not exceed 8%.
(Prior Code, § 904.44)

RESOURCE CONTROL

§ 152.060 SEWAGE DISPOSAL

For proposed plats in rural areas, the size and relative location of on-site soil absorption sewer systems shall be governed by the sewage disposal standards as stated in § 153.050.
(Prior Code, § 904.45)

§ 152.061 EROSION AND SEDIMENT CONTROL

The following guidelines shall be applied in the subdivision and construction of land areas.

(A) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

(B) Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(C) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

(D) (1) When soil is exposed, the exposure shall be for the shortest feasible period of time.

(2) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area.

(3) The soil shall be restored to a depth of four inches and shall be of a quality at least equal to the soil quality prior to development.
(Prior Code, § 904.46)

§ 152.062 DRAINAGE

- (A) The natural drainage system shall be used as far as is feasible for the storage and flow of runoff.
- (B) The following requirements shall also apply:
- (1) Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control;
 - (2) No existing ditch, stream, drain or drainage canal shall be deepened, widened, rerouted or filled without written permission from the City Council;
 - (3) Where artificial channels must be constructed to augment the natural drainage system, the channels, as well as the natural drainage ways, may be planned as part of a recreation trail system;
 - (4) Channels shall be designed to be aesthetically compatible for recreational trail use; and
 - (5) The drainage system shall be constructed and operational as quickly as possible during construction.
(Prior Code, § 904.47)

§ 152.063 EASEMENTS

All easements shall be dedicated by appropriate language on the plat as required by M.S. § 505.02, Subdivision 2.

(A) *Provided for utilities.*

- (1) Easements at least 12 wide, centered on rear and other lot lines, shall be provided for utilities where necessary.
- (2) They shall have continuity of alignment from block to block.

(B) *Drainage.*

- (1) Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown in the Comprehensive Plan, to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff from a ten-year storm of one hour duration.

(2) Where necessary, drainage easements corresponding with lot line shall be provided.

(3) The easements for drainage purposes shall not be less than 20 feet in width.
(Prior Code, § 904.48)

(C) *Vacation of Drainage and Utility Easements*

(1) Vacation of any drainage and/or utility easements, once established, may be accomplished by application to the Zoning Administrator and approved in accordance with the provisions of MS § 462.358 subd. (7) and MS § 412.851.

§ 152.064 DENSITY CONTROL

(A) Dedication of steep slopes, drainage ways and wetlands to the city shall be encouraged.

(B) If the Minnesota Department of Health Home Sewer System Standards can be met, a density credit may be granted allowing smaller lot sizes than would normally be allowed in the district in those areas which are relatively flat and where a private sewer system can properly function.

(C) The City Council shall determine the density credit to be granted.
(Prior Code, § 904.49)

IMPROVEMENTS

§ 152.080 IMPROVEMENTS LISTED AND DESCRIBED

Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the City Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site.

(A) *Monuments.* Monuments of a permanent character, as required by M.S. § 505.021, Subdivision 10, shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each corner of each lot and each intersection of street centerline.

(B) *Streets.* The full width of the right-of-way of each street and alley dedicated in the plat shall be graded. All streets and alleys shall be an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the city. Except in areas where lot widths exceed 100 feet or topography or tree cover dictates otherwise, grading shall provide for easy installation of sidewalks at some future date.

(C) *Paving.* The City Council may require that all streets and alleys be improved with a concrete or bituminous surface. Paving shall be required if central sewer and water services are provided. If central sewer and water services will not be provided for at least ten years, paving may be required. If center sewer and water services are to be provided within ten years, paving should not be required until after the central sewer and water services are installed. The city may require a cash deposit to be used for paving the streets after central sewer and water services are provided. Streets to be paved shall be surfaced for five-ton axle weight capacity.

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(D) *Concrete curb and gutter.* Concrete curb and gutter may be required for all paved streets.

(E) *Sidewalks.* Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three dwelling units per net acre of residentially used land or in commercial areas.

(F) *Water supply.* Where a municipal water supply is available within a reasonable distance, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of constructing the connection weighed against the cost of installing individual wells and the likelihood of an eventual municipal connection in the future. Where a municipal connection is determined to be unfeasible, the subdivider shall either:

- (1) Install a system providing each lot with an adequate supply of potable water; or
- (2) State on his or her final plat that purchasers of individual lots will be required to install their own approved wells.

(G) *Street lighting.* Street lighting of a type approved by the community may be required at all intersections within the subdivision.

(H) *Sewage treatment and disposal.* If and when a community sewage treatment system is provided, all new subdivisions shall be required to hook up to the community sewer system. All new private sewage treatment systems shall conform to the standards for septic tanks and drainfields set forth in § 153.050.

(I) *Drainage.* A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion.

(J) *Street signs.* Street signs of standard design approved by the City Council shall be installed at each street intersection.

(K) *Public utilities.* All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

(L) *Park land dedication.* In every plat or subdivision of land allowing development for residential uses, a reasonable portion of the land, but not less than 10%, shall be set aside and dedicated by the tract owner or owners to the general public as open space for park and playground purposes, public open space or storm water holding areas or ponds. The land shall be suitable for public use as parks and playgrounds or for one of the afore described purposes, and the city shall not be required to accept land which will not be usable for parks and playgrounds or which would require extensive expenditures on the part of the public to make them usable. The city shall have the option to require cash contribution in lieu of setting aside dedicated land or in requiring a part of the land and the balance of the land value

in cash. Any money so paid to the city shall be placed in a special fund and used only for the acquisition of land for parks and playgrounds or the development of existing park and playground sites or debt retirement in connection with land previously acquired for parks and playgrounds. For purposes of this chapter, ***FAIR MARKET LAND VALUE*** is defined as the market value of the land within the plat or subdivision as of the date presented to the City Council for preliminary approval, or if no preliminary approval be given or required, as of the date so presented for final approval, as determined by the City Assessor in the same manner as he or she determines, the market value of land for tax purposes, excluding, in determining the value, all value added to the land by improvements other than utilities, streets and other public improvements serving the land, but including in the determination the highest and best used to which the land can be put under the zoning districts then about to be transferred.

(Prior Code, § 904.50)

§ 152.081 PAYMENT FOR INSTALLATION OF IMPROVEMENTS

The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the public; provided, however, that in the case of an improvement, the cost of which would be general policy of the governing body be assessed only in part to the improved property and the remaining cost paid out of general tax levy. The City Council may make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the city. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the City Council may make provision for causing a portion of the cost of the improvement representing in the case the subdivider will be required only to pay for the portions of the whole cost of the improvements as will represent the benefit to the property within the subdivision.

(Prior Code, § 904.60)

§ 152.082 REQUIRED AGREEMENT PROVIDING FOR PROPER INSTALLMENT OF IMPROVEMENTS

(A) Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the city requiring the subdivider to furnish and construct the improvements at his or her sole cost in accordance with the plans, specifications and usual contract conditions all approved by the City Council which shall include provisions for supervision of details of construction by the Zoning Administrator and grant to the administration the authority to correlate the work to be done under the contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the city in the vicinity. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the performance bond as specified in Chapter 153.

(B) The amount of the deposit and the penal amount of the bond shall equal the Zoning Administrator’s estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the city. The time for completion of work and the several parts thereof

shall be determined by the City Council upon recommendation of the Zoning Administrator after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year, and proper correlation with construction activity in the subdivision.

(Prior Code, § 904.61)

§ 152.083 FINANCIAL GUARANTEE

The contract, provided by this chapter, above, shall require the subdivider to make an escrow deposit or, in lieu thereof, furnish the performance bond as follows.

(A) *Escrow deposit.* An escrow deposit shall be made with the city, including cost of inspection by the Zoning Administrator of all improvements to be furnished and installed by the subdivider pursuant to the contract, and which have not been completed prior to the approval of the final plat; but the city shall be entitled to reimburse itself out of the deposit for any cost and expense incurred by the city for completion of the work in case of default of the subdivider under the contract and for any damages sustained by the city on account of any breach thereof. Upon completion of the work and termination of any liabilities to the city or the subdivider under the contract, the balance remaining of the deposit shall be refunded to the subdivider.

(B) *Performance bond.* In lieu of making an escrow deposit above described, the subdivider may furnish the city with a public contract of performance bond, in the form prescribed by statute, with corporate surety in a penal sum equal to the total cost as estimated by the Zoning Administrator including cost of inspection of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to the approval of the final plat. The bond shall be approved by the City Attorney and filed with the City Administrator.

(Prior Code, § 904.62)

§ 152.084 CONSTRUCTION PLANS

(A) Construction plans for the required improvements, conforming in all respects to the standards of the city and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota, and the plans shall contain his or her seal.

(B) The plans, together with the quantity of construction items, shall be submitted to the Zoning Administrator for his or her approval and for his or her estimate of total cost of the required improvements; upon approval they shall become a part of the contract required in this chapter.

(C) The tracings of the plans approved by the city, plus two prints, shall be furnished to the city to be filed by the city.

(Prior Code, § 904.63)

LAND DIVISION OR COMBINATION

§ 152.100 LAND DIVISION OR COMBINATION

(A) In any case where the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definitions of **SUBDIVISION**, as defined by this chapter, a description of the land division shall be filed with the Zoning Administrator.

(B) No building permit shall be issued until the description has been received by the Zoning Administrator and approved by the City Council. In the cases of any land divisions or combinations involving more than two lots of record, such division or combination shall be reviewed by the Planning and Zoning Commission, who shall make a recommendation to the City Council.
(Prior Code, § 904.80)

§ 152.101 SMALL SUBDIVISIONS

(A) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of these regulations, the City Council shall have the power to vary the requirements established in harmony with the general purpose and intent thereof, so that the public health, safety and general welfare may be secured and substantial justice done.

(B) In particular, for small subdivisions of a minor nature in size or complexity, certain requirements of these regulations may be waived if the City Council, following consideration by the Zoning Administrator, so determines, and following compliance with procedures as follows.

(1) *Simple lot split.* When one parcel or lot of record is divided to result in two lots or parcels, the submission of topographic maps, soil tests and other data may be waived if approved by the Zoning Administrator. Transfer of title, or the process of subdividing, may be by filing of a final plat, certificate of survey or registered land survey.

(2) *Creation of three to five lots.* When any parcel of land is divided to result in from three to not more than five lots, submission requirements such as soil tests and topography information shall be as required by the Planning and Zoning Commission. Transfer of title or the process of subdivision may be by filing of a final plat or registered land survey. Additional information may, however, be required by the Planning and Zoning Commission or Zoning Administrator following review of the preliminary plan.
(Prior Code, § 904.81)

§ 152.102 LOT COMBINATIONS

(A) For small combinations of a minor nature in size or complexity, certain requirements of these regulations may be waived if the City Council, following consideration by the Zoning Administrator, so determines, and following compliance with procedures as follows.

(1) *Simple Lot Combination.* Adjacent, platted lots of record with a simple lot and block legal description may be combined upon petition to the Zoning Administrator and approval of the

City Council. A registered land survey and legal description depicting the proposed combination may be required.

(2) *Other Combinations.* Combinations of more than two lots, or combinations that involve metes and bounds legal descriptions may be requested by petition to the Zoning Administrator. Combinations requested under this subdivision may be completed following review and recommendation by the Zoning Administrator and the Planning and Zoning Commission, and approval of the City Council. Filing of a plat or registered land survey may be required.

ADMINISTRATION

§ 152.115 MODIFICATIONS, EXCEPTIONS AND VARIANCES

The City Council may grant a variance upon receiving a report from the Planning and Zoning Commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship, provided the relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning and Zoning Commission may recommend variations from the requirements of this chapter in specific which, in its opinion, do not affect the Comprehensive Plan or the intent of this chapter. Any modifications thus recommended shall be entered in the minutes of the Planning and Zoning Commission in setting forth the reasons which justify the modifications. The City Council may approve variances from these requirements in specific cases which in its opinion meets the above requirements and do not adversely affect the purposes of this chapter.

(Prior Code, § 904.70)

§ 152.116 APPLICABILITY

Nothing herein shall be so construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use or otherwise, shall be a subdivision regardless of the proposed land use if falling within the definition of a subdivision as defined herein.

(Prior Code, § 904.71)

§ 152.117 EASEMENTS

(A) All easements for public purposes shall be provided at locations approved by the governing body. The easements may be for utilities, drainage, flood plain protection, lake shore access, walking trails and the like. However, all easements other than utility and drainage easements must be conveyed and recorded at the County Recorder prior to plat approval. No plat shall be approved that may for any reason be detrimental to local, county or regional utility plan.

(B) Over-sizing of utilities to provide future service for more intense development of the land or to provide future service to other areas may be required.

(Prior Code, § 904.72)

§ 152.118 REGISTERED LAND SURVEYS

New building sites shall not be created without a registered land survey and/or plat.
(Prior Code, § 904.90)

§ 152.119 CONVEYANCE BY METES AND BOUNDS

Land parcels may be conveyed by metes and bounds property description; however, no building permit may be issued for any parcel that has not been surveyed.
(Prior Code, § 904.91)

§ 152.120 BUILDING PERMITS

No building permits will be issued for the construction of any building or structure on any lot in the subdivision, as defined herein, that has been approved for platting until all requirements of this chapter have been fully complied with.
(Prior Code, § 904.950)

§ 152.121 BUILDING ENTITLEMENTS

(A) It is presumed that all parcels of record existing on the date of adoption of this ordinance that are zoned for residential use shall be eligible to have one single-family home (“Building Entitlement”) constructed on that parcel, subject to compliance with all other requirements of this ordinance except for lot size requirements.

(B) Every parcel of land containing up to forty (40) acres zoned for residential use shall have one Building Entitlement on that parcel.

(C) For parcels larger than forty (40) acres, the number of Building Entitlements shall equal one per 40 acres as rounded to the nearest 40 acres. By way of example, both 65 acres and 99 acres rounds to 80 acres, granting two single-family Building Entitlements to either of those properties.

(D) When a parcel is annexed to the City, the parcel is considered undeveloped for the purpose of this calculation regardless of the number of lots that may have been created while under the Township’s jurisdiction.

(E) In the event that a subdivision is proposed that results in any parcel no longer having the number of Building Entitlements that would be anticipated under paragraphs A or B above, then a condition of approval of the subdivision shall be that a document is recorded against the property documenting the remaining number of Building Entitlements for that parcel.

§ 152.122 EXPIRATION OF ZONING APPROVALS

(A) *Automatic Expiration.* Unless otherwise specified by the City Council at the time it is authorized, an amendment, conditional use permit, interim use permit, Planned Unit

Development, variance, or site and building plan approval shall be null and void and expire if the applicant fails to implement such approval and fulfill each and every condition attached thereto within one (1) year from the date of its authorization unless an extension of time is granted.

(B) *Extensions.* Extensions of time granted under this section may be granted upon petition to the Zoning Administrator and approval by the City Council.

§ 152.999 PENALTY

(A) Any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine and/or imprisonment as established by state law and which changes from time to time. Each day a violation is permitted to exist shall constitute a separate offense.

(B) Any firm, person or corporation who violates any of the provisions of this chapter, or who sells, leases or offers for sale or lease any lot, block or tract of land herewith regulated before all the requirements of these regulations have been complied with, shall be guilty of a misdemeanor, and upon conviction thereof, be subject to fine and/or imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

(Prior Code, § 904.975)

CHAPTER 153: ZONING REGULATIONS

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GENERAL PROVISIONS

§ 153.001 SHORT TITLE

This chapter shall be known as the Cokato Zoning Ordinance, shall be cited as such and will be referred to herein as this chapter.

(Prior Code, § 903.01)

§ 153.002 PURPOSES

The basic purpose of this chapter is to insure and to promote the public health, safety, comfort and general welfare of the city in accordance with the community's adopted long range development goals, plans and policies. Toward this end, this chapter shall divide the city into use districts and shall establish regulations pertaining to the location, erection, construction, reconstruction, alteration and use of structures and land within the city.

(Prior Code, § 903.01)

§ 153.003 LEGAL AUTHORITY

This chapter is enacted in pursuance of the authority granted by M.S. §§ 462.351 to 462.364 and the like.

(Prior Code, § 903.01)

§ 153.004 GEOGRAPHIC JURISDICTION

The geographic jurisdiction of this chapter shall be the entire area within the corporate limits of the City of Cokato, Minnesota.

(Prior Code, § 903.01)

§ 153.005 RULES

Words used in the present tense shall include the future. Words used in the singular shall include the plural and the plural the singular. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The word "lot" shall include the words "plot" or "site". The words "if pertinent" and "if deemed necessary" pertain to discretionary decisions of the Zoning Administrator, Planning and Zoning Commission, or City Council.

(Prior Code, § 903.02)

§ 153.006 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ACCESSORY BUILDING OR USE. Any subordinate building or use, which is customarily incident to the principal building or use.

AGRICULTURE. The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals and fowl.

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

ALTERATION. Any change in size, shape, character or use of a building or structure.

APARTMENT. A dwelling unit within a multiple-family dwelling or within a nonresidential structure.

AUTOMOBILE SERVICE STATION. A building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles.

BILLBOARD. A sign which has an area exceeding 150 square feet and which is usually owned by an advertising company and leased to any person to advertise commodities, services, entertainment or other activity.

BOARDING HOUSE. Any dwelling, other than a hotel, where meals or lodging and meals for compensation are provided for five or more persons, pursuant to previous arrangement and not to anyone who may apply.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING HEIGHT. The vertical distance measured from the average grade around the building (points measured every 10 feet around the building), to the top cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest point of a shed roof, to the uppermost point on a round roof, and to the mean elevation between the eave and peak for the highest pitched, hipped or gambrel roof. If the average grade exceeds the building's grade along the front of the lot by more than three feet, the lowest grade shall be used. Structures or other necessary mechanical appurtenances not used for human occupancy, such as chimneys, cupolas, domes, monuments, parapet walls, spires, steeples, or towers, covering not more than 25 percent of the roof area of the building, may exceed the permitted building height in the district in which the site is located. In no event shall such structures or appurtenances extend beyond 150% of the permitted building height in said district.

BUILDING, NONCONFORMING. A building so constructed or so located on a lot that it does not comply with the building requirements or with the minimum lot requirements of the district within which it is located.

BUILDING, PRINCIPAL. A non-accessory building in which a primary use of the lot on which it is located is conducted.

COMMERCE. An enterprise that involves the offering of a product, service or entertainment for compensation.

DRIVE-IN ESTABLISHMENT. A business that customarily offers goods, services or entertainment for compensation to clientele within automobiles. (Example: automobile service stations,

drive-in restaurants and outdoor theaters, but not drive-in cleaners where the customer must leave his or her automobile to pick up or deliver goods.)

DURABLE MATERIAL (AS PERTAINING TO GROUND SURFACING). A hard surfaced material such as concrete or asphalt but not including gravel or crushed rock.

DWELLING. A building, or portion thereof, designed or used predominantly for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings; but not including hotels, motels, boarding and rooming houses or tourist homes.

DWELLING, ATTACHED. One that is joined to another dwelling or building at one or more sides by a party wall or walls.

DWELLING, DETACHED. One which is entirely surrounded by open space on the same lot.

DWELLING, EARTH SHELTERED. A detached dwelling unit insulated by earth, embankment, overburden or both on more than 60% of its outer surface, excluding floor areas and architecturally designed and landscaped for privacy living areas to be located below ground level and designed to harmonize with its surroundings naturally.

DWELLING, MULTIPLE-FAMILY (APARTMENT HOUSE). A residential building or portion thereof containing three or more dwelling units.

DWELLING, ONE-FAMILY. A residential structure containing one dwelling unit only.

DWELLING, TWO-FAMILY (DUPLEX). A residential structure containing two dwelling units only.

DWELLING UNIT. One or more rooms containing complete kitchen facilities, permanently installed, which are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers or boarders.

EFFICIENCY UNIT. A dwelling unit with one primary room which doubles as a living room, dining room and bedroom.

ESSENTIAL SERVICES. Underground or overhead gas, electrical steam or water transmission or distribution systems, collection, communications, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith.

ESTABLISHMENT, COMMERCIAL. A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other places of business located on the same zoning lot.

FAMILY. One or more persons related by blood, marriage or adoption or a group of not more than persons not so related, maintaining a common household in a dwelling unit.

FENCE. A structure constructed of wood, metal, wire mesh or masonry erected or provided enclosure but not protection from the elements (as distinguished from **BUILDING**).

FLOOD. A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

FLOOD FREQUENCY. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

FLOOD PROOFING. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

FLOODWAY. The channel of the watercourse and those portions of the adjoining flood plains, which are reasonably required to carry and discharge the regional flood.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, **FLOOR AREA** shall include:

- (1) Basement space if at least one-half of the basement story is above established curb level or, where the curb level has not been established, above the average level of the finished grade;
- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment, open or enclosed, located on the roof, i.e., bulk needs, water tanks and cooling towers;
- (4) That part of the attic floor space where the structural headroom exceeds seven and one-half feet;
- (5) Interior balconies and mezzanines;
- (6) Enclosed porches, but not terraces and breeze ways; and
- (7) Accessory uses, other than floor space devoted exclusively for accessory off-street parking or loading.

FLOOR AREA RATIO. The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which the building or buildings are located.

HOME OCCUPATION. Any occupation or profession carried on within a dwelling unit by the occupant as a secondary use including but not limited to the occupations as beauty parlors, dressmaking and alterations, preparation of foodstuffs and confectionery, handicraft, professional offices, artists studio and the renting of rooms for lodging or serving of meals for compensation.

INDUSTRY. An enterprise that involves the production, assembly, processing or storage of materials, goods or products.

JUNK YARD. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A **JUNK YARD** includes an automobile wrecking or dismantling yard but does not include uses established entirely within enclosed buildings.

LOADING SPACE. An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LOT. A piece, parcel or plat of land intended for building development or as a unit for transfer of ownership.

LOT, CORNER. A lot situated at the intersection of two streets the interior angle of the intersection not exceeding 135 degrees.

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

LOT AREA. The area of a horizontal plane bounded by the front side and rear lot line of a lot measured within the lot boundaries.

LOT DEPTH. The mean horizontal distance between the front line and the rear lot line of a lot measured within the lot boundaries.

LOT LINE. A property boundary line of any lot held in single or separate ownership, except that, where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

LOT WIDTH. The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used

as a dwelling without permanent foundation when connected by the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained herein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under M.S. Chapter 327, as it may be amended from time to time.

MANUFACTURED HOME LOT. A parcel of land within a manufactured home park for the placement of a single manufactured home and the exclusive use of its occupants.

MANUFACTURED HOME PARK. A parcel of land under single ownership that has been planned and improved for the placement of manufactured homes for non-transient use. Each manufactured home park shall contain space for 40 or more semi-permanent manufactured homes.

MANUFACTURED HOME STAND. That part of an individual lot that has been reserved for the placement of a manufactured home.

MOTEL. A building or group of detached, semi-detached or attached buildings on a lot containing guest rooms or dwellings, each of which has a separate outside entrance leading directly from the outside of the building, with garage and parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients. **MOTELS** do not include hotels, boarding houses or manufactured home parks.

OFFICE BUILDING. A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling purposes other than by a watchperson or janitor.

OFFICE, PROFESSIONAL. A room or rooms used for the carrying on of a profession.

PARKING SPACE, AUTOMOBILE. A suitably surfaced and permanently maintained area off the public street right-of-way, whether within or outside of a building of sufficient size to store one standard automobile, but in no event less than 200 square feet, exclusive of passageways, driveways or other means of circulation or access.

ROOMING HOUSE. A building designed for or used as a single-family or two-family dwelling, all or a portion of which contains rooming units that accommodate three or more persons who are not members of the keeper's family. Rooms, meals or both, are provided for compensation on a monthly or weekly basis.

SETBACK. The minimum horizontal distance between a building and the street or lot line, disregarding steps, unroofed porches and overhangs.

SIGN. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization. The device may be either stationary or movable.

SIGN, ADVERTISING. A sign which directs attention to a commodity, service or entertainment, that is sold or offered either elsewhere or upon the premises where the sign is located, or to which it is affixed.

SIGN, DIRECTIONAL. A sign for the purpose of making specific commercial, industrial, public or semi-public locations known and to assist in finding these locations.

SIGN, IDENTIFICATION. A sign that identifies a residential, commercial, industrial, public or semi-public use located upon the premises where the sign is located, or to which it is affixed.

SIGN, FLASHING. Any illuminated sign in which the artificial light is not maintained stationary and/or constant in intensity and color at all times when the sign is in use. For the purpose of this chapter, any revolving, illuminated sign shall be considered a **FLASHING SIGN**.

SIGN, FREE-STANDING. A sign which is supported by upright braces or posts and is placed upon or in the ground and not affixed to any part of any building.

SIGN, GROSS SURFACE AREA OF. The entire area within a single continuous perimeter enclosing the extreme limits of the sign and in no case passing through or between any adjacent elements of same; however, the perimeter shall not include any structural elements lying outside the limits of the sign, and not forming an integral part of the display. In the case of a free-standing sign with two back surfaces, each surface may equal the allowable gross area.

SIGN, ROOF. A sign erected upon the roof of any building.

SIGN, TEMPORARY. A sign which is erected or displayed for a limited period of time including any sign, banner, pennant, valence or display constructed of cloth, canvas, light fabric, cardboard or other light material, with or without frames.

STORY. That part of a building between the surfaces of a floor and the ceiling immediately above; however, a basement is not considered to be a **STORY**.

STREET, ARTERIAL. Provides for through traffic movement between major highways and collector streets, and for those major movements within or through an urban area not served by major highways. To accomplish this, it should not force traffic through the areas it serves on an area wide basis. For instance, an arterial area such as a residential, commercial or industrial district. Access points should be well controlled and limited to cases of definite need.

STREETS, COLLECTOR. Distributes and collects the traffic within an internal district between the major arterial and local streets. Continuity should be de-emphasized so that through traffic is discouraged.

STREET LINE. The dividing line between the lot and the street.

STRUCTURE. Anything erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

STRUCTURE, RESIDENTIAL. A building which is used predominantly for permanent dwelling purposes. It may contain one or more dwelling units.

TRAVEL TRAILER. A vehicular portable structure built on a chassis designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification **TRAVEL TRAILER** thereon; and when factory equipped for the road, being of any length, provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.

TOURIST HOME. A building containing a single dwelling unit and in which meals or lodging or both are provided or offered to transient guests for compensation.

USE. The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

USE, INCOMPATIBLE. A use which is incapable of direct association with certain other uses because it is contradictory, incongruent or discordant.

USE, NONCONFORMING. Any lawfully established use of a building or premises which on the effective date of this chapter does not comply with the use regulations of the zoning district in which the building or premises shall be located.

USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of the district.

USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use.

USE, CONDITIONAL. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration in each case of the impact of the use upon neighboring land, and of the public need for the particular use at the particular location, the **CONDITIONAL USE** may or may not be granted.

YARD. An open space on a lot which is unobstructed from its lowest level to the sky, except as hereinafter permitted. A **YARD** extends along a lot line and at right angles to a lot line to a depth or width specified in the yard requirements for the district in which the lot is located.

YARD, FRONT. A yard extending along the full width of the front lot between side lot lines.

YARD, REAR. The portion of the yard on the same lot with the building between the rear line of the building and the rear line of the lot for the full width of the lot. In those locations where an alley is platted in the rear of the lots, one-half of the width of the platted alley may be included in the **REAR YARD** requirements. On corner lots, the Zoning Administrator shall determine which yards are to be side and rear yards for the purpose of this chapter, and shall document these findings.

YARD, SIDE. A yard extending along a side lot line between the front and rear yards.

ZONING ADMINISTRATOR. The City Administrator or other individual as designated by the City Council.

ZONING DISTRICT. An area or areas within the limits of the city for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

ZONING MAP. The map setting forth the boundaries of the zoning districts of the city, which map is entitled “Proposed Zoning Districts Map 2015”.
(Prior Code, § 903.02)

§ 153.007 DATE OF EFFECT

This chapter shall take effect and be in force ten days after its first legal notice, after its passage by the Council.
(Prior Code, § 903.09)

GENERAL REGULATIONS

§ 153.015 INTERPRETATION

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.
(Prior Code, § 903.03)

§ 153.016 APPLICATION OF REGULATIONS

(A) *Regulations.* Except as hereinafter provided:

- (1) No building or land in the City of Cokato shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located;

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(2) No building shall hereafter be erected or altered to exceed the height, to house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller front yards, side yards or rear yards than specified herein for the district in which the building is located; and

(3) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

(B) *Requiring house numbers on each residential unit; purpose.* The Council finds, for the proper health and safety within the city, that house numbers for each residential unit are displayed on the house or dwelling with a four-inch height and easily read from the street.

(C) *Numbering system.* The required numbers assigned for each residential unit shall be the responsibility of the City Administrator who shall supply the appropriate address to the owner or occupant of each dwelling unit.

(D) *Enforcement.* It shall be the responsibility of the City Administrator to enforce the provisions of this chapter. The Administrator shall have the authority to order in writing to the owner or occupant to comply within 60 days and to extend time for compliance if it appears that extension is appropriate.

(E) *Building permit procedures and fee schedule.*

(1) An applicant formally contacts the city offices far in advance of at least 30 days to discuss the nature of his or her request for certain services. Then, the applicant completes in detail all the plan requirements along with a non-refundable fee as defined and adopted by the City Council.

(2) Submission of a detailed site plan and a certified land survey for each new building project along with defined setback distances from property lines, i.e. front, side and rear yards, all easements for drainage and utilities, location of new or existing dwellings/additions, accessory structures, driveways, all building characteristics plus the identification of any other important lot features.

(3) In order for the city to recover the cost of development services including staff time, publishing of legal public notices required by city ordinance, the applicant shall pay in advance a non-refundable fee for each item.

(4) Each request and/or cost of a preparation of a developer's agreement will be at the applicant's expense and processed according to adopted procedures established by governing ordinances and/or administrative policies of the city. All approved fees pursuant to the adopted schedule shall be paid in advance prior consideration by the City Council and/or issuance of all building permits.

(Prior Code, § 903.03)

§ 153.017 ZONING DISTRICTS

In order to carry out the purpose of this chapter, the City of Cokato is hereby divided into the following use districts:

- (A) R-1 One-Family Residential District;
- (B) R-2 One- and Two-Family Residential District;
- (C) R-3 One-Family Residential District;
- (D) C-1 Central Business District;
- (E) C-2 Highway Business District;
- (F) I Industrial District;
- (G) FP Flood Plain Overlay District; and
- (H) SM Shoreland Overlay District.
(Prior Code, § 903.04)

§ 153.018 ZONING MAPS

(A) The location and boundaries of the districts established by this chapter is set forth on the Zoning Map which is hereby incorporated as part of this chapter. It shall be the responsibility of the Zoning Administrator to maintain and update this map, and the amendments to the map shall be recorded on the map within 30 days after official adoption of zoning amendments.

(B) This section shall be reissued for all amendments to the Zoning and Use District Map.
(Prior Code, § 903.04)

§ 153.019 NONCONFORMING USES AND STRUCTURES

(A) *Nonconforming buildings.*

(1) *Alterations.* A nonconforming building or structure shall not be reconstructed or altered to an extent exceeding 25% of its current full and true value for assessment purposes unless the building or structure is changed to conform to the regulations of this chapter.

(2) *Enlargement.* A non-conforming building or structure shall not be added to or enlarged in any manner unless the addition or enlargements are made so as to bring the building or structure into conformance with the regulations of this chapter.

(3) *Restoration.* A non-conforming building or structure, which is damaged by fire or other cause to the extent of more than 50% of its current full and true value for assessment purpose, shall not be restored except in conformity with the regulations of this chapter.

(B) *Nonconforming use of building or land.*

(1) *Extension.* A non-conforming use of a building may be extended throughout the building, provided no structural alterations are made therein except as required by other city codes or ordinances.

A nonconforming use of land shall not be extended or enlarged.

(2) *Relocation.* A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this chapter.

(3) *Abandonment.* A non-conforming use of a building or land which has been discontinued for a period of 60 days shall not be re-established, and any future use shall be in conformity with the regulations of this chapter.

(Prior Code, § 903.06)

§ 153.020 ACCESSORY BUILDINGS AND STRUCTURES

(A) No accessory building or structure other than a fence or temporary construction office shall be permitted on any lot in an R District prior to the time of construction of the principal building to which it is an accessory.

(B) Whenever a garage is so designed that it is to be entered directly from a side street or alley, the distance between the doors and the lot line shall be 20 feet or more.

(C) (1) No detached accessory building shall be located in the front yard; less than five feet from the side lot line, or less than five feet from the rear lot line in the R District subject to this chapter.

(2) Should the accessory building be three feet or less from the principal building, it shall be for the purpose of this chapter considered attached and a part of the principal building for applying yard regulations.

(D) Should the lot grade between the street line and the required setback be ten feet or more, either above or below the curb level, in the R District, a garage for the storage of two passenger automobiles may be located in the front yard subject to minimum front yard setbacks or existing setbacks established by existing buildings.

(E) Unless otherwise herein specified, no accessory building shall exceed the height of the principal building except when on a farm and related to a farming operation.

(F) The total square footage of all accessory buildings in R District shall not exceed the square footage of the main floor of principal use, and in no case shall the square footage of all the buildings on the lot exceed 30% of the land area.

(G) All accessory buildings shall be constructed of materials such that the outward appearance is the same as the residence or at least the same as the outward appearance of other residences in the immediate area.

(Prior Code, § 903.07)

DISTRICTS

§ 153.030 ONE-FAMILY RESIDENTIAL DISTRICT (R-1)

(A) *Purpose.* The major purpose of this district is to allow the continuation of existing residential development and in filling of existing lots in the residential areas of the city where central sewer and water systems will be extended.

(B) *Permitted uses.*

- (1) One-family detached dwellings;
- (2) Public parks, playgrounds and recreational uses of a noncommercial nature;
- (3) The renting of rooms by a resident family for lodging purposes only, and for not more than two roomers in a one-family dwelling;
- (4) Customary home occupations provided that the occupation is carried on in the principal building:
 - (a) Not more than 25% of the gross floor area of the residence is used for this purpose;
 - (b) Only articles made or originating on the premises shall be sold on the premises unless the articles are incidental to a permitted commercial service;
 - (c) No articles for sale shall be displayed so as to be visible from the street;
 - (d) No person is employed other than a member of the household residing on the premises;and

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(e) No mechanical or electrical equipment is used if the operation of the equipment interferes unreasonably with the desired quiet residential environment of the neighborhood.

(5) Customary accessory uses incidental to the foregoing principal uses when located on the same lot with the building to which it is accessory but not including any business or industrial use.

(C) *Conditional Uses.*

(1) Home occupations according to the following conditions:

- (a) No evidence of the occupation other than gardening is visible from the street;
- (b) No sale of products produced off the site; and
- (c) No employed assistant.

(2) Public and semi-public buildings.

(3) Churches and or other worship facilities according to the following conditions:

- (a) Located with direct access to a county road or trunk highway;
- (b) Parking areas set back a minimum of 50 feet from all property lines;
- (c) No more than 50 percent of the site to be covered with impervious surface and the remainder to be landscaped or left in a natural state;
- (d) Exterior lighting must be designed and installed so that the globe is recessed and enclosed on all sides except the bottom and no direct light is cast on adjacent residential property or rights-of-way;
- (e) Roof top or outside mechanical equipment must be screened from view from adjacent properties and rights-of-way;
- (f) Any exterior storage must be screened from view with an opaque material architecturally compatible with the building;
- (g) No exterior bells or loudspeakers;
- (h) Any living quarters associated with the facility shall meet the requirements of this ordinance for the specific residential use(s) proposed; and
- (i) The city council may require compliance with any other conditions, restrictions or limitations it deems to be reasonably necessary to protect the residential character of the neighborhood.

(D) *Building requirements.*

- (1) Minimum floor area: Residential: 1,000 square feet;
- (2) Building height limit: Residential:
 - (a) Residential: two and one-half stories but less than 35 feet;
 - (b) Churches or other places of worship: 40 feet.
- (3) Maximum floor area ratio:
 - (a) Residential: 0.3;
 - (b) All other: 0.4.

(E) *Minimum lot requirements.*

- (1) Area:
 - (a) Residential: 13,500 square feet;
 - (b) Churches or other places of worship: 10 acres.
- (2) Width: 90 feet measured at front setback line.
- (3) Depth: 120 feet.

(F) *Setbacks*

- (1) Front yard:
 - (a) Residential: 30 feet or average depth of front yard.
 - (b) Churches or other places of worship: 50 feet.
- (2) Rear yard:
 - (a) Residential: 35 feet except where the yard abuts permanent open space in which case 20 feet may be allowed.
 - (b) Churches or other places of worship: 50 feet.
- (3) Side yard:

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- (a) Residential: ten feet each side except that corner side yards shall be 25 feet adjacent to the street and except that interior side yards may be six feet on the side where there is an attached garage.
- (b) Public and semi-public buildings: 25 feet.
- (c) Churches or other places of worship: 50 feet.

§ 153.031 ONE- AND TWO-FAMILY RESIDENTIAL (R-2)

(A) *Purpose.* The major purpose of this district is to allow for medium density and multi-family residential development in areas served by central sewer.

(B) *Permitted uses; one- and two-family detached dwellings.*

- (1) Municipal buildings, public parks, playgrounds, recreational uses of a noncommercial nature;
- (2) Churches and public and parochial schools;
- (3) Hospitals, clinics, mortuaries, sanitariums, nursing homes, rest homes, old age homes and rooming and boarding houses;
- (4) The renting of rooms by a resident family for lodging purposes only, and for no more than two roomers in a one-family dwelling;
- (5) Customary home occupations provided that:
 - (a) The occupation is carried on in the principal building;
 - (b) Not more than 25% of the gross floor area of the residence is used for this purpose;
 - (c) Only articles made or originating on the premises shall be sold on the premises unless the articles are incidental to a permitted commercial service;
 - (d) No articles for sale shall be displayed so as to be visible from any street;
 - (e) No person is employed other than a member of the household residing on the premises; and
 - (f) No mechanical or electrical equipment is used if the operation of the equipment interferes unreasonable with the desired quiet residential environment of the neighborhood.
- (6) Customary accessory uses incidental to the foregoing principal uses when located on the same lot with the building to which it is accessory but not including any business or industrial use.

(C) *Conditional Uses.*

- (1) Multi-family dwellings;
- (2) Zero lot line housing as regulated by § 153.083; and
- (3) Earth sheltered dwellings.

(D) *Building requirements.*

- (1) Minimum floor area:
 - (a) One-family dwelling; 900 square feet;
 - (b) Two-family dwelling unit: 750 square feet per unit; and
 - (c) Multiple-family dwelling units:
 1. Efficiency: 350 square feet per dwelling unit;
 2. One bedroom: 700 square feet per dwelling unit;
 3. Two bedroom: 900 square feet per dwelling unit; and
 4. Three bedroom: 1,100 square feet per dwelling unit.
- (2) Height limit: residential two and one-half stories but less than 35 feet;
- (3) Maximum floor area ratio:
 - (a) One- and two-family dwellings: 0.30;
 - (b) Three to eight family dwellings: 0.40; and
 - (c) All other uses: 0.4.

(E) *Minimum lot requirements.*

- (1) Area:
 - (a) One-family dwelling: 10,800 square feet;
 - (b) Two-family dwelling: 14,000 square feet;
 - (c) Multiple-family dwelling units:

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1. One bedroom: 5,000 square feet per dwelling unit;
2. Two, three and four bedroom: 5,500 square feet per dwelling unit;
3. Width: One- and two-family dwelling: 80 feet;
4. Three- and four-family dwelling: 120 feet;
5. Five- to eight-family dwelling: 160 feet;
6. Depth: 135 feet;
7. Front yard: 30 feet or average depth of front yard;
8. Rear yard: 35 feet except where the yard abuts permanent open space in which case 20 feet may be allowed; and

(2) Side yard:

- (a) One- and two-family dwellings: ten feet each side except that corner side yards shall be 25 feet adjacent to street;
- (b) Multiple-family dwellings: 15 feet each side plus five feet for each additional story over ground floor level;
- (c) Corner side yards shall be 25 feet adjacent to street; and
- (d) Public and semi-public buildings: 25 feet.
(Prior Code, § 903.04)

§ 153.032 ONE-FAMILY RESIDENTIAL (R-3)

This district shall provide the older platted areas of Cokato with smaller lot sizes to redevelop at acceptable standards for garage and home expansion construction.

(A) *Permitted uses.*

- (1) One-family detached dwellings;
- (2) Public parks, playgrounds and recreational uses of a noncommercial nature;
- (3) The renting of rooms by a resident family for lodging purposes only, and for not more than two roomers in a one-family dwelling;

(4) Customary home occupations, provided that the occupation is carried on in the principal building. Not more than 25% of the gross floor area of the residence is used for this purpose; only articles made or originating on the premises shall be sold on the premises unless the articles are incidental to a permitted commercial service. No articles for sale shall be displayed so as to be visible from any street. No person is employed other than a member of the household residing on the premises. No mechanical or electrical equipment is used if the operation of the equipment interferes unreasonably with the desired quiet residential environment of the neighborhood;

(5) Customary accessory uses incidental to the foregoing principal uses when located on the same lot with the building to which it is accessory but not including any business or industrial use;

(6) Churches, public and parochial schools and public buildings; and

(7) Hospitals, clinics, mortuaries, sanitariums, nursing homes, rest homes, old age homes and rooming and boarding houses.

(B) (1) *Conditional Uses.* Home occupations which may be limited to include the following conditions:

(a) No evidence of the occupation other than gardening is visible from the street;

(b) No sale or products produced off the site; and

(c) No employed assistant.

(2) *Duplexes, triplexes and four-plexes.*

(a) Zero lot line housing as regulated by § 153.083; and

(b) Earth sheltered dwellings.

(D) *Building requirements.*

(1) Minimum floor area: Residential: 1,000 square feet;

(2) Height limit: Residential: Two and one-half stories but less than 35 feet; and

(3) Maximum floor area ratio:

(a) Residential: 0.3; and

(b) All other: 0.4.

(E) *Minimum lot requirements.*

- (1) Area: 6,000 square feet;
- (2) Width: 50 feet measured at front setback line;
- (3) Depth: 60 feet;
- (4) Front yard: 30 feet or average depth of front yard. There shall be a front yard having a depth of not less than 25 feet, except that in a block where two or more residences have been erected facing the same street, the setback for remaining lots in that block fronting on the same street shall be determined by the average setback of existing buildings;
- (5) Rear yard: 20 feet; and
- (6) Side yard:
 - (a) Residential: there shall be a five foot side yard on each side of the principal structure; and
 - (b) Public and semi-public buildings: 25 feet.
(Prior Code, § 903.04)

§ 153.033 CENTRAL BUSINESS (C-1)

(A) *Purpose.* The general business district is intended to provide a district that will allow general retail and commercial uses to serve the existing population.

(B) *Permitted uses.*

- (1) Retail stores which usually do not require on-site vehicular pick-up, including but not limited to such uses as food, meat, drugs, clothing, art, jewelry, dry goods and notions, home supplies, paint and wallpaper stores and shops;
- (2) Professional and business offices, office buildings, offices for personal services and the like;
- (3) Restaurants, lunch counters and taverns;
- (4) Hotels;
- (5) Newspaper and job printing establishments;

- (6) Public buildings;
- (7) Private clubs;
- (8) Theaters, assembly halls and commercial recreation establishments;
- (9) Public and private parking lots;
- (10) Telephone exchange and public utility structures;
- (11) Wholesale business and storage incident to a permitted use;
- (12) Service establishments such as barber and beauty shops, laundry, dry-cleaning or dying, tailoring, dressmaking, shoe making and repair shops when those shops are primarily service or services and sales shops, and not manufacturing plants;
- (13) Banks, financial and lending institutions; and
- (14) Accessory uses incidental to the foregoing principal uses.

(C) *Conditional Uses.*

- (1) Automobile service stations; and
- (2) Multiple-family dwelling.

(D) *Building requirements.*

- (1) Minimum floor area; none, other than multiple-family dwellings as follows:
 - (a) One bedroom unit: 700 square feet per dwelling unit;
 - (b) Two bedroom unit: 900 square feet per dwelling unit; and
 - (c) Three bedroom unit: 1,100 square feet per dwelling unit.
- (2) Building height limit: all uses: three stories but less than 35 feet.
- (3) Maximum floor area ratio:
 - (a) Residential: 0.5; and
 - (b) Other: none.

(E) *Minimum lot requirements.*

- (1) *Area.* Multiple-family dwellings:
 - (a) Efficiency unit: 1,200 square feet;
 - (b) One bedroom unit: 1,800 square feet;
 - (c) Two, three and four bedroom unit: 2,500 square feet; and
 - (d) Other uses: 1,500 square feet.
- (2) *Width.*
 - (a) Multiple-family dwellings: 50 feet; and
 - (b) Other uses: 15 feet.
- (3) *Depth.*
 - (a) Multiple-family dwellings: 100 feet; and
 - (b) Other uses: 60 feet.
- (4) *Front yard.*
 - (a) Multiple-family dwellings: 15 feet; and
 - (b) Other uses: none.
- (5) *Rear yard.*
 - (a) Multiple-family dwellings: 25 feet; and
 - (b) Other uses: 15 feet in.
- (6) *Side yards.* Multiple-family.
(Prior Code, § 903.04)

§ 153.034 HIGHWAY BUSINESS (C-2)

(A) *Purpose.* A C-2 District is established to accommodate those types of businesses that are oriented to the traveling public and which benefit from access and visibility to the Highway.

(B) *Permitted uses.*

(1) Commercial uses including but not limited to: general retail sales and services; repair and maintenance services; professional services; eating and drinking establishments; automotive repair and/or sales; clubs or lodges; churches and worship facilities; farm implement sales and shops; uses that are non-industrial in nature.

(2) Accessory uses incidental to the foregoing principal uses;

(4) Storage Facilities.

(5) Alternative Learning Center (ALC) at 290 East Cokato Street.

(C) *Conditional Uses*

(1) *Residential Uses.* Residential uses shall be limited and may be permitted only where they do not create conflicts present or future, between the non-residential and residential use and activities, both on and off the subject property. Residential uses shall be governed by all applicable standards of the R-3 Zoning District, Building and Fire Codes.

(2) *Limited Production and Processing Business.* Limited production and processing businesses may be permitted provided they produce minimal off-site impacts.

(3) *Commercial Kennels.*

(4) *Industrial Uses.*

The Planning and Zoning Commission shall review each request for a Conditional Use Permit and make a determination based on the type of use and desired location whether or not the proposed use will unreasonably distract from or have a negative impact on the character of the proposed neighborhood.

(D) *Building requirements.*

(1) Minimum floor area: none;

(2) Height limit: two stories but less than 30 feet; and

(3) Maximum floor area ratio: 1.0.

(E) *Minimum lot requirements.*

(1) Area: no requirement;

(2) Width: no requirement;

(3) Depth: no requirement;

- (4) Front yard: 30 feet;
- (5) Rear yard: 15 feet; and
- (6) Side yard: ten feet except that corner side yards shall be 15 feet adjacent to the street.
(Prior Code, § 903.04) (Am. Ord. 02-2009, passed 10-13-2009)

§ 153.035 INDUSTRY (I)

(A) *Purpose.* An Industrial District is intended to provide for industrial uses that may suitably be located in areas of relatively close proximity to non-industrial development.

(B) *Permitted uses.* None.

(C) *Conditional Uses.*

- (1) Industrial fabricating, processing or storage to be undertaken within completely enclosed buildings;
- (2) Wholesaling all commodities except live animals;
- (3) Accessory uses incidental to and on the same zoning lot as the principal use;
- (4) Farm implement sales and storage yards, auto sales and mobile home sales;
- (5) Sewage treatment plants;
- (6) Junk yards;
- (7) Commercial Kennels;
- (8) Telecommunication towers and facilities as regulated by Section 153.086 of the City Code;
and
- (9) Other industry not listed above, provided the industry can conform to suitability standards.

(D) *Prohibited uses.*

- (1) Distillation of bone, coal, tar, petroleum, grain or wood;
- (2) Manufacturing or bulk storage of explosives;
- (3) Fertilizer manufacturing, compost or storage processing of garbage, offal, dead animals, refuse or rancid fats;
- (4) Livestock feeding yards, slaughterhouses or processing plants;
- (5) Manufacturing, refining or processing of chemicals;

(6) Any industry that creates an excessive odor, noise or air environmental pollution problem; and

(7) Any industry that creates a fire prevention service or hazard beyond the capabilities of city and/or county government.

(E) *Building requirements.*

(1) *Minimum floor area.*

(a) Permitted use: none; and

(b) Conditional use permit: none.

(2) *Height limit.* Permitted use: two stories but less than 30 feet.

(3) *Conditional use permit.* None, except those that may be imposed by regulations of other government units.

(4) *Maximum floor area ratio.*

(a) Permitted use: 1.0; and

(b) Conditional use permit: 0.5.

(F) *Minimum lot requirements.*

(1) Area: permitted use: no requirement. Conditional use permit: no requirement.

(2) Width: permitted use: no requirement. Conditional use permit: no requirement.

(3) Depth: permitted use: no requirement. Conditional use permit: no requirement.

(4) Front yard: permitted use: 30 feet. Conditional use permit: 30 feet.

(5) Rear yard: permitted use: 15 feet. Conditional use permit: 20 feet.

(6) Side yard: permitted use: ten feet except that corner side yards shall be 15 feet adjacent to street. Conditional use permit: 20 feet each side: 30 feet where adjacent to a side street.

(Prior Code, § 903.04)

§ 153.036 FLOOD PLAIN OVERLAY (F)

(A) *Purpose.* The Flood Plain Overlay District is created for the purpose of controlling the

development of the flood plain areas of the City of Cokato to minimize potential losses of life and property due to periodic flooding, and to prevent health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base. The regulations contained in this section are required and authorized by M.S. Chapters 103F and 462, as it may be amended from time to time, and Minnesota Regulations NR 85-92, whereby the legislature of the State of Minnesota has delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

(B) *General provisions; adoption of flood insurance study.* The Flood Insurance Rate Map (FIRM) for the City of Cokato, dated August 19, 1985, developed by the Federal Insurance Administration, is hereby adopted by reference and made part of this chapter. A copy of the most current version of this map shall be kept on file with the City Administrator.

(C) *Lands to which chapter applies.* This subchapter shall apply to all lands designated as Flood Hazard Areas (Zone A) within the jurisdiction of the City of Cokato as shown on the FIRM.

(D) *Regulatory flood protection elevation.* The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

(E) *Interpretation.* The boundaries of the zoning districts shall be determined by scaling distances on the Zoning Map and Flood Hazard Boundary Maps. Where interpretation is needed as to the exact location of the boundaries of a district, the Zoning Administrator shall make the necessary interpretation based on elevations on the regional (100-year) flood profile and other available technical data.

(F) *Compliance.* No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations that apply to uses within the jurisdictions of this subchapter.

(G) *Establishment of Flood Plain Overlay District (F); overlay concept.* The Flood Plain Overlay District (F) shall be applied to and superimposed upon any underlying district as indicated on the Cokato Zoning Map. Where the provisions of the underlying district impose more restrictive, greater or additional standards than those of the F District, the underlying district shall be controlling. Where the provisions of the F District impose more restrictive, greater or additional standards than those contained in the underlying district, the F District shall be controlling.

(H) *Floodway and flood fringe areas.* The City of Cokato shall determine whether any proposed use of lands within the F District is considered floodway or flood fringe area. This determination shall be made in accordance with the procedures established in division (L) below. If it is determined that a proposed area lies in the floodway area, the provisions of division (I) below shall apply. If it is determined that the proposed use lies in the flood fringe area, the provisions of division (J) below shall apply.

(I) *Floodway area; permitted uses.* The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the floodway area as long as they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment.

- (1) Agriculture uses such as general farming pasture, forestry, sod farming and wild crop harvesting.
- (2) Industrial: Commercial uses such as parking areas and airport landing strips.
- (3) Private and public recreational uses;
- (4) Residential uses such as lawns, gardens, parking areas and play areas; and
- (5) All other uses are prohibited.

(J) *Flood fringe area.*

(1) *Permitted uses.* Any use permitted within a floodway area.

(2) *Conditional uses.*

(a) Residences (including mobile homes and manufactured homes), accessory buildings and other structures constructed on fill so that the basement floor or first floor, if there is no basement, is at or above the regulatory flood protection elevation. The finished fill elevation shall be no lower than one foot below the regulatory flood protection elevation and shall extend at the elevation at least 15 feet beyond the limits of any structure or building erected thereon. Fill shall be compacted and the slopes shall be protected by riprap or vegetative covering. Residences constructed on fill shall be provided with vehicular access no lower than two feet below the regulatory flood protection elevation.

(b) Placement of fill for any purpose not listed.

(c) Parking lots and storage yards for equipment, machinery or materials, except that storage of materials that are subject to flotation, flammable, explosive or potentially injurious to human, animal or plant life is prohibited in the F District except on areas filled to the regulatory flood protection elevation in accordance with the filling requirement listed in division (J)(2)(a) above.

(K) *Other similar uses; conditional use procedure.* Conditional uses shall be considered, evaluated and approved only in accordance with the administrative procedural requirements for conditional use permits as specified in division (L) and (M) below and the requirements of this section.

(L) *Procedures for evaluating proposed conditional uses within the flood plain overlay district.*

(1) Upon receipt of an application for a conditional use permit for a use within the flood plain overlay district, the applicant shall be required to furnish such of the following information as is deemed necessary by the Planning and Zoning Commission for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway of flood fringe areas.

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(a) A typical valley cross-section showing the channel of the stream, elevation of land area adjoining each side of the channel, cross sectional areas to be occupied by the proposed development and high water information.

(b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevation; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream and soil type.

(c) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

(2) One copy of the above information shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations NR 86-87 shall be followed in this expert evaluation. The designated engineer or expert shall:

(a) Estimate the peak discharge of the regional flood;

(b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and over bank areas; and

(c) Compute the floodway necessary to convey the regional flood without increasing flood stages more than one-half feet. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

(3) Based upon the technical evaluation of the designated engineer or expert, the Planning and Zoning Commission shall determine whether the proposed use is in the floodway or flood fringe and the regulatory flood protection elevation at the site. Factors upon which the decision of the Cokato City Council shall be based:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments;

(b) The danger that materials may be swept into other lands or downstream to the injury of others;

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;

(e) The importance of the services provided by the proposed facility to the community;

- (f) The requirements of the facility for a waterfront location;
- (g) The availability of alternative locations not subject to flooding for the proposed use;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
- (l) The other factors which are relevant to the purposes of this chapter.

(M) *Conditions attached to conditional use permits.* Upon consideration of the factors listed above the purposes of this chapter, the city may attach those conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this chapter. The conditions may include, but are not limited to, the following:

- (1) Modification of waste disposal and water supply facilities;
- (2) Limitation on period use, occupancy and operation;
- (3) Imposition of operational controls, sureties and deed restrictions;
- (4) Requirements for construction of channel modifications, dikes, levees and other protective measures;
- (5) Flood-proofing measures, in accordance with the State Building Code. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area; and
- (6) Erosion prevention measures, including sodding, sloping and rip-rapping requirements.

(N) *Subdivisions.* No land shall be subdivided which is held unsuitable by the city for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation.

(O) *Utilities, railroads, roads and bridges.*

(1) *Public utilities.* All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated at or above the regulatory flood protection elevation.

(2) *Public transportation facilities.* Roads, railroad tracks and bridges within the flood plain shall be designed to minimize increases in flood elevations.

(a) Bridges, culverts and approach fills shall comply with provisions of Minnesota Regulations 6 MCAR § 1.5025.

(b) Roads, railroad tracks and bridges shall be elevated above the regulator protection elevation if failure or interpretation of transportation services would endanger the public health or safety.

(3) *Individual sewage treatment systems.* Individual sewage treatment and water supply systems shall be designed and located so that they will not be damaged or contaminate surface water if flooded.

(P) *Conditional use permit.*

(1) *Conditional use permit required.* A conditional use permit issued by the Zoning Administrator shall be secured prior to the construction, addition or alteration of any building, structure; prior to the use or change of use of a building structure or land; prior to the change or extension of a nonconforming use and prior to the placement of fill or excavation of materials within the flood plain.

(2) *Application for conditional use permit.* Application for a conditional use permit shall be made to the Zoning Administrator and shall include plans drawn to scale showing where applicable the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill or storage of materials and the location of the foregoing in relation to the stream channel.

(Q) *State and federal permits.* Prior to granting a conditional use permit or processing an application for a variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

(R) *Certification of first floor elevations.* The applicant shall submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this subchapter. The Zoning Administrator shall maintain a record of these elevations for all new structures in the flood plain districts.

(S) *Variances.* The Board of Adjustment and Appeals may authorize upon appeals, variances from the provision of this chapter as long as they will not be contrary to the public interest, and if the spirit of this chapter will be observed. Variances may only be granted where, due to special conditions, literal enforcement of the provisions of this chapter will result in unnecessary hardship. No variance

shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area or permit standards lower than those required by state law.

(T) *Amendments.* All amendments to this chapter shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the boundaries of the floodway or flood fringe districts also require prior approval by the Federal Insurance Administration.

(U) *Notification.* The Zoning Administrator shall submit to the Commissioner of Natural Resources or his or her authorized agent a copy of all application materials and hearing notices relating to this chapter amendments, re-zonings, conditional use permits, variances and subdivisions located within the FP district at least ten days prior to the hearing to consider these matters. In addition, copies of all final decisions relating to these matters shall be forwarded to the Commissioner of Natural Resources or his or her authorized agent within ten days of a decision.

(Prior Code, § 903.04)

§ 153.037 SHORELAND OVERLAY (S)

(A) *Purpose.* The uncontrolled use of shoreland areas affects the public health, safety and general welfare by contributing to the pollution of public waters, causing overcrowding of surface waters and impairing the local tax base. The legislature of the State of Minnesota has delegated responsibility to the municipalities of the State of Minnesota M.S. Chapters 103F and 462, as it may be amended from time to time, to regulate the subdivision, use and development of shorelands in accordance with regulations (NR 82-84) developed by the Commissioner of Natural Resources. The City of Cokato recognizes this responsibility and adopts the following requirements to satisfy this mandate.

(B) *Additional definitions.* In addition to the definitions contained in § 153.006, the following definitions shall also apply within the Shoreland Overlay District (S). In case of conflict between these definitions, the most restrictive shall apply.

BOATHOUSE. A structure used solely for the storage of boats or boating equipment.

BUILDING LINE. That line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.

CLEAR-CUTTING. The removal of an entire stand of trees.

DECK. An appurtenance to a structure attached directly to a structure that does not have walls or a roof and is generally used for outdoor recreation activities.

LOT. A parcel of land designated by metes and bounds description, registered land survey, auditor’s plat or other accepted means and separated from other parcels or portions by the description

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for the purpose of sale, lease or separation thereof. For the purposes of these regulations, a **LOT** shall be considered to be an individual building site, which shall be occupied by no more than one principal structure equipped with sanitary facilities.

ORDINARY HIGH WATER MARK. A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The **ORDINARY HIGH WATER MARK** is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

PLANNED UNIT DEVELOPMENT. A type of development which may incorporate a variety of land uses planned and developed as a unit. The **PLANNED UNIT DEVELOPMENT** is distinguished from the traditional subdivision process of development in that zoning standards such as density, height limits and minimum lot sizes may be altered by negotiation and agreement between the developer, the municipality and the Commissioner of Natural Resources. **CLUSTER DEVELOPMENT** is considered to be a type of Planned Unit Development and is subject to the same review criteria.

SETBACK. The minimum horizontal distance between a structure or sanitary facility and a road, well, highway or property lines.

SHORELAND. Land located within the following distances from protected waters:

- (a) One thousand feet from the ordinary high water mark of a lake, pond or flowage; and
- (b) Three hundred feet from a river or stream, or the landward extent of a flood plain on the rivers or streams, whichever is greater.

SUBDIVISION. Improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five-year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

SUBSTANDARD USE. Any use of shorelands existing prior to the date of enactment of this subchapter which is permitted within the applicable zoning district but does not meet the minimum lot area and length or water frontage, structure setbacks or other dimensional standards of this chapter.

(C) *Designation of types of land use.*

(1) *Shoreland management classification.* The protected waters of the city have been classified by the Commissioner of Natural Resources as follows:

- (a) Brooks Lake (DNR I.D. #86-264p) recreational development;
- (b) Sucker Creek Urban.

(2) *Purpose.* The shorelands of the City of Cokato are hereby designated as a Shoreland Overlay District (S). The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of these protected waters of the city. The S district is shown on the zoning map.

(3) *Permitted uses.* All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District (S) as indicated on the official zoning map of the city.

(4) *Conditional uses.*

(a) All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District (S) as indicated on the official zoning map of the city as required by § 153.018.

(b) Boathouses.

(c) Decks not meeting the setback requirements of this chapter.

(d) On-site sewage treatment systems.

(5) *Nonconforming uses.* Any uses of shorelands in existence prior to the date of enactment of this subchapter which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this chapter are nonconforming uses. Nonconforming uses, including substandard sanitary facilities, shall be allowed to continue. However, any structural alteration or addition to a nonconforming use which will increase the substandard dimensions shall not be allowed.

(6) *Prohibited uses.* Any uses which are not permitted or conditional uses, as regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city, are prohibited.

(D) *Zoning provisions.*

(1) *Dimensional requirements.* The following standards shall apply to all shorelands of the protected waters listed in this section within the city. Where the requirements of the underlying zoning district as shown on the official Zoning Map are more restrictive than those set forth herein, then the more restrictive standards shall apply:

<i>Natural Environment Water</i>	<i>Lot Area (Square Feet)</i>
Waterfront lots	40,000
Other lots	20,000
Water frontage and lot width at building line	125

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<i>Natural Environment Water</i>	<i>Lot Area (Square Feet)</i>
Structure setback from ordinary high water mark	150
Structure setback from roads and highways:	
Federal, state or county	50
Municipal or private	20
Structure height limitation	35
	<i>Percentage (%)</i>
Maximum lot area covered by impervious surfaces	30

(2) *Substandard lots.* Lots of record in the office of the County Recorder prior to the date of enactment of this chapter which do not meet the requirements of division (D)(1) above may be allowed as building sites provided:

- (a) The use is permitted in the zoning district;
- (b) The lot is in separate ownership from abutting lands; and
- (c) All other dimensional requirements of this section are complied with insofar as practical.

(3) *Roads and parking areas.* Roads and parking areas shall be located to retard the runoff of surface waters and nutrients in accordance with the following criteria:

- (a) Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in division (D)(1) above;
- (b) In no instance shall these impervious surfaces be placed less than 50 feet from the ordinary high water mark; and
- (c) Natural vegetation or other natural materials shall be used to screen parking areas when viewed from the water.

(E) *Elevation of lowest floor.* The elevation to which the lowest floor, including basements, shall be placed at a level at least three feet above the highest known water level. In those instances where sufficient data on unknown high water levels are not available, the ordinary high water mark shall be used.

(F) *Exception to structure setback requirements.* Setback requirements from the ordinary high water mark shall not apply to boathouses, piers and docks.

- (1) Location of piers and docks shall be controlled by state and local regulations. Boathouses may be allowed as a conditional use provided they are not used for habitation and do not contain sanitary facilities.
- (2) On undeveloped shoreland lots that have two adjacent lots with existing principal structures on both the adjacent lots, any new residential structure may be set back the average setback of the adjacent structures from the ordinary high water mark provided all other provisions of the Shoreland Overlay District are complied with.
- (3) On residential structures that existed prior to the effective date of this chapter, decks may be constructed as a conditional use that do not meet the setback requirements of this section, provided that:
 - (a) Lakeward encroachment is the only practicable direction to orient the deck;
 - (b) No deck shall contain a roof, wall or be used for habitation; and
 - (c) That no deck shall encroach more than 15% of the existing structure setback distance towards the ordinary high water mark. For example, for a house that is now 100 feet from a lake, a deck could not extend more than 15 feet more towards the lake.
- (4) Conditions placed upon such a conditional use may include coloration of the deck (earth tone colors preferred), height of rails and provisions to screen the deck with vegetation and shrubs.
(Prior Code, § 903.04; Res. 92-5, passed 6-8-1992)

§ 153.038 SHORELAND ALTERATIONS

- (A) The following standards shall apply to all shorelands of the protected waters listed in this section within the City of Cokato. Where the requirements of the underlying zoning district as shown on the official Zoning Map are more restrictive than those set forth herein, then the more restrictive standards shall apply:
 - (1) The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil and to preserve shoreland aesthetics; and
 - (2) Removal of natural vegetation in the Shoreland Overlay District shall be subject to the following provisions:
 - (a) Selective removal of natural vegetation is allowed, provided that sufficient vegetative cover remains to screen cars, dwellings and other structures when viewed from the water;
 - (b) Clear-cutting of natural vegetation is prohibited;
 - (c) Natural vegetation shall be restored insofar as feasible after any construction project is completed to retard surface runoff and soil erosion;

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(B) The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation; and

(C) Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a protected water or a watercourse leading to a protected water must be authorized by a grading and filling permit. The grading and filling permit may be granted by the Zoning Administrator subject to the conditions that:

- (1) The smallest amount of bare ground is exposed for as short a time as feasible;
- (2) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is established;
- (3) Methods to prevent erosion and trap sediment are employed; and
- (4) Fill is stabilized to accepted engineering standards.
(Prior Code, § 903.04)

ZONING REGULATIONS**§ 153.050 SEWAGE TREATMENT**

Any premises intended for human occupancy shall be provided with an adequate method of sewage treatment to be maintained in accordance with acceptable practices. Public or municipal collection and treatment facilities shall be used where available and where feasible. Use of a private on-site sewage treatment system shall require a conditional use permit, which shall require that all standards listed in the standards of the Minnesota Pollution Control Agency (MPCA), AIndividual Sewage Treatment Systems Standards and Appendices (6 MCAR § 4.8040), be met. These standards are hereby adopted by reference and made a part of this chapter. All existing sewage treatment systems inconsistent with the standards referenced above shall be brought into conformance or discontinued within five years from the date of enactment of this chapter. Any nonconforming sanitary facility found to be a public nuisance shall be brought into conformity or discontinued within 30 days after receiving written notice from the Zoning Administrator.

(Prior Code, § 903.04)

§ 153.051 WATER SUPPLY

(A) Public or private supplies of water for domestic purposes shall conform to Minnesota Department of Health standards for water quality.

(B) Public or municipal water supplies shall be used where available and where feasible.

(C) Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution.

(D) Wells already existing in areas subject to flooding shall be flood-proofed.
(Prior Code, § 903.04)

§ 153.052 PLANNING REGULATIONS

(A) *Planning regulations.* No land shall be subdivided which is held unsuitable by the city for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community.

(B) *Planned Unit Development (PUD).* Altered zoning standards may be allowed as exceptions to this chapter for PUDs, provided preliminary plans are approved by the Commissioner of Natural Resources prior to their approval by the city, and further provided:

(1) Central sewage facilities shall be installed which meet applicable standards of the Minnesota Pollution Control Agency or the PUD is connected to a municipal sanitary sewer; and

(2) Open space is preserved through the use of restrictive deed covenants, the following factors are carefully evaluated to ensure the increased density of development is consistent with the resource limitations of the protected water:

- (a) Suitability of the site for the proposed use;
- (b) Physical and aesthetic impact of increased density;
- (c) Level of current development;
- (d) Amount and ownership of undeveloped shoreland;
- (e) Levels and types of water surface use and public accesses; and
- (f) Possible effects on over-all public use.

(C) *Regulations.* Any commercial, recreational, community or religious facility allowed as part of the planned unit development shall conform to all applicable federal and state regulations including, but not limited to the following:

- (a) Licensing provisions or procedures;
- (b) Waste disposal regulations;

- (c) Water supply regulations;
- (d) Building codes;
- (e) Safety regulations;
- (f) Regulations concerning the appropriation and use of protected waters as defined in M.S. Chapter 103G, as it may be amended from time to time; and
- (g) Applicable regulations of the Minnesota Environmental Quality Board.

(D) *Final plan.* The final plan for a planned unit development shall not be modified, amended, repealed or otherwise altered unless approved in writing by the developer, the municipality and the Commissioner. There are centralized shoreline recreation facilities such as beaches, docks and boat launching facilities.

(Prior Code, § 903.04)

§ 153.053 NOTIFICATION PROCEDURES

A copy of the notice of a public hearing to consider a variance, inconsistent plan, ordinance or amendment, conditional use, re-zoning in the Shoreland Overlay District shall be sent to the Commissioner of Natural Resources such that the notice is received by the Commissioner at least ten days prior to the hearings. A copy of all amendments to this subchapter, all plats and final decisions granting variances or conditional uses within the Shoreland Overlay District shall be sent to the Commissioner of Natural Resources within ten days of the amendment or final action.

(Prior Code, § 903.04)

SPECIAL REGULATIONS

§ 153.065 OFF-STREET PARKING REQUIREMENTS

(A) *Minimum number of parking spaces required.* None required in C-1 except as in below:

- (1) One-, two- and multiple-family dwellings: two per dwelling unit;
- (2) Churches, auditoriums, mortuaries and other similar places of assembly: one per every four seats;
- (3) Schools: elementary and junior high: one per classroom plus one additional for every 50 students or fraction thereof;

- (4) Schools: senior high: one per classroom plus one additional for every ten students;
- (5) Hospitals: one per every three beds; and
- (6) Sanitariums, convalescent homes, rest homes and nursing homes: one per every six beds.

(B) Retail commerce other than C-1.

- (1) Restaurant: one per every three seats; and
- (2) Other retail: one per every 400 square feet of retail floor space, but in no case less than 2.5 (gross parking area) to 1.0 gross building floor area).

(C) Service commerce other than C-1.

- (1) Motels: one per unit;
- (2) Bowling alley: five per lane;
- (3) Theaters and other places of entertainment: one per every six seats;
- (4) Personal and professional offices: one per every 1,500 square feet of gross floor area;
- (5) Other service business: one per every 400 square feet of gross floor area;
- (6) Industrial including wholesale: one per every two persons of maximum employment during any work period;
- (7) Minimum size of parking spaces: 400 square feet of standing and maneuvering space; and
- (8) Fractional spaces over one-half count as one space.

(D) Location of parking spaces.

- (1) Spaces for one- and two-family dwellings: on the same lot as the dwelling served;
- (2) Spaces for multiple-family dwellings: on the same lot as the dwelling served or within 200 feet of the main entrance to the dwelling;
- (3) Spaces for commercial uses not in the C-1 Districts or for public and semi-public uses: within 300 feet of the main entrance of the building served;
- (4) Spaces for industrial uses: within 400 feet of the main entrance of the building served; and
- (5) No off-street parking space to be located within 15 feet of any street right-of-way.

(E) *Surfacing and drainage.* Off-street parking areas and access ways shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water per review by the City Engineer.

(F) *Screening.* All open off-street parking areas having more than six parking spaces shall be effectively screened by a wall, fence of acceptable design, or a compact hedge along all sides which adjoin or are directly across a street or alley from a property in a residential, public or semi-public (school, church, hospital, park and the like) use.
(Prior Code, § 903.05)

§ 153.066 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

(A) *Minimum number of off-street loading spaces required.* An adequate number of off-street loading spaces shall be provided for all structures that require the receipt or distribution of materials or merchandise by trucks or similar vehicles, so as to assure unrestricted movement of pedestrians and motor vehicles throughout the active areas of Cokato.

(B) *Minimum size of off-street loading berths.*

- (1) Width: ten feet;
- (2) Length: 40 feet; and
- (3) Vertical clearance: 14 feet.

(C) *Location of off-street loading berth.* No closer than 40 feet from the intersection of two street rights-of-way.

(D) *Access to off-street loading berths.* Each berth shall be designed with appropriate means of access to a street or alley in a manner which will least interfere with traffic movement.

(E) *Surfacing and drainage.* All loading berths and access ways shall be surfaced with a durable material to control dust and shall be graded so as to dispose of all surface water.
(Prior Code, § 903.05)

§ 153.067 COMMERCIAL AND INDUSTRIAL SCREENING

(A) Where any commercial or industrial use is adjacent to property zoned for residential use, that commerce or industry shall provide screening along the boundary of the residential property where outdoor storage or off-street parking or loading areas are located across the street from the residential property.

(B) The screening required in this section shall consist of a solid fence or wall not less than six feet high, but shall not extend within 30 feet of any street or alley right-of-way. The screening shall be placed along property lines, or in the case of screening along a street 30 feet from the street right-of-way with landscaping between the screening and the pavement a louvered fence shall be considered “solid” if it blocks direct vision.

(Prior Code, § 903.05)

§ 153.068 SIGNS

(A) No proposed sign which has a gross surface area of more than 32 square feet or which exceeds a height of 12 feet above ground level shall be erected until the sign has been reviewed by the Planning and Zoning Commission and approved by the City Council.

(B) On Highway 12 only, sign dimensions of up to 128 square feet with (two to four panels) and a height of up to 22 feet will be authorized as a permitted use with a designated permit as approved by the City Council.

(C) Signs in residential districts shall be regulated as follows:

(1) *Permitted signs.*

(a) One identification sign for each one-or two-family dwellings units, provided the sign does not exceed two square feet in area;

(b) One identification sign for each multiple-family dwelling, provided the sign does not exceed five square feet in area;

(c) One home occupation sign for each dwelling, provided the sign is free-standing and does not exceed an area of two and one-half square feet and a height of five feet; and

(d) Two directional signs for each church, school and other public facility, provided the signs are free standing, do not exceed an area of five square feet and a height of seven feet.

(2) *Nonresidential signs.* Signs in all non-residential zoning districts shall be permitted subject to the provisions of division (A) above and as follows. The following signs shall be prohibited:

(a) Signs, that by reason of position, shape or color, would interfere with the proper functioning of a traffic sign or signal;

(b) Signs that resemble any official marker erected by a governmental agency, or that display the words Stop or Danger;

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- (c) Flashing signs;
- (d) Sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure;
- (e) Banners and stringers except for temporary use not to exceed four weeks at grand openings, holidays and similar occasions. Grand openings shall include an initial promotion following a change in management;
- (f) Temporary signs or posters of a miscellaneous character that are tacked, posted or otherwise affixed to the walls of buildings (theaters excepted) or on trees, fences, poles or other structures not considered to be bona fide sign structures;
- (g) Signs painted on the walls of buildings or other structures considered to be bona fide sign structures. Signs painted on windows or doors are excepted;
- (h) Signs placed upon the roofs of buildings; and
- (I) Billboards.
(Prior Code, § 903.05)

§ 153.069 MANUFACTURED HOMES AND MANUFACTURED HOME COURTS

The location of manufactured homes and the design and maintenance of manufactured home courts in Cokato shall be regulated as follows:

- (A) Except for manufactured homes in an approved manufactured home parks as regulated by this section, all dwelling units in the City of Cokato manufactured or site built shall:
 - (1) Be placed on a permanent masonry or treated wood foundation which complies with the Uniform Building Code and which is solid for the complete circumferences of the house;
 - (2) Be at least 22 feet at its narrowest point;
 - (3) Have conventional exterior dwelling type material lapping the siding by a minimum of one inch; and
 - (4) Have a pitched roof with shingles or tile and eaves of not less than 12 inches unless an approved earth sheltered home.
- (B) Comply with all zoning regulations for the zone in which they are located;
- (C) All manufactured houses not meeting these requirements shall be permitted only in manufactured home parks;

(D) Manufactured homes that vary from these requirements may be permitted in residential zones when authorized by a conditional use permit. Before granting the conditional use permit, the Planning and Zoning Commission and the City Council must find as a fact that the value of the adjacent property will not be diminished by the placement of the manufactured house. The conditional use permit shall state any conditions that may be set by the Council in granting of the permit;

(E) This section shall not be applicable to manufactured homes placed in a manufactured home park. Nothing in this chapter shall prevent the regulation of uses of property by means of restrictive covenants that are valid except for this subchapter;

(F) In cases where a manufactured home which does not meet the requirements of this section and is not located in a duly permitted manufactured home park and was so located before April 9, 1979, the manufactured home shall be allowed to remain in its nonconforming location only until the expiration date of the temporary permit by the city or until the manufactured home has been removed from the location where it is situated;

(G) The manufactured home park shall be located on a well-drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. There shall be a green belt 25 feet in width of plantings around the periphery of the manufactured home park that adjoins any residential zones, to effectively screen the interior of the manufactured home park. Where the manufactured home park boundary is adjacent to city, state or county road, setback of homes shall conform to that of residential houses;

(H) All manufactured home parks shall have rights-of-way not less than 44 feet in width. The right-of-way shall be hard-surfaced for a width of at least 32 feet (there shall be no parking on the hard surface), adequately drained and in good repairs throughout. All roads and right-of-ways within a manufactured home park shall be privately owned, maintained, traffic and speed regulated, lighted, laid out and drained in accordance with safety and accepted engineering practices. Each unit shall abut on and have access to a street which shall be at least 32 feet wide between gutters. All streets shall have a concrete curb and gutter. All water mains, hydrants, sanitary sewers and storm sewers within a manufactured home park shall be privately owned and maintained as prescribed by the City Utility Department;

(I) The minimum area of a manufactured home lot shall be 5,000 square feet. The parking of more than one manufactured home on any single home lot shall not be permitted. All manufactured home lots shall be a minimum of 50 feet in width and 100 feet in length. All manufactured home lots shall have at least 40 feet of frontage on a street. The maximum width manufactured home to be allowed on a 50-foot width lot shall be 18 feet; for manufactured homes in excess of eight feet in width, the minimum width of the lot shall be three times the width of the manufactured home. The City Council, in its discretion, may waive width, length and frontage requirements providing a satisfactory alternative plan is presented which meets the requirement of 5,000 square feet per lot:

- (1) Each manufactured home lot shall have a manufactured stand of at least four inches of compacted gravel or aggregate of adequate size on which the home shall be parked;

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- (2) Each lot shall have a concrete slab or bituminous surface off-street parking space for two automobiles. No off-street parking shall be closer than 15 feet to the nearest adjacent home. A compacted gravel surface may be used if a three-foot concrete apron is provided at the curb and gutter;
- (3) Each lot shall have a concrete patio adjacent to the main manufactured home door of not less than 150 square feet in area and shall have a minimum thickness of four inches;
- (4) Each lot shall have a concrete sidewalk not less than 24 inches in width and not less than three inches in thickness connecting street to patio;
- (5) Each lot shall have at least one shade tree of maple, ash or birch with a minimum diameter of one and one-half inches at time of planting;
- (6) Each two lots shall be provided with a metal building for storage purposes, such buildings to contain no less than 40 square feet for each home;
- (7) Each home shall be skirted with a uniform type of material approved by the Building Inspector. The skirting shall be installed within ten days from the date of installation of the home;
- (8) No item shall be stored underneath a home;
- (9) No more than two motor vehicles may be stored on a lot for a period of more than 48 hours;
- (10) No vehicle without a current license shall be allowed within the park;
- (11) No vehicle shall be dismantled nor shall mechanical work except of a very minor repair nature be done on any vehicle on a manufactured home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored or kept on the manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in the manufactured home park, and then it shall not be parked in that condition for a period of more than seven days;
- (12) No trucks over 10,000 pounds gross weight shall be parked on any manufactured home lot; and
- (13) All manufactured or mobile home units shall include anchors and tie-down devices. The devices shall include a cast in place concrete foundation or runway, screw augers, arrowhead anchors or other approved devices providing for stability of the housing units. Existing housing units without the devices shall comply no later than March 31, 2001. Anchors and tie-downs shall be placed at least at each corner of the manufactured or mobile home stand to be in compliance with M.S. § 327.33, as it may be amended from time to time. Each anchor shall sustain a minimum tensile strength of 3,150 pounds with a 50% overload (4,725) or as approved under the current Minnesota Uniform Manufactured Home Code, whichever is more restrictive.

(J) Travel trailers are not permitted within a manufactured home park;

(K) A manufactured home park shall contain not less than 40 manufactured home lots. The minimum size of a park shall be not less than eight acres and a maximum number of lots shall not exceed five per gross acre. No manufactured home park shall exceed 100 units. All manufactured home parks shall have at least 10% of the total home lot area developed for recreational use, to be developed and maintained at the owner's expense. All manufactured home lots shall be sodded with grass before the lot is occupied. Unoccupied areas of the manufactured home park shall be kept mowed;

(L) All utilities, including water, sewer, gas, electricity, telephone and television cables shall be underground. There shall be no overhead wires or supporting poles except those for street or other lighting purposes;

(M) Each manufactured home park shall have an adequate supply of safe, sanitary quality water to serve the entire park. All sewage shall be discharged into a sewage disposal system. Installation of the water and sewage system shall meet approval of the Minnesota State Board of Health and City Council;

(N) No boats, boat trailers or other vehicles other than personal automobiles of the occupant shall be parked on manufactured home lots and there shall be provided a separate area upon which these boats or other vehicles shall be stored. This area shall be located away from the public road and shall be densely screened by landscaping;

(O) It shall be the responsibility of the manufactured home park owner to see that good housekeeping and living conditions are maintained in the manufactured home park at all times. No unused building materials, debris or rubbish shall be allowed to accumulate. No outside storage shall be permitted or oil drums or trailer equipment unless it be effectively screened or concealed;

(P) No building permit shall be issued for a park until four copies of the plan drawn to scale are submitted to the Planning and Zoning Commission and approved by the Council. The plans shall include the following:

- (1) Location and size showing boundaries of park and location of abutting streets and property;
- (2) Location and size of all home lots, recreation areas, dead storage space, roadways and all setbacks;
- (3) Road construction plans and specifications;
- (4) Sewage disposal, water supply, electrical service, gas service, TV cable and telephone;
- (5) Storm water drainage plans;
- (6) Detailed landscaping plans and specifications;
- (7) Location and size of service buildings and all structures;

- (8) Method of disposing of garbage and refuse;
 - (9) Plan of lighting services for the entire park; and
 - (10) Name and address of developer, except that if the developer is a corporation, association or similar organization, then a list of all stockholders, their addresses and each stockholder's percentage of ownership shall be included.
- (Q) All requirements and procedures set forth in this chapter shall be fully completed and approved by the City of Cokato Council and the Minnesota State Board of Health prior to the placement of any manufactured home in the park. The purpose and intent of this chapter is to help assure a high standard of development and quality to conserve the value of properties and to encourage the most appropriate use of land;
- (R) When no longer in use as a manufactured home park, the property shall be automatically classified as R-1, and the zoning map shall be amended to show this change; and
- (S) A permit is required for moving of any manufactured or mobile home units into a court within city limits. The responsibility for obtaining a permit shall be with the owner of the land or court upon which the manufactured or mobile home unit will reside. The City Council shall establish the permit fee for inspection by resolution.
(Prior Code, § 903.05)

§ 153.070 LANDSCAPING

In all zoning use districts except the C-1 and I Districts (except as required in special provisions for specific uses) all developed uses shall provide a landscaped yard along all streets. The yard shall be kept clear of all structures, storage and off-street parking within one year of the effective date of this chapter. The yard shall be at least ten feet in depth along all streets, measured from the street right-of-way except for driveways. The yard shall extend the entire frontage of the lot, and along both streets in the case of a corner lot.
(Prior Code, § 903.05)

§ 153.071 RESIDENTIAL YARD STORAGE

In all residence districts, all materials and equipment shall be stored within a building or fully screened (so as not to be visible) from adjoining properties, except for the following: laundry drying and recreational equipment, equipment temporarily being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises and off-street parking of passenger automobiles and pick-up trucks.
(Prior Code, § 903.05)

Storage of cut firewood or wood products are permitted in residential areas provided use is for the premises where it is being stored in a safe and orderly fashion and not for resale to others.

(A) Outdoor Conditions for Wood Storage

- (1) Neat & secure stacks elevated at least 4 inches off the ground
- (2) Height shall be not more than five (5) feet high, length ten (10) feet & five (5) feet in width
- (3) Shall be stored on the side & rear yard only with a minimum setback of eight feet from adjoining property line and minimum setback from street right of way;
- (4) Fallen elm trees must be debarked and stored in separate piles from other types of firewood
- (5) Shall not be allowed to become pest infested with rats, rodents or vermin;

All fallen & uncut trees shall be removed or cut up in to firewood as soon as practical but cannot exceed forty five (45) days. City Council may extend the time period upon written request by the property owners up to ninety (90) days if environment conditions do not present a safety or neighborhood nuisance.

§ 153.072 REFUSE

In all zoning use districts, all waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for the purpose. The owner of vacant land shall be responsible for keeping the land free of refuse.
(Prior Code, § 903.05)

§ 153.073 TRAFFIC VISIBILITY

No obstruction exceeding 30 inches in height above the centerline grade of the street shall be permitted within any setback area, so as to allow for visibility at a street intersection.
(Prior Code, § 903.05)

§ 153.074 FARM OPERATIONS

Farm operation in existence at the time of passage of this chapter shall be permitted to continue but no new buildings in which farm animals are kept shall be permitted within 300 feet of a non-farm dwelling except in the Agricultural Zoning District.
(Prior Code, § 903.05)

§ 153.075 BUILDING DESIGN

(A) A public occupancy building shall be designed by a registered architect as provided by state law.

(B) Non-public principal buildings other than one- and two-family dwellings shall be designed by a registered architect if deemed pertinent and desirable by the Planning and Zoning Commission.
(Prior Code, § 903.05)

§ 153.076 JUNK YARDS

(A) Junk yards, salvage yards or automobile reduction yards shall be permitted only within the I District and in no case shall they be located so as to be plainly visible.

(B) The junk yards shall be allowed only by special use permit, the issuance of which shall be based upon an absolute city need for the facility as decided by the Planning and Zoning Commission.

(C) Permitted junk yards shall be effectively screened on all sides so that the storage and operation is not visible from adjacent properties or streets.
(Prior Code, § 903.05)

§ 153.077 GLARE

(A) In all districts, any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential district or from the public streets.

(B) Direct or sky reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall not be directed into any adjoining property.
(Prior Code, § 903.05)

§ 153.078 RESIDUAL FEATURES

No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter, and vibration in such concentration as to be detrimental to or endanger the public health, welfare, comfort and safety to cause injury to property or business.
(Prior Code, § 903.05)

§ 153.079 DRAINAGE

(A) No land shall be developed and no use shall be permitted that results in water run-off, flooding or erosion on adjacent properties. The run-off shall be properly channeled into a storm drain, water course, ponding area or other public facility. All new development shall include provision for storm sewers, curbs and gutters along public streets.

(B) No land shall be developed and no use shall be permitted that results in water run-off causing flooding, erosion or deposit of minerals on adjacent properties. The run-off shall be properly channeled into a storm drain, water course, ponding area or other public facilities. Any change in grade affecting water run-off onto adjacent property must be as approved by the City Engineer.
(Prior Code, § 903.05)

§ 153.080 BUILDING RELOCATION

A building, including an accessory building, which is proposed to be moved from one land parcel to another parcel or from outside the city limits shall require a conditional use permit, sewer and water access charge and a building permit. Any relocated building not exceeding ten feet in width or 12 feet in length and being not over ten feet in height shall require a building permit and approval by the Planning and Zoning Commission/City Council. No building shall be moved from one location to another without a building permit from the relocation, so as to comply with all of the provisions of this chapter as to construction.

(Prior Code, § 903.05)

§ 153.081 DWELLING BELOW GROUND LEVEL

Unless as allowed by a conditional use permit for an earth sheltered dwelling in a residential district granted under § 153.097, no interior space below ground level shall be occupied for dwelling purposes unless the space is part of a structure having at least one full story above ground level and having its exterior portion in a structurally completed state as evidenced by issuance of a certificate of occupancy.

(Prior Code, § 903.05)

§ 153.082 COMPLETION OF DWELLINGS

All exterior and landscaping of residential dwellings shall be completed one year from date of construction of beginning the digging basement or foundation.

(Prior Code, § 903.05)

§ 153.083 ZERO LOT LINE HOUSING

(A) Zero lot line housing regulations are designed to accommodate changing housing needs while ensuring sound planning and design practices.

(B) Each specific proposed zero lot line development must apply for a conditional use permit under § 153.097.

(C) Conditions of the conditional use permit shall be binding on all construction.

(D) Any proposed change in the development plan as proposed in the permit application and approved by the City Council shall be resubmitted for consideration as a permit amendment.

(1) *Side yard requirements.* The side yard setback may be zero feet on one side of the lot, provided that all of the following are true:

(a) The lot adjacent to that zero side yard is held under the same ownership at the time of initial construction and the minimum side yard setback for the adjacent lot is not less than 15 feet;

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- (b) The 15 foot side yard is perpetually maintained free and clear from any obstructions other than swimming pools, normal landscaping, fences and the like;
- (c) No portion of the dwelling or architectural features project over any property line;
- (d) The zero side yard is not adjacent to a public or private right-of-way;
- (e) A conditional use permit application, accompanied by precise development plans, is submitted to and approved by Planning and Zoning Commission and City Council prior to issuing building permits for the dwelling; and
- (f) The Planning and Zoning Commission, after receiving the application, may recommend approval, approval with conditions or denial to the Council. The Council shall act on the Commission recommendation by approving, conditionally approving or denying the application. All reviews shall be according to procedures established in other parts of this section.

(2) *Application procedure.* An applicant for a zero lot line housing conditional use permit shall undertake the following application steps.

(a) *Pre-application meeting.* Prior to preparation of the application the applicant or his or her representative may meet with the Planning and Zoning Commission, the Zoning Administrator and other appropriate officials in order to become fully aware of all applicable ordinances and regulations. At this time or at subsequent informal meetings, the applicant may submit a general sketch plan of his or her proposal for comments by the city.

(b) *Conditional use permit application.* The application for zero lot line housing as a conditional use will be governed by § 153.097 of the Cokato City Code, as amended. In addition to the information required on the standard conditional use permit application form, the applicant shall submit four complete sets of precise development plans. The precise development plans shall have two parts:

1. The site plan drawings, which shall show the following information:
 - a. The location, size of site and the proposed uses of land to be developed;
 - b. The location and size of all common space and the form of organization to own and maintain the space;
 - c. The use, height, dimensions and bulk, and approximate locations of buildings and other structures;
 - d. Floor plans and elevations of or renderings of structures or buildings proposed;
 - e. Places for collection and removal of sanitary wastes, distribution of water and storm water;
 - f. Plans for vehicle parking, location and width of proposed streets;

g. Profiles, streets grades and grading plans which shall include the proposed lot grades and foundation elevation of proposed buildings; and

h. A topographic map prepared by a registered engineer or land surveyor covering the entire tract proposed for development. The maps shall be at a minimum scale of one inch equals 100 feet and shall indicate topography at a two-foot contour interval. It shall show in accurate detail the existing topography, existing buildings, land features and trees.

2. The plan narrative which shall show the following information:

a. An explanation of the general character of the planned development;

b. A statement describing the ultimate ownership and maintenance of all parts of the development including streets, structures and open space;

c. The total anticipated population to occupy the zero lot line development, with breakdowns as to number of school aged children, adults and families;

d. Any information on the proposed developments physical characteristics which may include topography, erosion and siltation, susceptibility to flooding, drainage and the like; and

e. Details concerning the architectural style, structure, construction materials and finishing materials, which are pertinent to the applications review criteria outlined later in this section.

(c) *Review criteria and required findings.* In the review of all applications for a conditional use permit for zero lot line housing the Planning and Zoning Commission shall approve only those applications which meet the requirements of § 153.097 of the City Code and for which the following findings, which indicate the plan is in the public interest, are made:

1. The proposed plan is not in conflict with adopted applicable general and specific plans of the city or the Cokato Comprehensive Plan;

2. The site is physically suitable for the proposed density of development;

3. The design of the proposal will not cause serious environmental damage, public health problems or create an excessive burden on existing public facilities including, but not limited to parks, schools, streets and utilities;

4. The plan is designed to form a well-conceived, desirable and unified development within its own boundaries. It is sensitive to sound planning and design criteria and is aesthetically pleasing in architectural style, placement of structure, building materials, finishing materials and landscaping;

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5. The proposed plan will not be a detriment to existing and future land uses in the surrounding area;
6. The proposed plan will not have an undue adverse impact on the value or reasonable enjoyment of neighboring property; and
7. Any exception to the standard requirements of this chapter are justified by the design of the development.
(Prior Code, § 903.05)

§ 153.084 FENCING

(A) The purpose of this ordinance is to establish standards for the installation of fencing to protect the general health, safety and welfare of the city.

(B) Except as otherwise regulated, fences shall be permitted in all yards subject to the following regulations.

(1) *Permit Required:* No person may erect any fence up to six feet in height without first securing a building permit. Fences exceeding six feet in height shall require a conditional use permit.

(2) *Locations:*

(a) A fence that requires periodic maintenance shall be located not closer than one foot from any side or rear yard lot line on the property of the person constructing the fence. An exception to this may be allowed if an agreement addressing construction, maintenance and repair responsibilities, including rights of access, is established between the adjoining property owners, which agreement must be determined acceptable by the city attorney and filed with the Wright County recorder against the titles of the respective properties. The fence agreement shall provide for amendment or cancellation only upon written approval of the City.

(b) A fence that is maintenance free, such as chain link of steel, plastic or vinyl, may be constructed up to the side or rear yard property line.

(c) The City may require the owner of the property upon which a fence now exists or an applicant for a fence permit to establish or verify the boundary lines of the property by a land survey or other appropriate means.

(d) No fence shall be placed on or extend into any public right of way or other public property.

(C) *Construction and Maintenance*

(1) Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Fences shall be maintained in a condition of reasonable repair and shall not be allowed to become a danger, or constitute a nuisance, public or private. Any fence which is or becomes dangerous to the public safety, health or welfare, is a public nuisance, and the City may commence proper proceedings for an abatement thereof.

- (2) The side of any fence considered to be its “face” (i.e. the finished side having no structural supports) shall face the abutting property or street right of way.
- (3) Electric fences shall be permitted only when related to agricultural uses, but not as boundary fences, and shall only be permitted in areas zoned for agricultural uses.
- (4) Barbed wire fences shall only be permitted for agricultural, business or industrial purposes, and only in areas zoned for those uses. Barbed wire fences for business or industrial purposes are subject to regulations set forth in part G of this section.

(D) *Solid Walls.* Solid walls up to six feet in height that are not part of buildings may be constructed and maintained only in the buildable area of a lot.

(E) *Traffic Sight Visibility Triangle.* On corner lots, no fence or screening material shall be permitted within the traffic sight visibility triangle.

(F) *Residential Fencing and Screening.*

- (1) Except as provided herein, fences shall be at least five percent open for passage of air, light and drainage.
- (2) Except as provided herein, fences may not exceed six feet in height.
- (3) Fences extending across front yards shall not exceed 48 inches in height and shall be at least 75 percent open space for passage of air and light. Fences extended across front yards or side yards abutting a public right-of-way shall not be permitted within the traffic visibility triangle. For purposes of this section, fences and screening shall include manufactured and/or vegetation.

(G) *Business and Industrial Fencing.*

- (1) No fence shall be allowed in the front yard of a business use except by conditional use permit.
- (2) Except in a required front yard, business and industrial fences may be erected as provided herein.
- (3) Business and industrial fences with barbed wire security arms shall be erected with a minimum height of six feet (measured without the security arm). The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public. Security fencing shall be prohibited within a required front yard or when located along a property line abutting a residential use.

§ 153.085 TEMPORARY FAMILY HEALTH CARE DWELLINGS

- (A) Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Cokato opts-out of the requirements of Minn. Stat. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

§ 153.086 REGULATION OF TELECOMMUNICATION TOWERS AND FACILITIES

- (A) *Limited Federal Preemption.* The city recognizes that the Federal Communications Act of 1934 as amended by the Telecommunications Act of 1995 (“the Act”) grants the Federal Communications Commission exclusive jurisdiction over the regulation of the environmental effects of radio frequency emissions from telecommunications facilities and the regulation of radio signal interference among users of the radio frequency spectrum. Consistent with the Act, the regulation of telecommunication towers and telecommunications facilities in the city is not intended to have the effect of prohibiting any person from providing wireless telecommunications services.
- (B) *Purpose.* The purpose of this section is to regulate the placement, construction, maintenance and modification of telecommunication towers and telecommunication facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the city. In adopting this ordinance, the city intends to advance the following specific purposes:
- (1) Minimize adverse visual and economic impacts of telecommunication towers and facilities through design, siting, landscaping, and camouflaging techniques;
 - (2) Promote and encourage shared use and colocation of telecommunication towers and antenna support structures;
 - (3) Avoid injury to persons and damage to adjacent properties caused by falling or dislocated telecommunication towers and facilities by ensuring that those structures are appropriately located and soundly designed, constructed, and maintained and removed promptly when no longer used or when determined to be structurally unsound;
 - (4) Ensure that telecommunication towers and facilities are compatible with surrounding land uses, especially residential uses; and
 - (5) Facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.
- (C) *Definitions.* For purposes of this section, the following terms shall have the meanings given them, except where the context clearly indicates a different meaning:
- (1) **Antenna support structure.** A building, water tower, or other structure, except a tower, which can be used for location of telecommunications facilities.

- (2) **Applicant.** A person who applies for a permit to develop, construct, build, modify or erect a tower or telecommunications facility.
 - (3) **Application.** The written request by the applicant for the city to consider granting permission to develop, construct, build, modify, or erect a tower or telecommunications facility and the process by which the city reviews said request.
 - (4) **Dual lighting.** A lighting pattern which varies by number, location or intensity between day and night for a single facility.
 - (5) **Engineer.** A structural engineer licensed by the state of Minnesota.
 - (6) **Person.** Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
 - (7) **Telecommunications facilities.** Cables, wires, lines, wave guides, antennas and any other facilities or equipment associated with the transmission or reception of communications located or installed on or near a tower or antenna support structure. The term does not include a satellite earth station antenna two meters in diameter or less if located in the M-1, C-1, C-2 or I Zoning districts or a satellite earth station antenna one meter in diameter or less if located in any zoning district other than the above.
 - (8) **Telecommunications tower or tower.** A self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term does not include amateur radio operations equipment licensed by the Federal Communications Commission.
 - (9) **Tower height.** The vertical distance from the average grade adjacent to the base pad of the tower to the highest point of the tower or any component of the telecommunication facilities.
- (D) *Application.* Any person desiring to construct a tower must submit an application for a Conditional Use Permit. The applicant must submit the following in connection with an application for a tower:
- (1) The engineering plans for the proposed tower and a written statement from an engineer that the proposed structure meets the structural requirements of the city code of ordinances;
 - (2) A written statement from an engineer that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as liquid propane gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals;
 - (3) A map of the city showing the location of all towers and telecommunications facilities in the applicant's entire existing or proposed wireless telecommunications network;

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- (4) Written evidence that the applicant will be required to remove the tower and telecommunications facilities upon cessation of operations if the site of the tower is leased; and
- (5) An application fee in the amount established by the city council.

(E) Performance Standards.

- (1) Colocation capability. Unless the applicant presents evidence to the City that colocation is not feasible, no tower may be built, constructed or erected unless the tower is capable of supporting at least one additional telecommunications facility comparable in weight, size, and surface area to the facility proposed by the applicant.
- (2) Setback requirements. In addition to any other setback requirement which may be applicable under this ordinance, a tower up to 180 feet in height authorized under this section must comply with the following setback and locational requirements:
 - (a) The tower must be set back a distance from the nearest property line equal to the height of the tower, unless an engineer certifies in writing that the tower will collapse within a lesser distance under all reasonably foreseeable circumstances. In no event, however, shall a tower be located closer to any property line than a distance equal to 50 percent of the height of the tower;
 - (b) Setbacks for a tower shall be measured from the base of the tower to the nearest property line of the parcel on which it is located;
 - (c) No tower may be located between a principal structure and the street, except that on corner lots, a tower may be located between the principal structure and the street having the lesser volume of traffic; and
 - (d) A tower must be set back from land within the M-1, R-1, R-2, or R-3 zoning districts a minimum of 200 feet or 150 percent of the height of the tower, whichever is greater.

A tower which exceeds 180 feet in height shall be set back from the nearest property line a distance equal to the height of the tower plus an additional 1.5feet for every foot by which its height exceeds 180 feet, unless an engineer certifies in writing that the tower will collapse within a lesser distance under all reasonably foreseeable conditions. If an applicant produces the engineering certification required in this subdivision, the setback may be reduced to a distance no less than 75 percent of the height of the tower, except that setbacks from land within the M-1, R-1, R-2 or R-3 zoning districts shall be a minimum of 300 feet or 150 percent of the height of the tower, whichever is greater.

Notwithstanding anything herein to the contrary, any tower which is supported by guy wires shall comply with the full setback as provided herein and shall not qualify for

any reduction in setback allowed by certification from an engineer regarding the collapse pattern of the tower.

- (3) Engineer Certification. Towers must be designed and certified by an engineer to be in conformance with the Uniform Building Code and all other applicable standards set forth in the city code of ordinances and to be structurally sound for conditions reasonably likely to occur in Minnesota.
- (4) Lighting. Towers may not be lighted except as required by the Federal Aviation Administration. Whenever a tower is proposed to be located within 1000 feet of land within the M-1, R-1, R-2 or R-3 zoning districts, the applicant must seek approval for dual mode lighting from the Federal Aviation Administration.
- (5) Exterior Finish. Towers not requiring specific painting or marking by the Federal Aviation Administration must have an exterior finish approved by the city.
- (6) Fencing. Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed in accordance with any fencing requirements applicable within the zoning district in which the tower, antenna support structure or telecommunications facility is located, unless more stringent fencing requirements are required by the Federal Communications Commission regulations. Notwithstanding anything herein to the contrary, any guy wire used to support a tower shall be fenced so that it is protected against climbing and vandalism.
- (7) Camouflage; Landscaping. Reasonable but creative measures must be employed to camouflage towers from view. Landscaping on parcels containing buildings used as antenna support structures or telecommunications facilities must meet the landscaping requirements approved in the special use permit. Utility buildings and structures accessory to the tower must be designed to blend in architecturally with the surrounding environment and to meet all setback requirements applicable to the tower. Ground mounted equipment must be screened from view by suitable vegetation, except where a design using non-vegetative screening better reflects and complements the character of the surrounding neighborhood. Notwithstanding anything herein to the contrary, the city may impose more stringent screening requirements when a tower, antenna support structure or telecommunications facility will be in close proximity to residential uses or environmentally sensitive areas or land forms.
- (8) Accessory Buildings. One accessory building not more than 2000 sq. ft. in area is permitted per tower.
- (9) Security; Signs. Towers and telecommunication facilities must be reasonably posted and secured to offer protection against trespass. All signs must comply with applicable sign regulations. Towers and telecommunication facilities must be constructed with such devices and techniques as reasonably necessary to prevent climbing or trespass by unauthorized persons.
- (10) On-site parking. Property upon which any tower is located must contain vehicular access and at least one paved vehicular parking space immediately adjacent to the tower.

- (11) Removal of Towers. If the use of a tower is discontinued, the tower owner must provide written notice to the city of its intent to discontinue use and the date when the use will be discontinued. Abandoned or unused towers or telecommunications facilities must be removed from the site within six months of the cessation of operations of the telecommunications facility at that site unless an extension of time is approved by the city council. Any tower or telecommunications facility which is not removed within six months of the cessation of operations at a site is hereby declared to be a public nuisance and may be removed by the city and the costs of removal assessed against the property.

(F) *Additional Requirements.*

- (1) *Maintenance*. Towers must be maintained in accordance with the following provisions:
- (a) Tower owners must employ ordinary and reasonable care in the construction, use and operation of a tower and must employ commonly accepted methods and devices for preventing failures and accidents likely to cause injury, damage, or nuisance to persons or property.
 - (b) Tower owners must install and maintain towers, antenna support structures and telecommunications facilities, in compliance with the requirements of the National Electric Safety Code and all Federal Communications Commission, state, and local regulations.
 - (c) Towers, telecommunications facilities, and antenna support structures must be kept and maintained in good condition, order, and repair.
 - (d) Maintenance or repair of a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance or repair personnel.
 - (e) Towers must be used in compliance with radio frequency emissions standards of the Federal Communications Commission.
- (2) *Certification of Structural Conditions*. Every five years after its construction, a tower must be recertified by an engineer to be structurally sound and in conformance with the requirements of the Uniform Building Code and all other construction standards set forth by the city code of ordinances or federal or state law. A written certification to this effect must be provided to the city. The city may require more frequent certifications if it reasonably believes that the structural or electrical integrity of the tower does not comply with federal, state, or local law or regulations. The city may require repair or removal of the tower if the engineering certification discloses deficiencies in the structural integrity of the tower or that it fails to meet the requirements of the Uniform Building Code. The city may revoke the special use permit if the tower owner fails to make repairs or fails to comply with the recertification requirements of this section.

- (3) *Inspections.* Upon reasonable notice to the owner of the tower and the property upon which it is located, the city may inspect any tower for the purpose of determining if it complies with the Uniform Building Code and other construction standards provided by the city code or federal or state law. The expense related to such inspections will be borne by the tower owner. Based upon the results of such inspection, the city building official may require repair or removal of a tower.

§ 153.087 SWIMMING POOLS

- (A) *Building Permit Required.* A building permit shall be required for any swimming pool having a depth of 24 inches or more at any point and a surface area of 150 square feet or more, including:
 - (1) Prefabricated swimming pools in which the pool walls are entirely above the adjacent grade and the capacity does not exceed 5,000 gallons.
 - (2) All in ground pools regardless of capacity and all aboveground swimming pools that exceed 5,000 gallons.
- (B) *Permit Application.* An application for a building permit to construct a swimming pool shall be accompanied by plans and specifications of sufficient detail to show:
 - (1) The proposed location of the pool and its relationship to the property lines and all buildings on the lot;
 - (2) The size of the pool;
 - (3) Fencing and other fixtures existing and proposed on the lot, including utility locations and trees;
 - (4) The location, size, and types of equipment to be used in connection with the pool, including, but not limited to, filter unit, pump fencing and the pool itself; and
 - (5) That all requirements of this section will be satisfied with the submission and approval of a site plan.
- (C) *Safeguards Required.* All swimming pools for which a permit is required under this ordinance shall be provided with safety features to prevent uncontrolled access thereto. This requirement may be accomplished with fencing or other means of enclosure to reasonably prevent uncontrolled access. If fences are chosen, they shall be at least four feet in height. The bottom of the fence shall not be more than four inches from the ground nor shall there be any open space in the fence large enough for a sphere 4 inches in diameter to pass through the fence unimpeded. Fences shall be constructed of a non-corrosive material and shall not be easily climbable. All fence openings or points of entry into the pool area shall be equipped with gates or doors. Gates or doors to pool area shall be equipped with self-closing and self-latching

devices placed at a sufficient height so as to be inaccessible to small children. The fencing requirements of this section need only be provided around the means of access to aboveground pools which have vertical or outward inclined side walls of at least 4 feet in height. Prior to filling the pool, the approved fence or other enclosure must be installed, inspected and approved by the City building official.

- (D) *Location and Setback.* In all residential districts, swimming pools shall be set back a minimum of 10 feet from all adjoining lots and, except for fences and pump enclosures, shall be located at least 10 feet away from any other building or structure on the same lot. Pools shall not be located within a drainage or utility easement. Pools shall not be permitted in a front yard or in the area between the street right of way and the minimum required building side yard setback line.

ADMINISTRATION AND ENFORCEMENT

§ 153.095 ZONING ADMINISTRATOR

The Zoning Administrator shall enforce this subchapter and shall recommend and perform the following duties as assigned by the City Council. The Building Inspector shall:

- (A) Issue occupancy and building permits, and make and maintain records thereof;
- (B) Recommend inspections of buildings and use of land to determine compliance with the terms of this chapter;
- (C) Maintain permanent and current records of this subchapter, including but not limited to all maps, amendments and conditional uses, variances, appeals and applications therefore;
- (D) Receive, file and forward all applications for appeals, variances, conditional uses or other matter to the designated official bodies;
- (E) Institute in the name of the city, any appropriate actions or proceedings against a violator as provided for; and
- (F) Serve as an ex-officio non-voting member of the Planning and Zoning Commission.
(Prior Code, § 903.08)

§ 153.096 APPEALS AND THE BOARD OF ADJUSTMENT AND APPEALS

- (A) The City Council shall act as a Board of Appeals and in its capacity shall hear and review all appeals. The decision of the Planning and Zoning Commission shall not be final, and any person having an interest affected by this chapter shall have the right to appeal to the court.
- (B) The meetings of the Board of Adjustment and Appeals shall be held at the call of the

Chairperson and at other times as the Board in its rules of procedure may specify. The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this chapter, including the interpretation of zoning maps, variances and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing this chapter. The appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

(C) Hearings by the Board of Adjustment and Appeals shall be held within the time and upon notice to interested parties as provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of the order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

(D) The Board of Adjustment and Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be stated. The decision of the Board shall not be final and any person having an interest affected by the decision shall have the right to appeal to District Court in the county in which the land is located on questions of law and fact.

§ 153.097 **CONDITIONAL USE PERMITS**

(A) *Criteria for granting conditional use permits.*

(1) In granting a conditional use permit, the Cokato City Council shall consider the advice and recommendations of the Planning and Zoning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, the effect of values of property and scenic views in the surrounding area and the effect of the proposed use on the Policies Plan. In permitting a new conditional use or the alteration of an existing conditional use, the Planning and Zoning Commission may impose, in addition to these standards and requirements expressly specified by this chapter, additional conditions which the Planning and Zoning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- (a) Increasing the required lot size or yard dimension;
- (b) Limiting the height, size or location of buildings;
- (c) Controlling the location and number of vehicle access points;
- (d) Increasing the street width;
- (e) Increasing the number of required off-street parking spaces;
- (f) Limiting the number, size, location or lighting of signs;

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(g) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property; and

(h) Designating sites for open space.

(2) Any change involving structural alterations, enlargement, intensification of use or similar change not specifically permitted by the conditional use permit issued shall require an amended

conditional use permit, and all procedures shall apply as if a new permit were being issued. The City Administrator shall maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the governing body, time limits, review dates and other information as may be appropriate.

(B) *Procedure.* The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator, a zoning application together with a fee per this chapter as adopted by the City Council.

(1) The Zoning Administrator shall refer the application to the Planning and Zoning Commission.

(2) Property owners with 350 feet of the property in question shall be notified, although failure of any property owner to receive the notification shall so invalidate the proceedings.

(3) The Planning and Zoning Commission shall hold a public hearing on the proposal.

(4) The petitioner or his or her representative shall appear before the Planning and Zoning Commission in order to answer questions concerning the proposed conditional use.

(5) The report of the Planning and Zoning Commission shall be placed on the agenda of the Cokato City Council at its next regular meeting following referral from the Planning and Zoning Commission, but not later than 60 days after the applicant has submitted the application. The Cokato City Council must take action on the application within 60 days after receiving the report of the Planning and Zoning Commission. If it grants the conditional use permit, the Cokato City Council may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare, and the conditions may include a time limit for the use to exist or operate.

(6) An amended conditional use permit application shall be administered in a manner similar to that requested for a new conditional use permit except that the fee shall be as set forth in the city's fee schedule ordinance. Amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this chapter.

(7) No application for a conditional use permit shall be resubmitted for a period of six months from the date of the order or denial.

(8) If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of

the hearing published at least ten days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule the public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for the review. A public hearing for annual review of the conditional use permit may be granted at the discretion of the Cokato City Council.
(Prior Code, § 903.08)

§ 153.098 VARIANCES

(A) *Criteria for granting variances.* A variance may be granted only in the event that all of the following are met:

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control;
- (2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- (3) The special conditions or circumstances do not result from the actions of the applicant;
- (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures or buildings in the same district;
- (5) Variance requested is the minimum variance which would alleviate the hardship; and
- (6) Variance would not be materially detrimental to the purposes of this chapter, or to property in the same zone.

(B) *Procedure.*

- (1) The person applying for a variance shall fill out and submit to the Zoning Administrator a zoning application together with a fee as designated by ordinance as approved by the City Council.
- (2) The Zoning Administrator shall refer the application to the Zoning Board of Adjustment and Appeals. Property owners within 350 feet of the property in question shall be notified in writing, although failure of any property owner to receive the notification shall not invalidate the proceedings.
- (3) The Zoning Board of Adjustment and Appeals shall hold a public hearing on the proposal.
- (4) The petitioner or his or her representative shall appear before the Zoning Board of Appeals in order to answer questions concerning the proposed variance.

(5) The Zoning Board of Appeals must take action on the application within 60 days after holding the public hearing. If it grants the variance, the Zoning Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare, and the conditions may include a time limit for the use to exist or operate.
(Prior Code, § 903.08)

§ 153.099 ZONING AMENDMENTS

(A) An amendment to the text of the ordinance or the Zoning Map may be initiated by the governing body, the Planning and Zoning Commission or by application of a property owner. Individuals wishing to initiate an amendment to this chapter shall fill out an application and submit it to the Zoning Administrator. Property owners or occupants within 350 feet of the property in question shall be notified of the proposed zoning amendment in writing.

(B) A public hearing on the re-zoning application shall be held by the Planning and Zoning Commission within 30 days after the request for the zoning amendment has been received. Notice of the hearing shall be published in the official newspaper designated by the governing body. The Planning and Zoning Commission shall make its report to the governing body at the next regular meeting of the Cokato City Council following the hearing recommending approval, disapproval or modified approval of the proposed amendment.

(C) The Cokato City Council must take action on the application within 60 days following referral by the Planning and Zoning Commission. The person making the application shall be notified of the action taken. The Cokato City Council shall maintain records of amendments to the text and Zoning Map of this chapter.

(D) No application of a property owner for an amendment to the text of this chapter or the Zoning Map shall be considered by the Planning and Zoning Commission within the one-year period following a denial of the request, except the Planning and Zoning Commission may permit a new application, if in the opinion of the Planning and Zoning Commission, new evidence or a change of circumstances warrant it.
(Prior Code, § 903.08)

§ 153.100 ENFORCEMENT

(A) *Enforcing officer.* It shall be the duty of the Zoning Administrator as assigned shall to cause the provisions of this chapter to be properly enforced.

(B) *Building permit.*

(1) No building permit shall be issued unless the proposed building, structure or proposed use of land complies with the regulations of this chapter.

(2) All applications of building projects shall be accompanied by the following exhibits:

(a) Boundary survey, or if pertinent, a certified survey by a registered land surveyor of an area including the property in question and 100 feet beyond the outer boundaries of the property in question, showing existing utilities, lot boundaries and dimensions, buildings, easements, foliage and topography and waterways, if pertinent. Soil tests to be included, if pertinent; and

(b) Preliminary building and site plans-complete preliminary drawings as follows, if pertinent:

1. Site development plan showing building's location, dimensional parking and loading arrangements, vehicular and pedestrian access and egress, surface drainage plan, landscaping, utility plan, screening, size and location of all signs and other improvements;
2. Building floor plans of all floors;
3. Elevation of all sides of buildings; and
4. Sections, details and outline materials specification as appropriate.

(3) Upon approval by the Building Inspector of the preliminary plans called for in division (2)(b) above, the following shall be provided:

(a) Final building and site plans;

(b) Final construction drawings and specifications including site plan and specifications designed and certified by a registered architect or engineer; and

(c) Final floor plans, elevations, site plans, structural plans, mechanical plans, electrical plans and plumbing plans, and all specifications related thereto shall be designed and certified by architect(s) and/or engineer(s) registered in the State of Minnesota.

(4) As deemed by the Building Inspector, the applicant shall file the completed application for together with the required exhibits with the City Administrator and shall pay a fee as designed by fee schedule.

§ 153.999 PENALTY

Any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine and/or imprisonment as established by state law and which changes from time to time. Each day a violation is permitted to exist shall constitute a separate offense.