

CHAPTER 152: ZONING

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GENERAL PROVISIONS

§ 152.001 STATUTORY AUTHORITY.

The State of Minnesota has delegated the responsibility to the City of Greenfield as a statutory city to implement its comprehensive plan through regulating the use of land, protecting the health, safety and welfare of its citizens, minimizing flood losses and protecting the public waters of the state. This chapter is and has been adopted within the authority delegated to the city by the State of Minnesota.

(Prior Code, § 1000.01)

§ 152.002 TITLE.

The term Greenfield Zoning Code shall include and mean all provisions of this chapter including this text and the zoning map and all amendments thereto.

(Prior Code, § 1000.02)

§ 152.003 PURPOSE AND INTENT.

This chapter shall be adopted, without limitation, for the following purposes:

- (A) To regulate the location, height, bulk, number of stories, size of buildings and other structures, the percentage of lot which is occupied, size of yards and other open spaces, the density and distribution of population, the use of buildings and structures for trade, industry, residences, recreation, public activities, or other purposes, and the use of water supply conservation of shorelines, flood control or other purposes, as provided by Minnesota Statutes;
- (B) To provide, at appropriate locations rural-residential living environments while protecting wetlands, waterways, lakes, trees and other natural features and systems;
- (C) To protect and provide limited retail commercial service and industrial development to improve the tax base and provide employment opportunities;
- (D) To provide housing that accommodates residents from all economic levels;

- (E) To provide a framework within which public and private agencies and individuals can plan their development and expansion;
- (F) To protect, the public health, safety, morals, comfort and general welfare by regulating the use and development of land; and
- (G) To implement the comprehensive plan.

(Prior Code 1000.03)

§ 152.004 RULES OF CONSTRUCTION.

This chapter shall be interpreted using the following rules of construction:

- (A) Words and phrases shall be construed according to rules of grammar and according to their common and approved usage; technical words and phrases, and other words as have acquired a special meaning, or that shall be defined in this chapter, shall be defined according to the special meaning or definition.
- (B) The singular includes the plural, and the plural the singular; the present tense includes the past and future tenses and the future includes the present;
- (C) Where a general provision conflicts with more particular provisions, the two shall be construed, if possible, so as to give effect to both. If the conflict is irreconcilable, the particular provision shall prevail unless the general provision was enacted later in time, in which case the general provision shall prevail;
- (D) The Council shall not intend a result that is absurd, unreasonable, or impossible in executions, and intends to favor the public interest over private interest;
- (E) The Council intends all code provisions to be effective but does not intend to violate the Constitution or laws of the United States or the State of Minnesota.

(Prior Code, § 1000.04)

§ 152.005 APPLICATION.

This chapter shall be applied and enforced as follows:

- (A) In their interpretation and application, the provision of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare;

- (B) Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail;
- (C) This chapter shall not be intended to abrogate any easements, restrictions or covenants relating to the use of land or imposed on lands within the city by private declaration or agreement, but where the provisions of this chapter are more restrictive than any easement, restriction or covenant, or the provision of any private agreement, the provisions of this chapter shall prevail;
- (D) Except as specifically provided in this chapter, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose or in any manner which is not in conformity with this chapter;
- (E) The physical standards of this chapter relative to the width, depth, area, right-of-way, frontage and density shall not prevent a lot of record from being used for any purpose or in any manner which is in conformity with this chapter;
- (F) No provision of this chapter shall be deemed ineffective by failure to use or enforce it;
- (G) All measured distances expressed in feet shall be measured horizontally and rounded to the nearest tenth of a foot; and
- (H) All residential land use densities shall be rounded to the nearest whole number.

(Prior Code, § 1000.05)

§ 152.006 DEFINITIONS.

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

ACCESSORY USE OR STRUCTURE. A use or structure or portion of a structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto. An accessory use capable of supporting independent living (cooking, sleeping, bathing and sanitary facilities) shall be deemed a dwelling unit.

AGRICULTURE. The production of farm crops as well as the raising of farm poultry and domestic farm animals and including sod farms and forestry and nursery products.

APPLICANT. The property owner applying for a zoning amendment, conditional use permit or variance to this chapter or an appeal as defined in § 152.028, of this chapter.

APPLICATION. The documents, plan exhibits and written material by which a property owner justifies a request for a zoning amendment, a conditional use permit, a sign permit, a driveway permit, a variance, an appeal or other request for approval, relief or consideration, which shall include all information on any application form approved by the City Administrator-Clerk.

AUTOMOBILE SERVICE, FUEL SALES, AND REPAIR. An establishment whose primary business is selling fuel for motor vehicles and/or providing service and mechanical or body repair of motor vehicles. Repair business does not include auto or truck salvage businesses. Body shops are required to have a screened storage area for repair vehicles.

BASE FLOOD ELEVATION. The elevation of the REGIONAL FLOOD. The term BASE FLOOD ELEVATION is used in the flood insurance survey.

BASEMENT. Any area of a structure, including crawl spaces, having its floor or base sub-grade (below ground level) on all 4 sides, regardless of the depth of excavation below ground level.

BERM. An earthen mound or series of mounds used as a buffer between 2 land uses.

BLUFF. A topographic feature such as a hill, cliff or embankment having all of the following characteristics:

- (1) All or part of the feature is located in a Shoreland Area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30% or greater; an area with an average slope of less than 18% over a distance of 50 feet or more shall not be considered part of the bluff; and
- (4) The slope shall drain toward the waterbody.

BLUFF IMPACT ZONE. A bluff and land located within 20 feet from the top of a bluff.

BOARD OF ADJUSTMENT. As described in M.S. Chapter 462, as it may be amended from time to time.

BOATHOUSE. A structure designed and used solely for the storage of boats or boating equipment and located closer to the ordinary high water level than the principal structure.

BUILDING. A structure having a roof supported by columns or walls.

BUILDING HEIGHT. The vertical distance from the average grade to the coping on a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch-type roof or to the mean distance of the highest gable on a pitched or hip roof.

BUILDING INSPECTOR. The officer or other person charged with the enforcement of this code, or his or her duly authorized deputy.

BUILDING LINE. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure or building may not extend.

CITY. The City of Greenfield, Hennepin County, Minnesota.

CITY COUNCIL. The governing body of the City of Greenfield.

COMMERCIAL RECREATION. An establishment whose main purpose is to provide the general public with recreation facilities for a fee. Includes, but is not limited to, skating, court sports, indoor golf, arcades, billiards, bowling, but not movie theaters or adult uses.

COMMERCIAL USE. The principal use of land or buildings for the sale, lease, rental or trade of products, good and services.

COMMISSIONER. The Commissioner of the Minnesota Department of Natural Resources.

CONDITIONAL USE. A specific type of structure or land use listed in the zoning code that may be allowed but only after an in-depth review procedure and approval with appropriate conditions or restrictions by the City Council as provided in the official zoning codes and upon a finding that the proposed use meets the criteria of § 152.023 of this chapter.

CONTRACTOR BUSINESS. A business devoted to providing certain materials or to do certain work in the field of building trades such as plumbing, painting, plastering, masonry, carpentry, roofing, well drilling, landscaping and the like.

CRITICAL FACILITIES. Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

DECK. A horizontal, unenclosed platform with or without attached railing, seats, trellises or other features, attached or functionally related to a principal use or site and at any point extending more than 1 foot above ground.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DWELLING, SINGLE-FAMILY. A building designed exclusively for and occupied by one family.

DWELLING SITE. A designated location for residential use by 1 or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

DWELLING UNIT. A structure or portion thereof intended for the occupancy by a single family or individual, but not including hotels, motels, nursing homes, boarding or rooming houses, resorts, motor homes or travel trailers.

EASEMENT. A grant by a landowner for a specific use of the land by the grantee.

EQUAL DEGREE OF ENCROACHMENT. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

ESSENTIAL SERVICES. Public conduits, including their appurtenant structures, used to provide sewage removal, water supply, powers fuel, communications and any other public convenience or necessity.

EXTERIOR DISPLAY. An outdoor display area of products for sale or lease. EXTERIOR DISPLAY is a defined area for customers to examine and compare products. EXTERIOR DISPLAY does not include storage of materials or products. Any outdoor display area must occur within a defined area as indicated on an approved final site plan.

EXTRACTION. The removal of more than 25 cubic yards of sand, gravel, soil, peat or other earthen deposits from a lot except when the removal is part of construction under an approved building permit or conditional use permit.

EXTRACTIVE USE. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat.

FAMILY. Any of the following:

- (1) An individual;

(2) Two or more persons related by blood, marriage, or adoption and maintaining a common household;

(3) A group of not more than 6 unrelated persons maintaining a common household;

FARM. A lot 10 acres or more in size, the principal use of which shall be agriculture.

FARM BUILDING. All buildings accessory to the agricultural use, except the farm dwelling.

FARM FENCE. A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

FARM DWELLING. A building containing 1 dwelling unit occupied by the owner of the farm or by a family employed on the farm.

FEEDLOT. An area used for feeding or holding livestock for eventual sale.

FENCE. A partition intended as a dividing marker, a barrier or an enclosure.

FLOOD. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

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

FLOOD FRINGE. The portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe shall be synonymous with the term FLOODWAY FRINGE used in the flood insurance study for Hennepin County, Minnesota.

FLOOD INSURANCE RATE MAP. The official map of the city showing the boundaries of the General Floodplain District. The FLOOD INSURANCE RATE MAP is published by the Federal Emergency Management Agency (FEMA).

FLOODPLAIN. The beds of the public waters proper and the areas adjoining a wetlands lake or watercourse which have been or hereafter may be covered by the regional flood.

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

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

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls.

FOREST LAND CONVERSION. The clearcutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

FRONTAGE. The distance between the side lot lines of a lot measured along the boundary of the private shared driveway easement, right-of-way, or, in the case of a cul-de-sac, at the building line.

GARAGE, PRIVATE. An accessory building or accessory portion of the principal building which shall be intended for storage of the private passenger vehicles of the family residing upon the lot.

HOME BUSINESS. An occupation or profession engaged in, at, or from the dwelling unit by a legal resident of the dwelling unit. In addition to the resident/business operator, the home business may employ a limited number of employees, who do not reside at the home and subject to the performance standards of § 152.071(F)(4)(b). The primary use of the dwelling shall remain as a residence, and not as a business, shall remain compatible to the neighborhood.

HOME OFFICE. Any office or service use that is primarily conducted within the dwelling unit and carried on by members of a family residing therein. The primary use of the dwelling shall remain as a residence, and not as a business, and shall remain compatible to the neighborhood.

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

INTENSIVE VEGETATION CLEARING. The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

JUNKYARD. An open area where waste, used or second-hand 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 JUNKYARD includes uses established entirely within enclosed buildings. The definition shall not include sanitary landfills.

JURISDICTIONAL WETLAND. As described in the Minnesota Statutes.

KENNEL. Any structure or premises on which 4 or more dogs over 4 months of age are kept.

LIVESTOCK. Cattle, hogs, horses, bees, sheep, goats, chickens and other animals and fowl commonly kept for food production.

LOCAL GOVERNMENT BUILDINGS. Public structures housing public facilities or services including but not limited to city halls, police stations, fire stations, libraries, highway maintenance facilities and schools.

LOT. A parcel of land separated from other parcels by description.

LOT AREA. The horizontal plane bounded by the lot lines.

LOT, CORNER. A lot bounded by the intersecting boundaries of 2 or more roads.

LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line.

LOT LINE. A line defining the horizontal plane of a lot.

LOT LINE, FRONT. That boundary of a lot having the least width which abuts an existing or dedicated street, or privately shared driveway easement. In the case of a corner lot where the dimensions are relatively equal, the City Administrator shall have the authority to determine the front of the lot.

LOT LINE, REAR. The lot line which is opposite the front lot line. If the rear line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line which is not a front lot line or a rear lot line.

LOT OF RECORD. A lot which meets the physical standards for width, depth, density, area and right-of-way frontage established by laws either:

- (1) On the date before the adoption of this code, the lot was last conveyed and recorded with the Hennepin County Recorder; or
- (2) On the date the lot was recorded with the Hennepin County Recorder, after approval by the City Council as a plat.

LOT WIDTH. The maximum horizontal distance between the side lot lines measured parallel to a public right-of-way or private shared drive easement at the front yard setback.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

MASONRY or EQUIVALENT EXTERIOR MATERIALS. Brick, stone, architectural concrete block, stucco, architectural cast-in-place or pre-cast concrete, glass, stucco covered metal panels or an equivalent or better.

(Am. Ord. O-4a-05, passed 9-6-2005)

MINI-STORAGE. A structure whose principal use is to serve as a location for the storage of goods, materials or equipment for more than 2 persons.

MANUFACTURED HOME, or MANUFACTURED HOME PARK. A dwelling unit(s) bearing the seal of the State Building Inspector classifying it as a manufactured home and further defined as follows.

- (1) **DOUBLEWIDE UNIT or MULTIPLE UNIT.** Two or more segments of 1 manufactured home designed to be transported separately and attached to each other at the manufactured home park to form 1 multiple home.
- (2) **LOT.** A section of ground in a manufactured home park of not less than 7,600 square feet of otherwise unoccupied space designated as the location of 1 singlewide manufactured home unit, and all other necessary improvements required by this chapter.
- (3) **MANUFACTURED HOME.** Often referred to as "mobile home," a manufactured home, as defined under State statute § 327.31.subd.3. is 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 with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term **MANUFACTURED HOME** does not include the term **RECREATIONAL VEHICLE**.
- (4) **MANUFACTURED HOME PARK.** Often referred to as "mobile home park," a manufactured home park, as defined under State statute § 327.131.subd.3, means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

(5) **SINGLE WIDE UNIT.** One self-contained manufactured home designed to be a complete dwelling unit.

(6) **SPECIAL WIDTH LOT.** A section of ground in a manufactured home park of not less than 11,250 square feet of unoccupied space designated as the location for 1 doublewide unit.

NEW CONSTRUCTION. Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modifications, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water.

ONE HUNDRED YEAR FLOODPLAIN. Lands inundated by the REGIONAL FLOOD (see definition).

OPEN SPACE USE. A use oriented to and utilizing the outdoor, unimproved, natural character of an area, including trails, primitive campsites, wayside, parks and general recreation uses.

ORDINARY HIGH WATER LEVEL. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ORDINARY HIGH WATER LEVEL is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ORDINARY HIGH WATER LEVEL is the operating elevation of the normal summer pool.

OUTDOOR STORAGE. Outdoor storage of materials, goods, equipment or vehicles for more than a 24-hour period. The OUTDOOR STORAGE AREA must be defined on an approved final site plan.

PLACE OF ASSEMBLY. A building or part thereof where persons assemble for civic, educational, political, religious, cultural, social or other purposes. This does not include commercial gathering places like cinemas, theaters, or concert halls.

PLANNING COMMISSION. The Planning Commission of the City of Greenfield.

PRACTICAL DIFFICULTIES, as used in conjunction with a variance means that:

- (1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (2) The plight of the landowner is due to circumstances unique to the property including unusual lot size or shape, topography or other circumstances not created by the landowner; and
- (3) The variance, if granted, will not alter the essential character of the locality. Economic conditions alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

PRELIMINARY PLAT. Plans and exhibits as provided for in Chapter 151.

PRIME AGRICULTURAL LAND. Type I, II and III soils as determined by the Natural Resources Conservation Service (NRCS) or other lands as designated by the City Council.

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

PRINCIPAL WALL FRONTAGE. The wall of the principal building that fronts toward the principal public street. In the case of 2 or more frontages, the street with the highest vehicle traffic count shall be used. In no circumstances shall more than 20-foot building height be used in the calculation.

PRIVATE SHARED DRIVEWAY EASEMENT. An easement dedicated to the city as a utility, drainage and right-of-way easement which is expressly for the purpose of providing access to lots.

PROPERTY LINE. The legal boundaries of a lot.

PROPERTY OWNER. The fee title owner of property as recorded by Hennepin County or the contract for deed owner of property.

PUBLIC LAND. Land owned or operated by municipal school district, county, state or other governmental units.

PUBLIC WATERS. Any waters as defined in M.S. Chapter 103G, as it may be amended from time to time. However, no lake, pond or flowage of less than 10 acres in size need be regulated.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of

a stream or river between 2 consecutive bridge crossings would most typically constitute a REACH.

RECREATION, COMMERCIAL. A privately owned business or organization offering recreational uses, services or equipment.

RECREATION, PUBLIC. A recreational use, facility, service or equipment and operated by a governmental unit.

RECREATIONAL USE. Recreational facilities, services, equipment or uses which may include water bodies and accessory buildings maintained for active or passive recreation including, without limitation, parks, playgrounds, golf courses, hunting preserves, polo grounds, nature trails, bridle paths, beaches, campsites, ski and snowmobile trails, canoe routes, picnic grounds, wildlife and nature areas, game farms, fish hatcheries, together with necessary loading and parking areas, but excluding a stadium, arena, bowling alley, commercial swimming pool, public or commercial target shooting ranges or other recreational activity for which a structure is required to house the principal use.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. For the purposes of this chapter, the term RECREATIONAL VEHICLE shall be synonymous with the term travel trailer/travel vehicle.

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 1% chance or 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term **BASE FLOOD** used in the Flood Insurance Study.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE). An elevation no lower than 1 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

RESTAURANT. An establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public.

RIDING STABLE, PRIVATE. Stables, barns and riding facilities, both outdoor and indoor, as an accessory use to a single-family dwelling or a farm dwelling.

RIDING STABLE, PUBLIC. Stables, barns and riding facilities both indoor and outdoor, operated as a public livery or boarding stable, or other commercial recreational use, whether as an accessory use or the principal use on the lot.

RIGHT-OF-WAY. Land designated by the City Council, the county or the state for public vehicular and pedestrian traffic by easement, dedication, statutory user, common law dedication, or other instrument or legal right.

ROAD or STREET. Part of a right-of-way improved for vehicular and/or pedestrian traffic, and accepted by the City Council for maintenance and public travel.

SCHOOLS. Includes public and private nursery, elementary, secondary and college institutions.

SEMIPUBLIC USE. The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENIOR HOUSING. Multiple-family dwellings which are designed, built and operated for exclusive occupancy by persons who are at least 55 years old and include certain ancillary facilities and special features associated with living needs for the comfort, health, safety and welfare of the residents which are not typically found in the construction of standard multiple-family dwellings. SENIOR HOUSING may have a shared or common entrance.

SENSITIVE RESOURCE MANAGEMENT. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over ground water or highly erosive bedrock, or flora or fauna in need of special protection.

SETBACK AREA. The area of a lot between the lot line and building line in which buildings and structures shall be prohibited by this chapter.

SETBACK AREA, FRONT YARD. The setback area between the building line and the right-of-way or a private shared drive easement.

SETBACK AREA, REAR YARD. The setback area between the building line and the rear lot line.

SETBACK AREA, SIDE YARD. The setback area between the building line and the side lot line.

SETBACK, BUILDING. A line within a lot which establishes the minimum distance between the lot line and the nearest portion of a structure.

SETBACK, SHORELAND. The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line or other facility.

SEWAGE TREATMENT SYSTEM. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Minn. Rules Chapter 7080, as it may be amended from time to time.

SEWER SYSTEM. Pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

SHOPPING CENTER. Any contiguous group of 3 or more retail stores or service establishments, comprising 20,000 or more square feet of floor area, which provides off-street parking utilized in common by patrons.

SHORE IMPACT ZONE. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the building setback.

SHORELAND. Land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of SHORELANDS may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

SIGN.

- (1) Any publicly displayed message-bearing device or attention-attracting device used for visual communication, the primary purpose of which is to bring the subject thereof to the attention of the public, including any banner, pennant, symbol, valance or similar display.
 - (a) SIGN shall be further defined as follows:
 1. **ACCESSORY SIGN.** A business sign relating to the business activity or service conducted on the premises upon which the sign is placed.
 2. **ADDRESS SIGN.** A postal identification number only, whether in written or numeric form.
 3. **CAMPAIGN SIGN.** A sign erected by a candidate for public office or by a person or group promoting a candidate for public office or by a person or group promoting a candidate for public office or a political issue.

4. DIRECTIONAL SIGN. On-site sign for the purpose of making specific locations known and to assist in finding these locations; for example, "Parking," "Shipping Receiving Area."
5. FARM SIGN. A sign advertising farm products for sale.
6. FLASHING SIGN. An illuminated sign on which the illumination is not kept stationary or constant in intensity.
7. FREE STANDING SIGN. A sign 20 feet or less in height which is placed on the ground and not affixed to any part of any structure.
8. GOVERNMENTAL SIGN. A sign which is erected by a governmental unit for the purpose of directing or guiding the public.
9. ILLUMINATED SIGN. A sign which is illuminated by an artificial light source.
10. INSTITUTIONAL DIRECTIONAL SIGN. A sign which bears the address and/or name of a religious institution, school, library, hospital or recreational area or similar use and directs traffic or pedestrians to the institutions.
11. INSTITUTIONAL SIGN. A sign or bulletin board which identifies the name or other characteristics of a public, semi-public or private institution on the site where the sign is located.
12. MOTION SIGN. A sign which revolves, rotates or has any moving parts intended to attract attention.
13. NAME PLATE or IDENTIFICATION SIGN. A sign which bears the name and address of the business or the occupants of the building.
14. NON-CONFORMING SIGN. A sign which existed prior to adoption of this code but does not conform to the requirements of this code.
15. OFF-PREMISES SIGN. A sign which advertises a business which is located within the city but not on the property where the sign is located.
16. PORTABLE SIGN. A sign so designed as to be movable from 1 location to another and which is not permanently attached to the ground or any structure.
17. PROJECTING SIGN. A sign, all or any part of which extends laterally from the building more than 12 inches.

18. PYLON SIGN. A free standing structure which is in excess of 20 feet in height with a sign mounted thereon.
19. RESIDENTIAL SIGN. A directional or identification sign located in residential districts.
20. ROOF SIGN. A sign erected upon the roof of a structure to which it is affixed.
21. SHOPPING CENTER IDENTIFICATION SIGN. A sign and sign structure adjacent to an arterial street which shall be limited to 30 feet in height. The sign shall be limited in area to a maximum of 125 square feet per surface, maximum of 2 surfaces.
22. SIGN AREA. The area within the marginal lines of the surface which bears the advertisement or in the case of messages, figures or symbols attached directly to any part of a building, that area which is included in the smallest rectangle which can be made to circumscribe to the message, figures or symbol displayed thereon. The maximum SIGN AREA for a free standing or pylon sign refers to a single surface.
23. SIGN STRUCTURE. Any structure which supports or is capable of supporting any sign as defined in this section.
24. TEMPORARY SIGN. A sign which is erected or displayed for a limited period of time, not to exceed twelve four 10-day periods per year, except those permitted in this section.
25. TOTAL ALLOWABLE SIGN AREA. The maximum allowable gross surface area in square feet of a sign or signs. The maximum number of signs cannot be arranged and integrated as to create a surface area in excess of the requirements.
26. TRAFFIC SIGN. A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.
27. WALL SIGN. A sign which is affixed directly to an exterior wall.

SIGNIFICANT HISTORIC SITE. Any archaeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of M.S. § 307.08, as it may be amended from time to time. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota

State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are considered to be **SIGNIFICANT HISTORIC SITES**.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes synonymous with ONE HUNDRED YEAR FLOODPLAIN.

START OF CONSTRUCTION. Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

STRUCTURE. Any building, manufactured home or appurtenance, including decks, antennae, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles and other supporting facilities.

SUBDIVISION. The division of a parcel into two or more parcels, tracts or lots by land consolidation, or by plat, except those divisions resulting from court orders for the adjustment of a lot line by the relocation of a common boundary. A **SUBDIVISION** includes plats and land consolidations.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or

exceeds 50 percent of the market value of the structure before the START OF CONSTRUCTION of the improvement. This term includes structures that have incurred SUBSTANTIAL DAMAGE regardless of the actual repair work performed. The term does not, however, include either:

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

SURFACE WATER-ORIENTED COMMERCIAL USE. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business.

SWIMMING POOLS. Any enclosure, above or below grade, having a water surface area exceeding 100 square feet and a water depth greater than 18 inches which is designed, intended or used for swimming, wading or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by their family or invited guests.

TEMPORARY USE. A construction trailer or other structure used during the construction of a primary use and allowed for a period not to exceed 6 months or 10 days after the completion of the construction project.

TOE OF THE BLUFF. The lower point of a 50-foot segment with an average slope exceeding 18%.

TOP OF THE BLUFF. The higher point of a 50-foot segment with an average slope exceeding 18%.

TOWNHOUSE. A building designed exclusively for, or occupied exclusively by, between two and eight families living separately and living independently of each other. Each dwelling unit is attached horizontally in a linear arrangement with private front and rear entrances. Each dwelling unit must be separated from other dwelling units by a firewall extending from foundation through the roof with no openings. Each dwelling unit shall have a totally exposed front and rear wall to be used for entry, light, and ventilation.

USE, PERMITTED. A use which may be lawfully established in a particular zoning district if it conforms to all requirements, regulations and performance standards in the zoning district.

VARIANCE. A modification of a specific development standard required in an official control including this chapter to allow an alternative development standard.

VARIANCES are granted only when the proposed alternative standards and site conditions meet the criteria of § 152.026 of the chapter.

WATER-ORIENTED ACCESSORY STRUCTURE OR FACILITY. A small, above ground building or other improvements, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of these structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

(Prior Code, § 1010.10) (Am. Ord. O-02-98, passed 9-1-1998; Am. Ord. O-1-99, passed 8-30-1999; Am. Ord. O-8-01, passed 9-18-2001; Am. Ord. O-4-02, passed 3-5-2002; Am. Ord. O-4-03, passed 4-15-2003; Am. Ord. O-4-04, passed 8-17-2004; Am. Ord. O-8-07, passed 11-20-2007; Am. Ord. 10-001, passed 4-7-2010) (Ord. 2016-03, passed 8-16-2016)

ADMINISTRATION

§ 152.020 ZONING ADMINISTRATION.

- (A) **Zoning Administrator.** The City Council shall designate the City Administrator-Clerk or a representative as Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce this chapter.
- (B) **The Board of Appeals and Adjustments shall be the City Council.**
 - (1) The Board of Appeals and Adjustments shall act upon all appeals as they may arise in the administration of this chapter, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the chapter.
 - (2) Hearings of the Board of Appeals and Adjustments shall be held within such time and upon such notice to interested parties. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.
 - (3) The Board of Appeals and Adjustments may reverse or affirm wholly or partly or modify the order, requirement, decision, or determination as in its opinion ought to be made to 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.
- (C) **Planning Commission.** The Planning Commission shall provide assistance to the City Council in the administration of this chapter and shall review, hold public hearings, and make recommendations to the City Council on all applications for zoning amendments, conditional use permits, variances, and site plans, using the criteria in this chapter.
- (D) **Procedures.** The following procedures shall be followed for Planning Commission, Board of Appeals and Adjustments, and City Council consideration of zoning amendments, conditional use permits, and variances to this chapter and appeals.
 - (1) The applicant shall submit the application to the City Administrator-Clerk who shall refer the application to the City Planner for amendments, conditional use permits, variances and appeals to this chapter.
 - (2) The City Planner shall refer the application to various governmental

jurisdictions and agencies as determined by the City Council and shall determine that all information required by this section has been provided, before presenting the application along with the City Planner's recommendation to the Planning Commission.

- (3) The Planning Commission shall hold a public hearing on the proposed application. Notice of the time, place and subject matter of the proposed application shall be published in the official newspaper of the city. Property owners within 350 feet of the subject property shall receive a copy of the notice by first class mail. The notices shall be published and mailed not more than 30 days or less the 10 days before the Planning Commission's public hearing. Failure to receive a notice shall not invalidate the proceedings.
 - (4) The Planning Commission shall make written findings and recommendations on the proposed application to the City Council.
 - (5) The City Council shall approve or deny the application following referral by the Planning Commission.
 - (6) Copies of all notices of any public hearings to consider variances, amendments or conditional uses under local shoreland management controls shall be sent to the City of Greenfield Zoning Commissioner or the Commissioner's designated representative and postmarked at least 10 days before the hearings. Notices of hearings to consider proposed plats shall include copies of the plats.
 - (7) A copy of approved amendments and plats, and final decisions granting variances, amendments or conditional uses under local shoreland management controls, shall be sent to the Commissioner or the Commissioner's designated representative and postmarked within 10 days of final action.
- (E) **Resubmission.** No application for a conditional use permit or zoning amendment shall be resubmitted for a period of 1 year after denial by the City Council.
- (F) **Building and site plan review.** All new commercial or industrial construction or additions to existing buildings shall require building and site plan review by the Planning Commission and approval by City Council. A site plan, preliminary grading plan and preliminary landscaping plan shall be submitted along with the building permit application or application for zoning district amendment, conditional use permit or variance.

- (1) Exempt from building and site plan review by the Planning Commission and approval by City Council are expansions to existing buildings that do not exceed the lesser of 15% of the GFA (Gross Floor Area) of the existing building or 10,000 square feet. All expansions require administrative review of the site plan as part of the building permit process.

(G) **Certificate of survey requirements.**

- (1) Survey required for building permit. A certificate of survey shall be required for all building permit applications for new construction, additions over 120 square feet of enclosed structure and accessory buildings that are over 120 square feet or when required by the Building Inspector in order to verify conformance with setback requirements. (See exemptions, divisions (4) and (5) below.)
- (2) Survey required for planning and subdivision applications. A certificate of survey shall be required for all planning or subdivision applications including, but not limited to, subdivisions, land consolidations, variances, conditional use permits, final site plan and building plans and other development applications.
- (3) Survey content. The certificate of survey shall be prepared by a registered land surveyor and shall show all property lines, existing and proposed structures, easements, septic systems, wells, wetlands and floodplains.
- (4) Exemptions. Administrative exemptions from the survey requirements as stipulated in subpart (5) below may be applied for and obtained under the following circumstances
 - (a) For a building permit to allow new construction or additions on a parcel if the subject parcel is 10 acres or greater in size
 - (b) If the construction of proposed additions or an accessory building are to be located at least 1 ½ times the required setbacks to property lines, easements and wetlands
- (5) Granting exemptions. The survey exemption for building permits may be granted by the Building Inspector or City Administrator-Clerk. The survey exemption for administrative conditional use permits and zoning applications that do not involve construction or land alteration may be granted by the City Administrator-Clerk. Exemptions may be granted when all requirements of division (4) above are met.

The escrow for application and fee for survey exemption shall be based upon the fee schedule adopted by the City Council.

(Prior Code, § 1020.01) (Am. Ord. O-8-02, passed 6-4-2002; Ord. 14-01, passed 2/18/14; Ord. 2014-09, 9/16/14)

§ 152.021 PROCEDURES AND REQUIREMENTS FOR ZONING DISTRICT AMENDMENTS.

The following procedures shall be followed for the consideration of zoning district amendments.

- (A) An amendment to the text of the Zoning Chapter or the zoning map may be initiated by the City Council, the Planning Commission or by application of a property owner.
- (B) An application for an amendment to the zoning map shall include a general development plan or preliminary plat. The general development plan shall be drawn to scale showing:
 - (1) Topography with not greater than 10-foot contour interval;
 - (2) The applicant's proposed site with reference to existing development land use, zoning, jurisdictional wetlands, waterways, existing drainage, lakes, roads, property lines and ownership on the applicant's property and adjacent properties within 200 feet of the applicants property;
 - (3) Proposed public and private road and private shared driveway easement arrangements, walkways, trails and recreation and open space and other public areas;
 - (4) General location of proposed lots; and
 - (5) General location of structures and parking areas in the case of institutional, place of assembly, school, commercial and industrial land uses.

(Prior Code, § 1020.02)

§ 152.022 STANDARDS FOR ZONING AMENDMENTS.

- (A) The Planning Commission shall review the zoning amendment as to conformity to the comprehensive plan and make written findings and recommendations on the proposed zoning amendment to the City Council.

- (B) The City Council, using the comprehensive plan as a guide, shall approve or deny the proposed zoning amendment following referral by the Planning Commission.

(Prior Code, § 1020.03)

§ 152.023 PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS.

- (A) **Include a site plan.** Unless otherwise specified in this chapter, an application for a conditional use permit shall include a site plan. The site plan shall be drawn to scale showing topography with a contour interval of not greater than 2 feet and shall include the following information:
- (1) Details of the proposed site development including identification and advertising signs, jurisdictional wetland, lakes and waterways locations, exterior finish, and front elevations of buildings, roads, adjacent roads, driveways, parking spaces, storage areas, sidewalks, trails and walkways, locations of wells and on-site sewage treatment systems, dimensions of the lot, lot area, yard dimensions and elevations;
 - (2) Preliminary landscaping plans, including the size of trees and shrubs proposed and fences, landscaping and retaining walls;
 - (3) A soil survey prepared by a registered geotechnical engineer;
 - (4) Preliminary grading erosion control and plans for stormwater drainage systems prepared by a registered civil engineer, registered architect or registered landscape architect sufficient to drain and dispose of all surface water accumulation with the area; and
 - (5) On-site sewage system location.
- (B) **Alteration and amendment; periodic review.** Any change involving structural alterations, enlargement, intensification of use or similar change not permitted by the conditional use permit issued shall require an amended conditional use permit. An amended conditional use permit application shall be administered in the same manner similar to that required for a new conditional use permit.
- (C) **Revocation.** In the event that the applicant violates any of the conditions set forth in the conditional use permit, the City Council shall have the authority to revoke the conditional use permit in accordance with the Minnesota Administrative Procedures Act, being M.S. Chapter 14, as it may be amended from time to time.

(Prior Code, § 1020.04) Penalty, see § 152.999

§ 152.024 CONDITIONAL USE PERMIT CONDITIONS AND RESTRICTIONS.

- (A) In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose, in addition to standards and requirements expressly specified by this chapter, additional conditions which it considers necessary to protect the best interests of the surrounding area health, safety, comfort and general welfare or the community as a whole.
- (B) These conditions may include but shall not be limited to the following:
 - (1) Increasing the required lot size or yard dimensions;
 - (2) Limiting the height, size or location of buildings;
 - (3) Controlling the location and number of vehicle access points;
 - (4) Increasing the road width;
 - (5) Increasing the number of required off-street parking spaces;
 - (6) Limiting the number, size, location or lighting of signs;
 - (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
 - (8) Designating sites for open space;
 - (9) Increasing on-site sewage system requirements; and
 - (10) Requiring provision of urban services including central sewer.

(Prior Code, § 1020.05)

§ 152.025 STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT.

In granting a conditional use permit or altering an existing conditional use permit, the City Council shall require the applicant to demonstrate that the proposed use meets all of the following criteria.

- (A) The conditional use shall not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
- (B) The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already

permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

- (C) The conditional use shall not lower property values or impair scenic views in the surrounding area.
- (D) Existing roads and proposed access driveways and roads shall be adequate to accommodate anticipated traffic.
- (E) Sufficient off-street parking and loading space as required by this chapter shall be provided to serve the proposed use.
- (F) The proposed conditional use can be adequately serviced by required on-site sewage treatment and a sufficient area of suitable soils for on-site sewage treatment shall be available to protect the city from pollution hazards.
- (G) The proposal includes adequate provision for protection of the natural drainage system and natural topography.
- (H) The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise or vibration so that none of these shall constitute a nuisance.
- (I) The proposed conditional use is consistent with the comprehensive plan of the city.

(Prior Code, § 1020.06) Penalty, see § 152.999

§ 152.026 STANDARDS FOR GRANTING VARIANCES.

A variance may be granted from the requirements of this chapter including those placed on non-conformities based on the following:

- (A) A variance is only permitted when it is in harmony with the general purposes and intent of this chapter and when the variance is consistent with the comprehensive plan.
- (B) A variance may be granted when the applicant establishes that there are practical difficulties in complying with this chapter, as defined in §152.006.
- (C) Granting of 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 nor be materially detrimental to property within the same district.

- (D) The variance requested is the minimum variance which would alleviate the practical difficulty.
- (E) Variances must be granted for earth sheltered construction as defined in state law, when in harmony with this chapter (see M.S. § 462.357, as it may be amended from time to time).

(Prior Code, § 1020.07) (Am. Ord. 13-001, passed 6-18-2013)

§ 152.027 VARIANCE CONDITIONS AND RESTRICTIONS.

- (A) The Planning Commission may recommend that the City Council impose additional conditions and restrictions which shall be reasonably necessary to insure compliance with all provisions of this chapter, and with the language and intent of the comprehensive plan, and to protect adjacent properties by promoting the health, safety and general welfare.
- (B) In evaluating variances, the Planning Commission shall consider sewage treatment and water supply capabilities or constraints of the lots and shall recommend denial of the variances if adequate facilities cannot be provided.

(Prior Code, § 1020.08) (Am. Ord. 13-001, passed 6-18-2013)

§ 152.028 APPEALS PROCEDURE.

- (A) Any person wishing to appeal an order, requirement, decision, or determination made by an administrative officer in enforcement of this chapter shall complete and submit to the City Administrator-Clerk an application for appeal within 30 days after the date of the order of decision in question.
- (B) The application for appeal shall contain a complete statement of the order, requirement, decision or determination, the name of the administrative officer involved and a concise statement of the alleged error committed.
- (C) The appeal shall follow the same procedures as a variance application to this chapter.

(Prior Code, § 1020.09)

§ 152.029 PURPOSE OF AN INTERIM USE PERMIT

The purpose of allowing interim uses is:

- (A) To allow a use for a temporary period of time until a permanent location is

obtained or while the permanent location is under construction.

- (B) To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- (C) To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the comprehensive plan provided that the use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(Am. Ord. O-3-06, passed 9-15-2006)

§ 152.030 PROCEDURES FOR AN INTERIM USE PERMIT.

- (A) **Existing uses.** Uses defined as interim uses which presently exist as a legal use or a legal non-conforming use within a respective zoning district shall be considered approved and shall be treated as allowed uses.
- (B) **New uses.** Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established by § 152.023 through 152.026 (conditional use permits.)

(Am. Ord. O-3-06, passed 9-6-2006)

§ 152.031 STANDARDS FOR GRANTING AN INTERIM USE PERMIT.

In granting an interim use permit, the City Council shall require the applicant to demonstrate that the proposed use meets all of the following:

- (A) Meet the standards of a conditional use permit in §§ 152.023 through 152.026 (conditional use permits.)
- (B) The use is allowed as an interim use in the respective zoning district and conforms to zoning regulations.
- (C) The date or event that will terminate the use can be identified with certainty.
- (D) The use will not impose additional unreasonable costs on the public.
- (E) The user agrees to any conditions the City Council deems appropriate for permission of the use.

(Am. Ord. O-3-06, passed 9-6-2006)

§ 152.032 TERMINATION OF AN INTERIM USE PERMIT.

An interim use permit shall terminate on the happening of any of the following events:

- (A) The date or event stated in the permit.
- (B) Upon violation of conditions under which the permit was issued.
- (C) Upon change in the city's zoning regulations which renders the use nonconforming.

(Am. Ord. O-3-06, passed 9-6-2006)

§ 152.033 CERTIFICATION OF TAXES PAID FOR AN INTERIM USE PERMIT.

Prior to approving an application for an interim use permit, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the interim use permit application relates

(Am. Ord. O-3-06, passed 9-6-2006)

§ 152.034 EXPIRATION OF AN INTERIM USE PERMIT.

Unless the City Council specifically approves a different time when action is officially taken on the request, permits which have been issued under the provisions of §§ 152.029 through 152.035 shall expire without further action by the Planning Commission or the City Council, unless the applicant commences the authorized use within 1 year of the date the interim use permit is issued; or, unless before the expiration of the 1-year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension, including the renewal fee as established by City Council ordinance. The request for extension shall state facts showing a good faith attempt to complete or utilized the use permitted in the interim use permit. A request for an extension not exceeding 1/3 the original time period subject to the review and approval of the City Administrator-Clerk or designee. Should a second extension of time or any extension of time longer than 1/3 the original time period be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

(Am. Ord. O-3-06, passed 9-6-2006)

§ 152.035 SITE IMPROVEMENT PERFORMANCE AGREEMENT FOR AN INTERIM USE PERMIT.

Upon approval of an interim use permit the city may require the applicant to enter into a performance agreement prior to issuing of building permits or initiation of work on the proposed improvement or development. The agreement shall guarantee conformance and compliance with the conditions of the interim use permit and the codes of the city. The performance agreement shall be prepared and approved by the City Attorney and shall provide for all of the items specified by performance agreements in the zoning code.

(Am. Ord. O-3-06, passed 9-6-2006)

§ 152.036 NON-CONFORMING USES, LOTS, BUILDINGS, STRUCTURES AND SIGNS.

Any building structure or use lawfully existing upon the enactment of this code which does not conform to the provisions of this chapter shall be deemed a non-conforming use, lot, structure or building and may be continued subject to the following conditions.

- (A) There may be no expansion, enlargement, or intensification of any use or any site element of any non-conforming use except to make it a permitted use or except as otherwise provided in this division (A):
 - (1) Expansion, enlargement, or intensification of conforming aspects of a non-conforming development is exempted from this requirement. For example, if a structure has a non-conforming front setback, it may be expanded as long as the expansion itself meets ordinance requirements.
 - (2) Expansions to existing buildings that do not exceed the lesser of 15% of the GFA (gross floor area) of the existing building or 10,000 square feet, are exempt from certain performance standards. 15% is measured from the footprint at the time of adoption of this ordinance. Performance Standards under Section 152.072 to be exempted include: 3) Outside storage, 5) Landscaping, 13) Utilities, 14) Loading Areas, 18) Off Street parking subparts (a), (b), and (c), and 21) Building materials and design.
- (B) If a non-conforming use, building or structure is discontinued for a period of 1 year, further use of the structures or building lot shall conform to this chapter.
- (C) If a non-conforming use is replaced by another use, the new use shall conform to this chapter.
- (D) If a non-conforming structure or building is destroyed by any cause to an extent exceeding 50% of its fair market value, and no building permit has been applied for within 180 days of when the property is damaged, subject to reasonable conditions on the building permit to mitigate any newly created impact on adjacent property, the non-conforming structure may not be rebuilt or repaired unless the structure is brought into conformity with this zoning code. If the property is less than 50% destroyed, then the non-conforming use may be continued, irrespective of the 180 day rule so long as the discontinued use or occupancy is not greater than 1 year (see M.S. § 394.36, as it may be amended from time to time).
- (E) Normal maintenance and repair of a building or other structure containing or related to a lawful non-conforming use shall be permitted, including necessary nonstructural repairs and incidental alterations which do not exceed or intensify the non-conforming use, structure or building.

- (F) All non-conforming signs within the city shall be governed according to the following regulations.
- (1) Temporary sign. Any non-conforming temporary sign existing at the time of enactment of this code shall be made to comply with the requirements set forth in this code or shall be removed within 60 days after the enactment this code.
 - (2) Permanent signs. Non-conforming permanent signs lawfully existing at the time of enactment of this code shall be allowed to continue in use, but shall not be rebuilt, altered other than to change the message, or relocated without being brought into compliance with the requirements of this code. After a non-conforming sign has been removed, it shall not be replaced by another non-conforming sign.
 - (3) Discontinued use. Whenever use of a non-conforming sign has been discontinued for a period of 3 months, the use shall not thereafter be resumed unless it is in conformance with the provisions of this code.
 - (4) Dilapidated signs. A non-conforming sign or sign structure shall be removed within 30 days after notice in writing to the owner that the sign or sign structure is unsound, damaged, in disrepair or hazardous. Failure of notification on the part of the city shall not place any liability on the part of the city nor absolve or mitigate any liability on the part of the owner of the sign or sign structure.

(Prior Code, § 1040.01) (Am. Ord. 13-001, passed 6-18-2013; Ord. 2014-09, 9/16/14)

Penalty, see § 152.999

ZONING MAP AND DISTRICTS

§ 152.045 ZONING DISTRICTS.

- (A) The city shall hereby be divided into zoning districts identified by the following names and symbols:

Rural Residential	RR
Agricultural Preserve	AGP
Lake Sarah Sewer Residential	LSR
Sewered Single Family Residential	SF
Residential Townhouse	RT
General Business	GB
Agricultural Preserve Business District	APBD
Industrial	IND
Institutional	INST
Park	PKS
Lakes	LK
Floodplain Management Overlay	FP
Shoreland Overlay	SL

- (B) The boundaries of the zoning districts defined in this chapter shall be hereby established as indicated on the official map entitled Zoning Map: City of Greenfield, which accompanies and shall be made a part of this chapter as if the same were all fully described in this section. The official map, which map, as amended, shall be approved, published and filed with the City Administrator-Clerk.

(Prior Code, § 1030.01) (Am. Ord. O-8-01, passed 9-18-2001; Am. Ord. O-4-03, passed 4-15-2003; Am. Ord. 13-001, passed 6-18-2013)

ZONING DISTRICT PROVISIONS

§ 152.055 RURAL RESIDENTIAL DISTRICT ESTABLISHED.

- (A) **Generally.** The Rural Residential District (RR) shall be established for the purpose of providing for residential development affording enjoyment of the rural lifestyle. In addition to the Rural Residential properties that have Individual Sewer Treatment Systems (ISTS), a residential development Meadows of Whisper Creek has its own waste water treatment facility within the Rural Residential District. The Meadows of Whisper Creek residential development is unique as it has its own waste water treatment facility that is maintained through its homeowner association, the Meadows of Whisper Creek Private Waste Water Treatment Facility. As noted in the city's Comprehensive Plan, the facility serves the Meadows of Whisper Creek development and is expandable to up to 120 additional housing units.
- (B) **Permitted uses.** The following uses shall be permitted in the Rural Residential District:
- (1) Agricultural crops;
 - (2) Public recreation;
 - (3) Farm and single-family dwelling - no more than one farm or single-family dwelling allowed per lot;
 - (4) Manufactured home;
 - (5) State licensed residential facility or housing with services establishment located in a single-family dwelling, registered under chapter 144D, and serving six or fewer persons.
 - (6) Licensed day care facility located in a single-family dwelling serving 12 or fewer persons; and
 - (7) Group family day care facility located in a single-family dwelling licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.
- (C) **Accessory uses.** The following accessory uses shall be permitted in the Rural Residential District:
- (1) Fences;
 - (2) Gardening and landscaping;

- (3) Home business pursuant to §152.071;
 - (4) Home office pursuant to §152.071;
 - (5) Livestock at a maximum density of 1 animal unit per the first 1-1/2 acres of land and 1 additional animal unit per each additional acre of land thereafter. Property owners shall be responsible for management and proper disposal of animal waste.
 - (6) One attached garage per lot;
 - (7) Two detached accessory buildings per lot pursuant to § 152.071;
 - (8) Recreation equipment;
 - (9) Swimming pool, tennis courts and other private recreational facilities which shall be operated for the enjoyment and use only by the residents of the principal use and their guests; and
 - (10) Farm buildings, machinery, and seasonal produce stands necessary for the conduct of farm uses if existing as of January 1, 2013.
- (D) **Conditional uses.** The following conditional uses may be permitted in the Rural Residential District by action of the City Council pursuant to §§ 152.023, 152.024 and 152.025:
- (1) Essential services;
 - (2) Local government buildings;
 - (3) Nurseries;
 - (4) Detached accessory buildings on non-conforming lots;
 - (5) Detached accessory buildings with sidewall height greater than 12 feet on lots less than 10.1 acres in size;
 - (6) Detached accessory buildings in excess of 2 per lot;
 - (7) Golf courses;
 - (8) Non-commercial kennels; and
 - (9) Sand, black dirt, peat, and gravel extraction.

(E) **Interim uses.** The following interim uses may be permitted by actions of the City Council in the Rural Residential District pursuant to §§ 152.029, 152.030, and 152.031:

- (1) Seasonal produce stands;
- (2) Manufactured home;
- (3) Temporary use.

(Am. Ord. O-3-06, passed 9-6-2006)

(F) **Physical standards.** All construction in the Rural Residential District shall meet the following physical standards:

- (1) Height. The maximum height of all buildings shall not exceed 35 feet. This height limitation shall not apply to grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys or smokestacks.
- (2) Setbacks. All buildings and structures shall meet or exceed the following setbacks:

Front yard setback	35 feet from the right-of-way
Side yard setback	15 feet from the side lot line
Rear yard setback	35 feet from the rear lot line
Jurisdictional wetland	50 feet for new on-site sewer system; Wetland buffers will be required to meet the minimum Pioneer Watershed Management Organization requirement of an average of 20 feet from the edge of a delineated wetland.

- (3) Lot area dimensions.
 - (a) Lot area shall be adequate to provide for all expected improvements and for the installation of 2 on-site sewage treatment systems, but in no case shall lot area be less than 2-1/2 acres, exclusive of road right-of-way. At least 1-1/2 acres shall be above the delineated wetland and meet the buildable area requirements.
 - (b) All lots shall have no less than 200 feet of frontage on a right-of-way or private shared driveway easement and the ratio of lot frontage to lot depth shall be no more than 1 to 4.

- (4) Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, the maximum number to include the lot for any existing dwelling unit or other principal use. The density shall be one unit per five acres gross. The minimum lot size that can be divided is ten acres.

(Prior Code, § 1040.05) (Am. Ord. O-02-98, passed 9-1-1998; Am. Ord. O-10-01, passed 11-7-2001; Am. Ord. O-5-03, passed 4-15-2003; Am. Ord. O-3-04, passed 6-1-2004; Am. Ord. O-5-05, passed 11-15-2005; Am. Ord. O-04-07, passed 9-4-2007; Am. Ord. O-8-07, passed 11-20-2007; Am. Ord. O-9-07, passed 12-4-2007; Am. Ord. 10-001, passed 4-7-2010; Am. Ord. 13-001, passed 6-18-2013) Penalty, see § 152.999

§ 152.056 AGRICULTURAL PRESERVE DISTRICT ESTABLISHED.

- (A) **Generally.** The Agricultural Preserve District (AGP) shall be established for the purpose of protecting prime agricultural land and to protect commercial farming as a permanent land use.
- (B) **Permitted uses.** The following uses shall be permitted in the Agricultural Preserve District:
 - (1) Agriculture;
 - (2) Farm dwelling;
 - (3) Public recreation or open space;
 - (4) Single-family dwelling – no more than one single family dwelling allowed per lot; and
 - (5) Manufactured home;
 - (6) State licensed residential facility or housing with services establishment located in a single-family dwelling, registered under chapter 144D, and serving six or fewer persons.
 - (7) Licensed day care facility located in a single-family dwelling serving 12 or fewer persons; and
 - (8) Group family day care facility located in a single-family dwelling licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.

(C) **Accessory uses.** The following accessory uses shall be permitted in the Agricultural Preserve District:

- (1) Farm buildings;
- (2) Fences;
- (3) Gardening;
- (4) Home occupations (with administrative approval);
- (5) Machinery necessary for the conduct of farm uses;
- (6) One attached garage per lot;
- (7) Residential detached accessory buildings pursuant to §§ 152.064;
- (8) Recreational equipment related to public recreation;
- (9) Sale of agricultural products grown on-site;
- (10) Seasonal produce stands related to farming; and
- (11) Structures related to farming.

(D) **Conditional uses.** The following conditional uses may be permitted by action of the City Council in the Agricultural Preserve District pursuant to §§ 152.023, 152.024 and 152.025:

- (1) Cemeteries;
- (2) Place of Assembly;
- (3) Essential services;
- (4) Feed lots designed to contain in excess of 50 animal units;
- (5) Large animal veterinary clinic for the treatment of farm animals;
- (6) Local government buildings;
- (7) Non-commercial kennels;
- (8) Nurseries;
- (9) Processing plants for locally raised agricultural products; and
- (10) Public riding stables.

(E) **Interim uses.** The following interim uses may be permitted by actions of the City Council in the Agriculture Preserve District pursuant to §§ 152.029, 152.030, and 152.031:

- (1) Sand, black dirt, peat and gravel extraction; and
- (2) Temporary use.

(Am. Ord. O-3-06, passed 9-6-2006)

(F) **Physical standards.** All construction in the Agricultural Preserve District shall meet the following physical standards.

- (1) Height. The maximum height of all buildings shall not exceed the lesser of 2-1/2 stories or 35 feet. This height limitation shall not apply to grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys and smokestacks.
- (2) Setbacks. All buildings and structures shall meet or exceed the following setbacks:

Front yard setbacks	50 feet from the right-of-way or private shared driveway easement
Side yard setback	30 feet from the side lot line; 10 feet for buildings or structures lawfully existing on 1-1-1995
Rear yard setback	40 feet from the rear lot line
Jurisdictional wetland	50 feet for new on-site sewer system; 20 feet for all new buildings and structures

- (3) Lot area dimensions.
 - (a) Lot area shall be adequate to provide for all expected improvements and for the installation of 2 on-site sewage treatment systems, but in no case shall lot area be less than 2-1/2 acres, exclusive of road right-of-way. At least 1-1/2 acres shall be above any jurisdictional wetland.

- (b) All lots shall have no less than 200 feet of frontage on a right-of-way or on a private shared driveway easement and the ratio of lot frontage to lot depth shall be no more than 1 to 4 on all lots divided for residential purposes.

- (4) Density. Lots of record in the Agricultural Preserve District which legally existed under the terms of the zoning regulations in effect for the city in 1979, may be divided or subdivided into the following maximum number of lots, the maximum number to include the lot for any existing dwelling unit or other principal use.

Area of Lot of Record	Maximum Number of Lots Permitted
Each 40 acres	1 lot

(Prior Code, § 1040.02) (Am. Ord. O-5-03, passed 4-15-2003; Am. Ord. O-3-04, passed 6-1-2004; Am. Ord. passed 12-7-2004; Am. Ord. O-5-05, passed 11-15-2005; Am. Ord. O-04-07, passed 9-4-2007; Am. Ord. O-9-07, passed 12-4-2007; Am. Ord. 10-001, passed 4-7-2010) Penalty, see § 152.9

§ 152.057 LAKE SARAH SEWER RESIDENTIAL DISTRICT ESTABLISHED.

- (A) **Generally.** The Lake Sarah Sewer Residential District (LSR) shall be established for the purpose of providing for residential development affording enjoyment of the urban life style in the areas serviced by public sanitary sewer. Existing MCES Metropolitan Council Environmental Services (MCES) Areas classified as Lake Sarah Sewer Residential are intended to provide single-family sewered residential development in areas that are environmentally sensitive (North Shore Drive) and to provide for urban housing options in the city. Residential development density shall be a gross maximum of 3 units per acre.

- (B) **Permitted uses.** The following uses shall be permitted in the Lake Sarah Sewer Residential District:
 - (1) Public recreation;
 - (2) Single-family dwelling – no more than one single family dwelling allowed per lot
 - (3) Manufactured home;

- (4) State licensed residential facility or housing with services establishment located in a single-family dwelling, registered under chapter 144D, and serving six or fewer persons.
 - (5) Licensed day care facility located in a single-family dwelling serving 12 or fewer persons; and
 - (6) Group family day care facility located in a single-family dwelling licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.
- (C) **Accessory uses.** The following accessory uses shall be permitted in the Lake Sarah Sewer Residential District:
- (1) Fences;
 - (2) Gardening and landscaping;
 - (3) Home business pursuant to §152.071;
 - (4) Home office pursuant to §152.071;
 - (5) One attached garage per lot;
 - (6) Two detached accessory buildings per lot pursuant to § 152.071; and
 - (7) Swimming pool, tennis courts and other private recreational facilities which shall be operated for the enjoyment and use only by the residents of the principal use and their guests.
- (D) **Conditional uses.** The following conditional uses may be permitted in the Lake Sarah Sewer Residential District by action of the City Council pursuant to §§ 152.023, 152.024 and 152.025:
- (1) Essential services;
 - (2) Local government buildings;
 - (3) Detached accessory buildings with sidewall height greater than 12 feet on lots less than 10.1 acres in size;
 - (4) Detached accessory buildings on non-conforming lots; and
 - (5) Detached accessory buildings in excess of 2 per lot.

(E) **Interim uses.** The following interim uses may be permitted by actions of the City Council in the Lake Sarah Sewer Residential District pursuant to §§ 152.029, 152.030, and 152.031:

- (1) Manufactured homes; and
- (2) Temporary use.

(Am. Ord. O-3-06, passed 9-6-2006)

(F) **Physical standards.** All construction in the Lake Sarah Sewer Residential Districts shall meet the following physical standards:

- (1) Height. The maximum height of all buildings shall not exceed 35 feet. This height limitation shall not apply to essential services transmission lines.
- (2) Setbacks. All buildings and structures shall meet or exceed the following setbacks:

Front yard setback	30 feet from the right-of-way or the average distance of the existing single-family dwellings on the same block
Side yard setback	5 feet from the side lot line
Rear yard setback	20 feet from the rear lot line
Jurisdictional wetland	50 feet from all new on-site sewer system; Wetland buffers will be required to meet the minimum Pioneer Watershed Management Organization requirement of an average of 20 feet from the edge of a delineated wetland.

- (3) Lot area dimensions.
 - (a) Minimum lot area shall be at least 10,000 square feet.
 - (b) Minimum lot width measured at the front setback shall be 75 feet.
 - (c) Minimum lot depth shall be 100 feet.

(Prior Code, § 1040.04) (Am. Ord. O-5-03, passed 4-15-2003; Am. Ord. O-3-04, passed 6-1-2004; Am. Ord. O-04-07, passed 9-4-2007; Am. Ord. O-9-07, passed 12-4-2007; Am. Ord. 13-001, passed 6-18-2013) Penalty, see § 152.999

§ 152.058 SEWERED SINGLE FAMILY RESIDENTIAL DISTRICT ESTABLISHED.

- (A) **Purpose.** The Sewered Single Family Residential District (SF) shall be established for the purpose of providing for residential development serviced by public sanitary sewer and water. Sewered Single Family Residential is the area surrounding the elementary and high schools is intended to provide life-cycle and affordable housing options in the city served by the municipal sanitary sewer and water systems. The density for residential development shall be a gross maximum of 3 units per acre. Due to potential limitations on wastewater treatment plant capacity, housing density shall be at the discretion of City Council and must protect the health, safety, economic viability, and general welfare of the city.
- (B) **Permitted uses.** The following uses shall be permitted in the Sewered Single Family Residential District:
- (1) Public park and recreational areas and structures consistent with the area;
 - (2) Single-family dwelling - no more than one single family dwelling allowed per lot
 - (3) Manufactured home;
 - (4) State licensed residential facility or housing with services establishment located in a single-family dwelling, registered under chapter 144D, and serving six or fewer persons.
 - (5) Licensed day care facility located in a single-family dwelling serving 12 or fewer persons; and
 - (6) Group family day care facility located in a single-family dwelling licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.
- (C) **Accessory uses.** The following accessory uses shall be permitted in the Sewered Single Family Residential District:
- (1) Fences

- (2) Gardening and landscaping;
 - (3) Home business pursuant to §152.071;
 - (4) Home office pursuant to §152.071;
 - (5) Two detached accessory buildings per lot pursuant to § 152.071;
 - (6) Swimming pool, tennis courts and other private recreational facilities which shall be operated for the enjoyment and use only by the residents of the principal use and their guests; and
 - (7) Storage sheds under 120 square feet do not require building permits and must be located behind the front building line of the principal structure.
- (D) **Conditional uses.** The following conditional uses may be permitted in the Sewered Single Family Residential District by action of the City Council pursuant to §§ 152.023, 152.024 and 152.025:
- (1) Detached accessory buildings with sidewall height greater than 12 feet on lots less than 10.1 acres in size;
 - (2) Detached accessory buildings on non-conforming lots; and
 - (3) Detached accessory buildings in excess of 2 per lot.
- (E) **Interim uses.** The following interim uses may be permitted by actions of the City Council in the Sewered Single Family Residential District pursuant to §§ 152.029, 152.030 and 152.031:
- (1) Manufactured homes; and
 - (2) Temporary use.
- (F) **Physical standards.** All construction in the Sewered Single Family Residential District shall meet the following physical standards.
- (1) Height. The maximum height of all buildings shall not exceed 35 feet. This height limitation shall not apply to essential services transmission lines.
 - (2) Setbacks. All buildings and structures shall meet or exceed the following setbacks:

Front yard setback	35 feet from the right-of-way or the average distance of the existing single-family dwellings on the same block 50 feet from the right-of-way of major, minor collector or minor arterial roadways
Side yard setback	10 feet from the side lot line
Rear yard setback	30 feet from the rear lot line
Jurisdictional wetland	50 feet from all new on-site sewer system. Wetland buffers will be required to meet the minimum Pioneer Watershed Management Organization requirement of an average of 20 feet from the edge of a delineated wetland.

(3) Lot area dimensions.

- (a) Minimum lot area shall be at least 14,520 square feet.
- (b) Minimum lot width measured at the front setback shall be 90 feet.
- (c) Minimum lot depth shall be 120 feet.

(G) **Public sewer and water connection.**

- (1) Connection to municipal sewer shall be required for all units prior to issuance of a certificate of occupancy.
- (2) Connection to municipal water shall be required for all units prior to issuance of a certificate of occupancy.

(H) **Additional requirements.**

- (1) All dwellings, including manufactured homes, shall have a depth of at least 20 feet for at least 50% of their width. All dwellings, including manufactured homes, shall have a width of at least 20 feet for at least 50% of their depth.

- (2) All dwellings shall have a permanent foundation in conformance with the

Minnesota State Building Code with the exception of manufactured homes which must comply with standards in the Minnesota State Manufactured Home Building Code established by Minnesota Statute § 327.31.

- (3) Off-street parking shall be provided for at least 2 vehicles for all single family dwellings. A suitable location for a garage measuring at least 20 feet by 24 feet which does not require a variance shall be provided and indicated as such on a survey or site plan to be submitted when applying for a building permit to construct a new dwelling or alter an existing garage.
- (4) The buildable area must be designated by the applicant and approved by the City Council at the time of the subdivision creating the lot. For pre-existing lots, the buildable area will be designated based on the standards contained in this chapter.
- (5) The city may require that construction within the buildable area be located where the city determines it would reasonably:
 - (a) Minimize the amount of adverse impacts to the physical environment on the lot, including such things as significant trees, grading, erosion, and surface water drainage; and
 - (b) Be consistent with the location of the structures in the surrounding neighborhood.
- (6) No principal structure, or any portion of it, may be located outside the buildable area, except when intrusions into setbacks are allowed by this code.
- (7) Special requirements may be imposed by the city respect to street, curb, gutter, and sidewalk design and construction.
- (8) Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer, and stormwater drainage.

(Ord. 13-001, passed 6-18-2013)

§ 152.059 RESIDENTIAL TOWNHOUSE DISTRICT ESTABLISHED.

- (A) **Generally.** The Residential Townhouse (RT) District is established for the purpose of providing expanded life cycle housing options in the City of Greenfield by allowing townhouses and senior housing with a density of 3 to 8 units per net acre (less wetlands and existing road easements).
- (B) **Permitted uses.** The following uses shall be permitted in the Residential Townhouse District:
- (1) Townhouses;
 - (2) Senior housing;
 - (3) Manufactured homes; and
 - (4) Public recreation.
- (C) **Accessory uses.** The following accessory uses shall be permitted in the Residential Townhouse District:
- (1) Fences;
 - (2) Gardening and landscaping;
 - (3) Home office pursuant to §152.071;
 - (4) Common meeting room or other facilities designed solely for the use of the residents and their guests;
 - (5) Private recreational facilities operated for use only by the residents and their guests; and
 - (6) Maintenance facilities solely for the on-site maintenance of the townhouse development.
- (D) **Conditional uses.** The following conditional uses may be permitted in the Residential Townhouse District:
- (1) Manufactured home park.
 - (2) State licensed residential facility or housing with services establishment registered under chapter 144D and serving 7 to 16 persons.
 - (3) Licensed day care facility located in a single-family dwelling serving 13 to 16 persons.

(E) **Physical standards.** All construction in the Residential Townhouse District shall meet the following physical standards:

(1) Building setbacks.

Front yard or side yard to a street setback	30 feet from a local street right-of-way
	25 feet from the pavement edge of a private street
	50 feet from a collector arterial street or right-of-way
Side yard setback (to external property line)	15 feet from a neighboring (non-development) property lot line
Side yard setback (internal)	0 feet for side by side attached units; minimum 20 feet between detached groups of units
Rear yard setback	30 feet from the rear lot line
Jurisdictional wetland	20 feet for all buildings and structures

(2) Height and lot area dimensions.

Minimum contiguous district area	5 acres
Minimum land area per unit	5,000 square feet
Maximum height of structure	Not to exceed 30 feet
Maximum building coverage	45%
Maximum impervious coverage	70%
Minimum landscape area	30%

(3) Required off-street parking.

Townhouse	3.5 spaces per unit (at least one of which must be a garage space)
Senior housing	1 garage space plus 1 off-street visitor space per unit
The City Council may reduce or increase the required off-street parking supply depending on the type of units, number of bedrooms per unit and visitor parking needs.	

(4) Other requirements.

- (a) Low-maintenance exterior as approved by the City Council.
- (b) Sidewalks shall be provided in accordance with city recommendations and shall be constructed with the standards prescribed by the City of Greenfield.
- (c) Garages shall not face and driveways shall not connect to collector or arterial streets.
- (d) Open and unenclosed terraces and porches may extend into the required front yard for a distance not to exceed 5 feet; provided, however, that no supporting structure for the extensions shall be located within the required front yard.
- (e) The ordinary extension of window sills, awnings, cornices, roof overhangs, chimneys and other architectural features may extend an additional 24 inches into a required yard.
- (f) All utilities shall be installed underground, except for high voltage overhead transmission and feeder lines, either existing or proposed.
- (g) All private streets and visitor parking areas shall be paved with a bituminous surface, the paving section of which shall meet the city public street paving depth section standards and shall be bound with curb and gutter as required by the City Engineer.
- (h) A homeowners association is required to be responsible for all exterior maintenance and repair.

- (i) Fire lanes shall be constructed, signed and posted as per city requirements and as required by the City Engineer.
 - (j) On-site buffering be installed along property lines, as appropriate. Screening shall be determined as part of the final site plan and building plan review.
- (F) **Sanitary sewer and water connection required.** Connections to water and sanitary service must be made to all new buildings.
- (G) **Final site plan and building plan review.** All new development and expansion of existing uses are required to obtain final site plan and building approval in accordance with § 152.070.

(Prior Code, § 1040.045) (Am. Ord. O-4-03, passed 4-15-2003; Am. Ord. O-3-04, passed 6-1-2004; Am. Ord. O-04-07, passed 9-4-2007) Penalty, see § 152.999

§ 152.060 GENERAL BUSINESS DISTRICT ESTABLISHED.

- (A) **Generally.** The General Business District (GB) shall be established as a business and retail service area adjacent to and near Highway 55. All uses should have a primary retail/public customer orientation. All new uses and significant expansion of existing uses shall be connected to sanitary sewer and municipal water. Significant expansions are expansions over the lesser of 15% of the GFA (Gross Floor Area) of the existing building or 10,000 square feet.
- (B) **The Agricultural Preserve General Business District is recognized.** The only General Business District property located in Agricultural Preserve shall be rezoned in General Business District upon expiration of the Agricultural Preserve designation. All new uses and significant expansion of existing uses shall be connected to municipal sanitary sewer and water.
- (C) **Permitted uses.**
- (1) Banks and financial business;
 - (2) Commercial recreation;
 - (3) Equipment rental;
 - (4) Greenhouse or nursery;
 - (5) Hospitals, clinics, medical offices, dental and chiropractic offices and clinics
 - (6) Motels and hotels;
 - (7) Offices and research laboratories;
 - (8) Photo and art studio;
 - (9) Repair shop (except for repair of vehicles and internal combustion engines);
 - (10) Restaurants, except with drive-up or drive-in;
 - (11) Retail and service businesses; and
 - (12) Uses not listed herein found by the City Council to be similar in character to the list of permitted uses and in conformance with the intent of the General Business Zoning District.

- (D) **Accessory uses.** The following accessory uses shall be permitted in the General Business District:
- (1) Loading areas, when complying with the performance standards of § 152.072;
 - (2) Only accessory buildings and structures which are clearly incidental and subordinate to the business principle use shall be permitted;
 - (3) Required off-street parking; and
 - (4) Signs as regulated in this code.
- (E) **Conditional uses.** The following conditional uses may be permitted by action of the City Council in the General Business Districts pursuant to §§ 152.023, 152.024 and 152.025:
- (1) Automotive sales;
 - (2) Automobile service, fuel sales and repair with internal combustion engines;
 - (3) Car washes, when sanitary flow rates do not unduly burden infrastructure capacity;
 - (4) Places of Assembly;
 - (5) Commercial kennels, veterinary clinics or animal hospitals;
 - (6) Day care facilities;
 - (7) Dry cleaning;
 - (8) Funeral homes and crematoriums;
 - (9) Manufacturing - accessory to a retail or wholesale use;
 - (10) Private schools;
 - (11) Theaters, except drive-ins; and
 - (12) Restaurants with drive-up or drive-in facilities.
- (F) **Interim uses.** The following interim uses may be permitted in by actions of the City Council in the General Business District pursuant to §§ 152.029, 152.030, and 152.031:

- (1) Seasonal sales/promotional event sales uses/open sale lots/outdoor display;
- (2) Metal buildings; and
- (3) Temporary use.

(Am. Ord. O-3-06, passed 9-6-2006)

(G) **Physical standards.** All construction in the General Business District shall meet the following physical standards:

	Public Sewered
Minimum lot area	1 acre
Minimum lot width	100 feet
Minimum lot depth	200 feet
Minimum parking setback	10 feet to street 5 feet side or rear
Minimum building setback from:	
Front	30 feet
Front, adjacent to the corner of Trunk Highway 55 and CR92	100 feet
Side	10 feet
Side (street)	30 feet
Side (street) adjacent to the corner of Trunk Highway 55 and CR 92	50 feet
Rear	20 feet
Rear (street)	30 feet
From a residential or agricultural preserve zoning district	50 feet

	Public Sewered
From any jurisdictional wetland building or structure	16 feet
Maximum building heights:	
Principal building	50 feet*
Accessory building	20 feet
Maximum impervious lot coverage	85%
Maximum building lot coverage	50%
Minimum building size:	
Lot size or buildable area (whichever is less):	Minimum initial principal building area
Under 2.5 acres	1,000 square feet
2.5 to 5 acres	4,000 square feet
Over 5 acres	8,000 square feet
* A conditional use permit is required for grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys, smokestacks or essential services electric transmission lines which exceed the building height limit. All uses of 200 feet or higher require notification of the FAA.	

- (H) **Sanitary sewer and water connection required.** Connections to water and sanitary service must be made whenever a building floor area is expanded by more than 15% of the floor area existing at the time of the adoption of this code or if a significant increase in site activity warrant connection.
- (I) **Final site plan and building plan review.** All new development and expansion of existing uses are required to obtain final site plan and building approval in accordance with § 152.070.

(Prior Code, § 1040.07) (Am. Ord. O-8-03, passed 12-16-2003; Am. Ord. passed 12-7-2004; Am. Ord. O-04-07, passed 9-4-2007; Am. Ord. 13-001, passed 6-18-2013) Penalty, see § 152.999

§ 152.061 INDUSTRIAL DISTRICT ESTABLISHED.

- (A) **Generally.** The Industrial (IND) District shall be established for the purpose of providing for industrial development compatible with the business park area of the city. All new uses shall have an industrial customer orientation. All new uses and significant expansion of existing uses shall be connected to sanitary sewer and municipal water.
- (B) **Permitted uses.** The following uses shall be permitted in the Industrial District:
- (1) Contractor's businesses (outside storage must conform to the requirements of § 152.072);
 - (2) Government uses, public and public utility uses;
 - (3) Laboratories and research facilities;
 - (4) Manufacturing uses (manufacturing, printing, packaging or assembly of products and materials);
 - (5) Offices and studios;
 - (6) Repair, rebuilding and painting of vehicles, machinery and equipment;
 - (7) Retail sales of products produced on-site and accessory and subordinate to a principal permitted use;
 - (8) Trade and business schools;
 - (9) Warehousing and distribution;
 - (10) Welding and machine shops;
 - (11) Wholesale businesses; and
 - (12) Uses not listed herein found by the City Council to be similar in character to the list of permitted uses and in conformance with the intent of the Industrial Zoning District.
- (C) **Accessory uses.** The following accessory uses shall be permitted in the Industrial District

- (1) Accessory uses which are clearly incidental to the permitted uses and meet the intent of the Industrial District;
 - (2) Loading areas meeting the performance standards of § 152.072;
 - (3) Off-street parking and incidental outside storage accessory to be a permitted use and meeting the performance standards of § 152.072; and
 - (4) Signs as regulated by § 152.120.
- (D) **Conditional uses.** The following conditional uses shall be permitted in the Industrial District by action of the City Council pursuant to § 152.023, 152.024 and 152.025:
- (1) Commercial mini-storage;
 - (2) Essential public services;
 - (3) Motor freight terminals;
 - (4) Processing plants for agricultural products;
 - (5) Recycling, reduction or processing;
 - (6) Restaurants within a building devoted to a permitted principal use and consisting of no more than 20% of the building footprint;
 - (7) Uses that are forecast to exceed an average of 1,800 gallons of sanitary sewer flow per lot acre per day.
- (E) **Interim uses.** The following interim uses may be permitted by actions of the City Council in the Industrial District pursuant to §§ 152.029, 152.030, and 152.031:
- (1) Seasonal sales/promotional event sales uses;
 - (2) Metal buildings;
 - (3) Open or outdoor storage;
 - (4) Temporary use.

(Am. Ord. O-3-06, passed 9-6-2006)

- (F) **Physical standards.** All construction in the Industrial District shall meet the following physical standards:

	Public Sewered
Minimum lot area	1.5 acres
Minimum lot width	100 feet
Minimum lot depth	200 feet
Minimum parking setback	10 feet to street - 5 feet side or rear
Minimum building setback from:	
Front	30 feet
Front, adjacent to the corner of Trunk Highway 55 and CR92	100 feet
Side	10 feet
Side (street)	30 feet
Side (street) adjacent to the corner of Trunk Highway and 55 CR 92	50 feet
Rear	20 feet
Rear (street)	30 feet
From a residential or agricultural preserve zoning district	50 feet
From any jurisdictional wetland building or structure	16 feet

Maximum building heights	50 feet*
Maximum impervious lot coverage	85%
Maximum building lot coverage	50%

	Public Sewered
Minimum building size	N/A
Lot size or buildable area (whichever is less):	Minimum initial principal building area
Under 2.5 acres	1,000 square feet
2.5 to 5 acres	4,000 square feet
Over 5 acres	8,000 square feet
* A conditional use permit is required for grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys, smokestacks or essential services electric transmission lines which exceed the building height limit. All uses of 200 feet or higher require notification of the FAA.	

- (G) **Sanitary sewer and water connection required.** Connections to water and sanitary service must be made to all new buildings and whenever a building floor area is expanded by more than 15% of the floor area existing at the time of the adoption of this code or if a significant increase in site activity warrants connection.
- (H) **Final site plan and building plan review.** All new development and expansion of existing uses are required to obtain final site plan and building approval in accordance with § 152.070.

(Prior Code, § 1040.06) (Am. Ord. O-8-03, passed 12-16-2003; Am. Ord. passed 12-7-2004; Am. Ord. O-04-07, passed 9-4-2007; Am. Ord. 13-001, passed 6-18-2013) Penalty, see § 152.999

§ 152.062 INSTITUTIONAL DISTRICT ESTABLISHED.

- (A) **Purpose.** The Institutional District, INST, is intended to provide a specific zoning district for facilities devoted to serving the public. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development, and they normally will be located on or with direct access to an arterial street or thoroughfare.
- (B) **Permitted uses.** Subject to applicable provisions of this chapter, the following are permitted uses in an INST District.
- (1) Governmental or public regulated utilities, buildings or structures necessary for the health, safety, and general welfare of the city.
 - (2) Pre-school, elementary, junior or senior high schools, colleges and universities.
 - (3) Publicly owned civic or cultural buildings, such as libraries, city offices, auditoriums, public administration buildings and historical developments.
 - (4) Place of assembly.
- (C) **Accessory uses.** Subject to applicable provisions of this chapter, the following are permitted accessory uses in an INST District.
- (1) Accessory building and structures provided that the use shall not exceed 30% of the gross floor space of the principal use.
 - (2) Off-street parking and loading as regulated by § 152.072 of this chapter, but not including semi-trailer trucks, except in designated loading areas not to exceed 4 hours.
 - (3) School owned playgrounds and athletic fields.
 - (4) Secondary or accessory use antennas or satellites as regulated by § 152.072 of this chapter.
 - (5) Signs as regulated by § 152.120 of this chapter.
- (D) **Conditional uses.** Subject to applicable provisions of § 152.060 of this chapter, the following are conditional uses in an INST District and require a conditional use permit based upon procedures set forth in and regulated by

this chapter. Besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in this chapter.

- (1) Cemeteries or memorial gardens provided that:
 - (a) The use is available to the public.
 - (b) The land area of the property containing the use or activity meets the minimum established for the district.
 - (c) The use meets the minimum setback requirements for principal structures.
 - (d) Provisions are made to buffer and screen any surroundings residential uses.
 - (e) The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
- (2) Community centers provided that:
 - (a) Adequate screening from abutting and adjoining residential uses and landscaping is provided.
 - (b) Adequate off-street parking and access is provided and that the parking is adequately screened and landscaped from adjoining and abutting residential uses.
 - (c) Adequate off-street loading and service entrances are provided and regulated where applicable by § 152.060 of this chapter.
- (3) Hospitals and residential care facilities including extended care facilities for mentally disabled, rest homes and care for the aged, ill and infirmed provided that:
 - (a) Interior side yards are screened.
 - (b) Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with this chapter
 - (c) The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

- (d) All signing and informational or visual communication devices shall be in compliance with this chapter.
 - (e) All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.
 - (f) Adequate off-street parking is provided in compliance with § 152.060 of this chapter.
 - (g) Off-street loading space in compliance with § 152.060 of this chapter.
- (E) **Lot requirements and setbacks.** The following minimum requirements shall be observed in an INST District subject to additional requirements, exceptions and modifications set forth in this chapter.
- (1) Lot area: 20,000 square feet.
 - (2) Setbacks.
 - (a) Front yard: 40 feet.
 - (b) Rear yard: 50 feet.
 - (c) Side yard: 20 feet.
- (F) **Building height.** All buildings shall be limited to a maximum height of 45 feet. This height limitation shall not apply to spires for religious institutions.
- (G)
- (1) Additional requirements.
 - (2) Public sewer and water connection/ISTS requirements.
 - (a) Connection to municipal sewer shall be required for all units prior to issuance of a certificate of occupancy.
 - (b) Where a public sewage treatment system is not available, the building sewer shall be connected to an individual sewage treatment system complying with the rules and regulations of Minnesota Rules, entitled Individual Sewage Treatment System Standards, being Minn.

Rules Chapter 7080, or the requirements of Hennepin County, or other regulatory agencies, whichever is more restrictive, and pursuant to § 50.070 of this code.

(Ord. 13-001, passed 6-18-2013)

§ 152.063 PARKS DISTRICT ESTABLISHED.

- (A) **Purpose.** The Parks District (PKS) is intended to provide a specific zoning district for public and private lands associated toward active and passive recreational opportunities and the preservation of natural areas. Regulations are intended to facilitate a high quality recreational experience and ensure that the location of facilities and activities minimizes impacts to surrounding properties. The Parks District is not intended to include parks and open spaces owned by homeowners associations for specific residential development use.
- (B) **Permitted Uses.** The following are permitted uses in the PKS District:
- (1) Park and recreation uses including playground equipment, picnic facility/shelter, flower garden, seasonal garden structure, trail, outdoor athletic field or sport court.
 - (2) Conservation uses such as drainage control, forestry, or natural areas.
- (C) **Accessory Uses.** Subject to applicable provisions of this chapter, the following are permitted accessory uses in the PKS District:
- (1) Accessory structures
 - (2) Portable restroom facilities
 - (3) Trash receptacles
 - (4) Off-street parking and loading as regulated by Section 152.072 of this chapter, but not including semi-trailer trucks, except in designated loading areas not to exceed 4 hours.
 - (5) Signs as regulated by Section 152.120 of this chapter.
- (D) **Lot Requirements and Setbacks.** The following minimum requirements shall be observed in the PKS District subject to additional requirements, exceptions, and modifications set forth in this chapter.
- (1) Lot area: 20,000 square feet
 - (2) Setbacks

- (a) Front yard: 40 feet
 - (b) Rear yard. 50 feet
 - (c) Side yard. 20 feet
- (E) **Building Height.** All buildings shall be limited to a maximum height of 35 feet.
- (F) **Public Sewer and Water Connections/ISTS requirements.** Connection to public sewer and water required if available. Where a public sewage treatment system is not available, the building sewer shall be connected to an individual sewage treatment system complying with the rules and regulations of Minnesota Rules, entitled Individual Sewage Treatment System Standards, being Minnesota Rules Chapter 7080, or the requirements of Hennepin County, or other regulatory agencies, whichever is more restrictive, and pursuant to Section 50.070 of this code.

§ 152.070 FINAL SITE PLAN AND BUILDING PLAN REGULATIONS.

- (A) **Applicability and the approval process.** Final site and building plans shall be approved by the City Council prior to the issuance of any permits for new development or building construction/expansion in the Residential Townhouse (RT), General Business (GB), or Industrial (IND) Districts. Exempt from this applicability and approval process are expansions to existing buildings that do not exceed the lesser of 15% of the GFA (gross floor area) of the existing building or 10,000 square feet. Expansions that are exempt from final site and building plan review by the City Council require administrative review of the site plan as part of the building permit process. Prior to consideration for approval, the City Council shall receive a report from the Planning Commission and the staff, specifying any recommended modifications to the final site and building plans. At the time of approval of final site and building plans, the City Council may, by motion and majority vote, modify final site and buildings plans and specify reasonable, conditions to assure that the proposed development meets the intent of the zoning district and to assure that the proposed development is appropriately related to adjoining public streets and adjacent land uses.
- (B) **Content.** The developer shall submit final site and building plans, which include the following information:
- (1) A location map which indicates property ownership surrounding the proposed development and existing and future land uses

- (2) Maps of existing and proposed site features at a scale of 1 to 50 or larger which indicate topography in 2 foot contours; building outlines; location of significant vegetation; location of streets, drives, parking areas; and other significant features;
 - (3) Detailed drawings of all proposed structure elevations, including signs; proposed exterior materials shall be noted on the elevation drawings;
 - (4) Proposed floor plans for all floor levels, including locations of electrical, mechanical and gas metering equipment, and storage areas for trash and recyclable materials;
 - (5) A landscape plan indicating location, size and type of tree, shrub and ground-cover species, screening, fencing, provisions for plant material watering and luminaire location, as defined in § 152.071 (F);
 - (6) A circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access and screening for receiving, truck loading area and trash removal;
 - (7) A lighting plan showing fixture height and type and lighting levels in foot candles;
 - (8) A rooftop equipment and screening plan and elevation drawings of rooftop equipment and screening. Rooftop equipment shall not be visible from ground level views from the property, from adjacent property or from adjacent streets;
 - (9) A drainage, grading, utilities, and erosion and sedimentation control plan. These plans shall comply with the requirements of this code, local watershed requirements and state regulations;
 - (10) Identification of all wetlands on the site;
 - (11) A written report completely describing the proposal and indicating covenants or agreements which will influence the use and maintenance of the proposed development; and
 - (12) Any other information deemed necessary by the City Council in order to evaluate plans.
- (C) **Findings.** The City Council shall find the following prior to the approval of final site and building plans.
- (1) The proposed development is not in conflict with the comprehensive plan.

- (2) The proposed development is not in conflict with the zoning district provisions.
 - (3) The proposed development is not incompatible with existing and anticipated future development and infrastructure.
- (D) **Revisions.** Minor changes to final site and building plans approved by the City Council may be made by the City Administrator-Clerk provided that the changes do not involve the following:
- (1) Increase in floor area of structures;
 - (2) Variance from any zoning ordinance requirement;
 - (3) Change in exterior building material;
 - (4) Significant changes in the character, function or appearance of the site plan; or
 - (5) Alteration of any condition attached or modification to the final site and building plans made by the City Council.

(Prior Code, § 1040.075) (Am. Ord. O-8-01, passed 9-18-2001; Am. Ord. O-4-03, passed 4-15-2003; Am. Ord. 01-02-09, passed 2-3-2009; Ord. 2014-09, passed 9/16/14) Penalty, see § 152.999

§ 152.071 PERFORMANCE STANDARDS FOR RESIDENTIAL DISTRICTS.

- (A) **Purpose.** All uses, buildings and structures within the Rural Residential, Agricultural Preserve, Lake Sarah Sewered Residential, Residential Townhouse and Sewered Single Family Residential districts shall conform to the following performance standards.
- (B) **Exterior Storage.** If visible from adjoining properties and public streets, all personal property in a residential zoning district shall be stored within a building or screened by a fence, vegetative buffer or topographic feature at least six feet in height. The following items may be stored in a rear or an interior side yard provided a five (5) foot setback is maintained from said lot line:
- (1) Laundry drying equipment
 - (2) Currently registered and operational boats, snowmobiles, all-terrain vehicles, and other non-vehicular recreational equipment
 - (3) Currently registered, unoccupied trailers less than 30 feet long
 - (4) Home heating fuel tanks
 - (5) Stacked firewood
 - (6) Construction and landscaping materials or equipment used or intended for use on the premises within a period of twelve (12) months
 - (7) Agricultural equipment and materials used or intended for use on the premises within a period of twelve (12) months
 - (8) Off-street parking of currently registered and operational passenger automobiles and pick up trucks in designated driveway or parking area
- (C) **Swimming pools.**
- (1) The filter unit, pump, heating unit and any other noise making equipment shall comply with noise pollution control regulations of the Minnesota Pollution Control Agency Air Quality Division published as Minnesota Rules, 1991, Chapter 7030.
 - (2) All pools shall be totally enclosed with at least a 4-foot high barrier restricting uncontrolled entrances of all persons.

- (3) As an alternative to a safety fence, an automatic pool cover may be utilized if it meets the standards of F1346-91 (Reapproved 1996) of ASTM, as such standards may be modified, superseded or replaced by ASTM.

(D) Detached accessory buildings.

- (1) Detached accessory buildings shall be compatible with the primary structure and the surrounding neighborhood character by complying with the following requirements:
 - (a) The building must have a 12-inch minimum roof overhang and roof eaves. Quonset huts or similar structures with rounded roofs and no eaves shall not be allowed;
 - (b) The color of the building must be compatible with the color of the primary structure; and
 - (c) There must be screening techniques such as landscaping, and/or vegetation buffers at least 3 feet high that screen the building from adjacent properties and the public road and which do not obstruct views.
 - (d) Plans for the construction and design for accessory buildings shall be presented to the Building Inspector for approval. If the Building Inspector denies the issuance of a building permit, an appeal may be made according to the provisions of this section. Farm buildings as defined in § 152.006 are exempt from the building permit requirements.
- (2) All detached accessory buildings in the residential districts shall conform to the following maximum, sum total of all accessory buildings, square footage requirements and sidewall height requirements:

0 to 2.4 acres	1,300 square feet, * 12-foot maximum sidewall
2.5 to 3.4 acres	1,750 square feet, * 12-foot maximum sidewall
3.5 to 4.9 acres	2,000 square feet, * 12-foot maximum sidewall
5 to 6.9 acres	2,500 square feet, * 12-foot maximum sidewall

7 to 10 acres	3,000 square feet, * 12-foot maximum sidewall
10.1 plus acres	No maximum, 16-foot maximum sidewall

* The maximum square footage requirement is determined by calculating the accessory building's footprint, and adding up all.

- (3) In Rural Residential and Agricultural Preserve Districts, detached accessory buildings shall have a minimum setback of 200 feet from the front property line. If the detached accessory buildings are screened from the road by a vegetative buffer of 6 feet high or taller, the setback may be reduced to 50 feet from the front property line. Detached accessory buildings shall have side and rear lot line setbacks that conform to the Zoning District regulations. On corner lots, detached accessory buildings must be setback at least 75 feet from any rear or side property line adjacent to a public right-of-way or 50 feet if screened by a vegetative buffer 6 feet high or taller. Detached accessory buildings with wall heights greater than 12 feet on lots less than 10.1 acres must maintain a setback of at least 200 feet from a public right-of-way.
- (4) In Lake Sarah Sewer Residential and Sewered Single Family Residential Districts, detached accessory buildings must be setback at least 75 feet from the front property line or if the detached accessory buildings are screened from the front property line by a vegetative buffer of 6 feet high or taller, the setback may be reduced to 30 feet. Detached accessory buildings shall have side and rear lot line setbacks that conform to the Zoning District regulations. On corner lots, detached accessory buildings must be setback at least 35 feet from the rear and side property line or 30 feet if screened by a vegetative buffer 6 feet high or taller. Detached accessory buildings with wall heights greater than 12 feet on lots less than 10.1 acres must maintain a setback of at least 75 feet from a public right-of-way.
- (5) A conditional use permit is required: in the RR§ 152.055 , LSR § 152.057, and SF § 152.058 Districts for detached accessory buildings on non-conforming lots; in the RR § 152.055, LSR § 152.057, and SF § 152.058 Districts for detached accessory buildings with sidewalls greater than 12 feet on lots less than 10.1 acres in size; and in the RR § 152.055, LSR § 152.057, and SF § 152.058 Districts for detached accessory buildings in excess of 2 per lot.
- (E) **On-site sewage treatment.**
- (1) All new residential sites shall have a primary and a secondary site for sewage treatment systems.

- (2) All new residential on-site sewer systems shall be built and manufactured to conform to the Minnesota Pollution Control Agency's (M.P.C.A.) Rule 7080 and city standards.

(F) **Home occupations.**

- (1) Purpose. The purpose of this section is to allow certain home occupations which have no significant impact upon surrounding property, and to establish specific rules and procedures by which other home occupations may be conducted in residential or agricultural neighborhoods without jeopardizing the health, safety, general welfare and right to quiet enjoyment of the surrounding neighborhood and to prevent undue competition with business or industrial districts.
- (2) Exemptions. Daycare home facilities and group day care home facilities that are licensed by the State are exempt from the requirements of this section. In addition, rural residential properties greater than 5 acres or owned by property owners with a cumulative total of more than 5 acres in Greenfield are allowed to have on-site sales of agricultural products grown on site.
- (3) General provisions. All home occupations (home office or home business) shall meet the following standards.
 - (a) The home occupation shall be clearly incidental and secondary to the principal residential use of the home and the property.
 - (b) The owner or partner in the home occupation must live in the home associated with the home occupation.
 - (c) The home occupation shall not utilize more than 20% of the floor areas of the residence (excluding any attached garage area).
 - (d) There can be no outside storage of materials, goods or equipment on or near the site, other than vehicles as specified in the performance standards for home office and home business.
 - (e) No exterior alteration may be made to the dwelling, accessory structure or site to accommodate the home occupation except as may be customarily found with residential dwellings and accessory structures situated on similar sized lots.
 - (f) The home occupation cannot create any kind of nuisance by way of electronic interference, traffic, parking, dust, noise, odor, smoke,

bright light or anything of an objectionable nature which is detectable from outside the home.

- (g) All parking associated with the home occupation shall occur on-site.
 - (h) The home occupation cannot cause septic waste flow to exceed the design capacity of the septic system.
 - (i) The home occupation cannot generate traffic to and from the home that is not characteristic of the neighborhood.
 - (j) The home occupation property is of adequate size and configuration for the proposed business use.
 - (k) The property location is appropriate for the type of proposed business use.
 - (l) The road access to the property is adequate for the proposed number of vehicle trips and the type of vehicles to be used in the business.
- (4) Performance standards.
- (a) Home office performance standards. If the proposed home office cannot comply with all of the below rules said business use cannot occur in the Rural Residential, Agricultural Preserve, Lake Sarah Sewer Residential, Residential Townhouse, and Sewered Single Family Residential zoning districts.
 1. No part of any detached garage or accessory building can be used for the home office except for storage.
 2. The home office is conducted entirely by the occupants of the home. No non-resident employees are allowed to work at the premises or to report to the home for outside dispatch.
 3. No direct sale of goods to the consumer is allowed to occur at the home office site.
 4. No more than 1 commercially licensed vehicle associated with the home office may be parked at or near the home.
 5. Any vehicles associated with the office use shall not exceed the allowable vehicle weight of the roadway that abuts the subject property.

- (b) Home business performance standards; exemptions and flexibility.
1. The City may allow some flexibility from the strict application of these performance standards where the proposed home business complies with the intent of these regulations and when the business use is clearly compatible with and has no significant adverse impact upon the neighborhood or the community.
 - a. The garage or accessory building may be used for the business, provided there is still garage space to park a vehicle.
 - b. There can be up to 5 employees or business partners, who do not live at the home, working or reporting to the home for dispatch to other work sites,. The number of employees allowed may be altered by the City Council based on the characteristics of the business or the site.
 - c. No more than 2 commercially licensed vehicles associated with the business can be parked overnight outside or near the home, in an unscreened location. A maximum of 5 commercially licensed vehicles are allowed at the home at any one time.
 - d. No vehicles requiring a Class A drivers' license associated with the business can be parked at an outside unscreened location.
 - e. Dust control measures or paving the driveway and or street may be required.
 - f. No home business use of vehicles requiring a Class A drivers' license and/or trailers over 20 feet in length shall occur from properties with driveway access to local streets. The City Council may allow home business use of vehicles requiring a Class A drivers' license and/or trailers over 20 feet in length if the property has driveway access off of a paved county or state road.
 - g. The Council may restrict the hours of operation as necessary to protect the residential or agricultural character of the area.

- h. No direct sale of goods to the consumer is allowed to occur at the home business site, except as allowed by 152.071 (F)(2).

(G) Livestock and domestic farm animals.

- (1) Applicability. Provisions of the ordinance codified herein that apply to the owner of animals apply equally to any person having the custody or possession of that animal.
- (2) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (a) ANIMAL UNIT. A unit of measure comparing the size of domestic farm animals as follows:

Animal	Animal Unit
One cow, llama, horse, ostrich or similar animal	1.0
One hog, sheep, goat, alpaca or similar animal	.5
One domestic fowl or similar animal	.05

- (b) DOMESTIC FARM ANIMAL/LIVESTOCK. Cattle, hogs, horses, bees, sheep, goats, chickens and other animals and fowl commonly kept for food production.
- (c) AT-LARGE. Off the premises of the owner or person responsible for the livestock.
- (3) General provisions. The following shall apply to § 152.056 Agricultural Preserve and § 152.055 Rural Residential Zoning Districts:
 - (a) Where the principal use is a single-family dwelling, livestock at a maximum density of 1 animal units per the first 1-1/2 acres of land and 1 additional animal unit per each additional acre of land thereafter. Property owners shall be responsible for management and proper disposal of animal waste. This shall include:
 - 1. All regulations imposed by the Minnesota Pollution Control Agency (MPCA) relating to the keeping of livestock or domestic

farm animals shall be adhered to, and such regulations shall be considered the minimum safeguard necessary to prevent pollution of natural sensitive areas or the creation of a health hazard;

2. Land application of manure will need to be compliant with the Minn. Rules 7020.2225;
3. Structures or buildings used to house animals shall meet all applicable setback requirements for accessory structures as stated in City Code Chapter 152.
4. Concrete manure containment areas or composting areas must be constructed, the design of which shall be consistent with the recommendations of the University of Minnesota Extension Service, and setbacks in compliance with those stated for accessory structures in City Code Chapter 152.
 - a. The site shall install runoff retention and vegetative infiltration systems, consistent with the recommendations of the University of Minnesota Extension Service, down slope from the manure containment area.
 - b. Diligent effort shall be made to prevent the cribbing of trees in or near pastures, and efforts to maintain grass in the pastures by limiting use thereof as appropriate and by providing supplemental feed to prevent over grazing by instituting a pasture management program in accordance with the recommendation of the University of Minnesota Extension Service.
5. Violations.
 - a. Complaint process. Any resident who believes there is property located within the corporate limits of the city which had excessive odors or other nuisances related to manure in violation of this section, shall make a complaint with the City Administrator-Clerk or Minnesota Pollution Control Agency. (Ord. 2016-02, 5/3/16)
 - (b) Domestic Fowl. The following shall apply to § 152.057, Lake Sarah Sewer Residential District of the Greenfield City Code of Ordinances:
 1. The keeping and maintaining of fowl, including chickens, pheasants, doves, pigeons and similar small fowl, shall be

allowed, subject to compliance with the following standards:

- a. Properties of less than 3 acres, but at least 1/2 acre, are allowed to have .5 domestic fowl animal units;
 - b. The keeping of roosters, male peacocks, and water fowl shall be prohibited;
 - c. The fowl must be housed within an enclosed accessory building and fenced outdoor yard in compliance with the current zoning and building codes;
 - d. The accessory building containing the fowl shall be subject to the required setbacks for principal building;
 - e. If eggs are harvested, they shall not be offered for sale from the premises;
 - f. The owner/keeper of the fowl shall control the animal waste and dispose of it properly;
 - g. No person shall keep any fowl inside a residential dwelling;
 - h. No person shall slaughter any fowl within the Lake Sarah Sewer Residential District;
 - i. Food containers and feeders must not be accessible to rodents and wild birds and all feed shall be stored and dispensed in rodent-proof and predator-proof containers; and
 - j. Fowl must be provided with veterinary care if ill or injured.
2. Facilities for housing/fencing fowl:
- a. Fowl shall be provided a secure and well ventilated roofed structure in compliance with the current zoning and building codes;
 - b. The roofed structure shall be fully enclosed, wind proof, and have a heat source to maintain an adequate indoor temperature during extreme cold conditions;
 - c. No fowl shall be allowed to run at-large. Fowl shall be kept in the roofed structure or any attached fenced yard enclosure

at all times;

- d. The fence around the yard enclosure shall be securely constructed with a mesh type material and shall have protective overhead netting to keep the chickens separated from other animals;
- e. The floors and walls of the roofed structure shall be kept in a clean, sanitary and healthy condition with all dropping and body excretions collected on a daily basis and placed in a fireproof covered container until applied as fertilizer, composted or transported off the premises; and
- f. Sprayed with standard disinfectant at least 3 times yearly, once in each of the months of March, July and October.

3. Violations.

- a. The police, or any other duly appointed person, may take and impound any animal which is not being kept, confined or restrained in a manner consistent with the requirements of this chapter and of Chapter 93 of the Greenfield City Code relating to nuisances.
- b. Complaint process. Any resident who believes there is property located within the corporate limits of the city which had excessive odors or other nuisances related to livestock waste in violation of this section, shall make a written complaint signed, dated and filed with the City Administrator-Clerk.
- c. Notice of violations. The Mayor or his or her authorized designee shall make an inspection within 3 days of a complaint location to determine if a violation of this section has occurred. Written notification in the form of a destruction order shall be forwarded to the property owner. The written notice shall be sent by certified mail, return receipt requested. Within 10 days after the mailing of the notice, the property owner shall remove the manure. The city may cause the manure to be removed following the 10-day period.
- d. Appeals. The property owner may appeal by filing written notice of objection with the City Administrator-Clerk within the 5 days of the notice. It is the property owner's responsibility to demonstrate that the matter in question is

not in violation of this section and should not be subject to destruction under this section.

4. Liability. Property owners shall be liable for all costs of removal of noxious manure. The city shall bill the property owner for employees hourly rate, equipment and supplies that may be used. The City Council shall assess the property owner any amount unpaid 90 days after the date of the invoice.

(H) **Opt-out of Minnesota Statutes, Section 462.3593.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Greenfield opts-out of the requirements of Minn. Stat. 462.3593, which defines and regulations Temporary Family Health Care Dwellings.

(Prior Code, § 1040.08) (Am. Ord. O-9-07, passed 12-4-2007; Am. Ord. 08-10-01, passed 10-21-2008; Am. Ord. 01-02-09, passed 2-3-2009; Am. Ord. 10-001, passed 4-7-2010; Am. Ord. 13-001, passed 6-18-2013) Penalty, see § 152.999 (ORD. 2016-04, 8-16-2016)

§ 152.072 PERFORMANCE STANDARDS FOR GENERAL BUSINESS AND INDUSTRIAL DISTRICTS.

- (A) **Purpose.** All uses, buildings and structures within the General Business and Industrial Districts shall conform to the following performance standards.
- (B) **Lot screening.** The city shall require the screening of industrial and general business uses with berms, fencing or landscaping, as determined in this code.
- (C) **Access roads.** No roads servicing industrial establishments shall have access to local residential roads nor shall business-oriented traffic be routed on or directed to local residential roads.
- (D) **Storage and display.** All storage, display, service, repair or processing shall be conducted wholly within an enclosed building or behind an opaque fence or wall not less than 6 feet high, provided however, that the display of merchandise for sale or lease on the same lot as the principal structure shall not be prohibited. Outside storage shall only occur to the side or rear of the principal building and shall not be adjacent to a public street or a residential zone. Outside storage in the General Business District is limited to no more than 50% of the ground floor area of the principal building. Outside storage in the Industrial Zone is limited to no more than 50% of the lot area.
- (E) **Solid waste.** Incineration of solid waste materials shall only be conducted in equipment approved by the Minnesota Pollution Control Agency's (M.P.C.A.) regulations and in compliance with the burning regulations promulgated by the Department of Natural Resources (DRA).
- (F) **Landscaping.** All development except single-family and two-family shall comply with the requirements of this section.
 - (1) Setback areas shall be landscaped and maintained and shall not be used for parking, internal driveways, off-street loading, storage, sales display, temporary signs or banners, nor shall any structure or building be placed thereon other than a fence.
 - (2) A minimum 10-foot wide landscaped yard area shall be provided between parking lots and the street right-of-way.
 - (3) The parking lot buffer yard shall be planted with landscaping, berms, walls or fences to obtain a minimum 3-foot high opaque screen between the parking and the street.
 - (4) Landscaping shall be required in parking lot islands.

- (5) Minimum landscaping requirements.
- (a) All open areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials. The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, foundations, decorative walks or other similar site design features.
 - (b) A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the site plan.
 - (c) All site areas not covered by buildings, sidewalks, parking lots, driveways, patios or similar hard surface materials shall be covered with sod or an equivalent ground cover approved by the city. This requirement shall not apply to site areas retained in a natural state.
 - (d) Not more than 50% of the required number of trees shall be composed of 1 species. New plantings shall not include any of the following:
 - 1. A species of the genus *ulmus* (elm), except those elms bred to be immune to Dutch elm disease;
 - 2. Box elder;
 - 3. A species of the genus *populus* (poplar); except *populus tremuloides*, *populus robusta*, or other hybrid seedless varieties; or
 - 4. Female ginko;
 - 5. Buckthorn.
- (6) Landscape plans. Landscape plans shall consist of both a landscape site plan and a foundation plan to be prepared by a landscape architect, landscape designer, master gardener, licensed nurseryman, or other qualified individual acceptable to the Zoning Administrator. Landscape plans shall be drawn to a scale of not greater than 1 inch equal to 50 feet, and a foundation landscape plan drawn to a scale of not greater than 1 inch equals 10 feet, and shall include the following information:
- (a) Location, approximate size and common name of existing trees and shrubs.

- (b) Planting schedule containing:
 - 1. Symbols.
 - 2. Quantities.
 - 3. Common names and botanical names.
 - 4. Size of plant materials.
 - 5. Root condition (balled and burlapped, bare root, container size, and the like).
 - 6. Special planting instructions.
- (c) Planting details illustrating proposed locations of all new plant material.
- (d) Locations and details of other landscape features, including, but not limited to, berms, fences and planter boxes, landscape islands, parking lot features, sign areas, and entrance monuments.
- (e) Location and details of irrigation systems.
- (f) Details and cross sections of all required screening.
- (g) Such other information as the city may require.
- (7) Base landscaping requirements: minimum size. The minimum size for required plantings shall be as follows:
 - (a) Deciduous overstory trees shall be a minimum size of 1-3/4 inch caliper at 2 feet above ball.
 - (b) Evergreen trees shall be a minimum height of 6 feet above grade.
 - (c) Ornamental trees shall be a minimum 1-1/2 inch caliper in size.
 - (d) Shrubs shall have a minimum root ball of 2 gallons.
 - (e) Perennial containers shall be a minimum of 4 inches.
- (8) Minimum quantity. The minimum number of plantings per site shall be as follows:

- (a) One overstory deciduous or coniferous tree for every 1,500 square feet of total building floor area or 1 such tree for every 50 feet of site perimeter, whichever is greater.
 - (b) Ornamental. One ornamental tree can be substituted for every 0.5 overstory deciduous shade tree. In no case shall ornamental trees exceed 50% of the required number of trees.
- (9) Protection of existing vegetation during construction. All existing vegetation to be saved upon a lot under development shall be protected from damage and/or destruction occurring as a result of activity which takes place during the construction process. No soil or other material shall be allowed to accumulate or be placed near any such vegetation in such a manner that the deterioration or death of such vegetation may result.
- (10) Maintenance. The owner of a lot upon which landscaping or screening is required by this code shall maintain all plant materials in a slightly and healthy growing condition and promptly replace all dead or dying plant material. Plant materials located within the boulevard area shall be similarly maintained by the property owner. If any plant material in the boulevard is not maintained or replaced as required in this section, the city may maintain or replace the plant material and assess the property for the costs thereof.
- (11) Irrigation system. All affected properties shall install and maintain an irrigation system upon the property serving at least all turfed areas thereon, whether sodded or seeded.
- (12) Performance surety.
 - (a) Prior to building permit issuance, the owner shall provide the city with cash, a letter of credit or other surety satisfactory to the city to guaranty the proper installation of all on site improvements other than the building, including, but not limited to, landscape plantings, sodding, irrigation systems, signs, paving, curbing, exterior lighting, sidewalks, fences, retaining walls, and screening required in this chapter. Such surety shall remain in effect for one full growing season and shall be in an amount equal to 150% of the estimated cost of material and installation.
 - (b) The growing season shall include the period from May 1 through October 31.

- (c) The 1-year guaranty period for plant material installed after June 1 shall commence the following year.
 - (d) The landscape plan shall become part of the site and building plan approval or the city's developers agreement when prepared..
- (G) **Explosives.** No activities involving the storage, manufacture, or use of explosives, highly toxic, or extremely flammable materials shall be permitted.
- (H) **Noise.** Noise shall not exceed 55 decibels on any octave band frequency measured at any point along the property line.
- (I) **Vibration.** No activity or operation shall cause earth vibration perceptible beyond the boundaries of the lot on which the use is approved.
- (J) **Odor.** No commercial-industrial use shall discharge, beyond the boundaries of the lot on which it is approved, toxic or noxious odors or particulate matter.
- (K) **Glare and heat.** Glare and heat shall be shielded to prevent light or heat rays to project beyond the boundaries of the lot on which the use is permitted.
- (L) **Storage of waste.** All solid waste, debris, refuse or garbage not disposed of by incineration or by on-site sewage disposal shall be stored in a completely enclosed building or in a closed container which shall be enclosed within a 6-foot high opaque fence or wall.
- (M) **Fuel storage.** All storage tanks and containers for flammable and combustible liquids and liquefied gases shall be constructed and located in accordance with regulations of the Minnesota Uniform Building Code, Minnesota Uniform Fire Code, and the National Fire Protection Association Codes, including NFPA-30 for flammable and combustible liquids and NFPA-58 for liquefied gases.
- (N) **Utilities.**
 - (1) All uses shall be connected to municipal sanitary sewer and water systems. Existing buildings without public sewer shall be connected when the building is expanded more than 15% of the floor area or the use is changed or at the request of the property owner.
 - (2) All utilities serving the development shall be placed underground.
- (O) **Loading areas.**
 - (1) Trunk loading areas shall not be located on the front of the building.

- (2) The City Council may require the loading area to be screened from nearby public streets or residential area by a solid wall up to 15 feet high.
- (P) **On-site stormwater ponding.** On-site stormwater ponding may be required in accordance with the Greenfield commercial-industrial stormwater management plan.
- (Q) **Exterior lighting.** Exterior lighting shall be shielded to prevent glare onto residential areas and public and private roadways.
- (R) **Recycling and trash.** All recycling and trash shall be stored indoors or in fully covered containers in a screened exterior location.
- (S) **Off-street parking requirement.**

(1) The following minimum parking standards shall be established.

Angle (in degrees)	Type	Space Width	Space Length	Aisle Width
90	2-way	9.0	19	25
60	1-way	9.0	21	18
45	1-way	9.0	20	13
30	1-way	9.0	17	11
0	Parallel	8.0	23	20

- (2)
 - (a) An accurate, dimensioned parking layout which complies with the minimum parking standards, including handicapped parking requirements, shall be submitted for approval with a site plan and parking arrangements shall thereafter comply with the layout.
 - (b) Parking spaces shall be clearly designated by lines painted upon the surface of the parking area.
- (3) All driveways, parking areas, loading, access and circulation areas shall be paved with bituminous, concrete, brick or a similar surface and bordered by poured-in-place concrete curb. Exterior storage areas in the Industrial District may be a gravel or crushed stone surface when material storage requirements prevent efficient use of paved storage and when approved as part of the final site plan and building plan review. Interior concrete curb islands may also be required as part of the final site plan review to define circulation, fire lanes and loading and unloading areas.

- (4) Each General Business or Industrial use shall provide the following spaces:

Hotels and motels	1 space for each employee plus 1 space for each lodging unit
Eating and drinking establishments	1 space for each employee plus 1 parking space for every 3 seats
Automobile service stations	1 space for each employee plus 3 spaces for each enclosed bay and spaces for any retail floor area
Mini-storage	1 space for each employee plus 1 space for each 2,000 square feet of floor area
Office buildings and non-retail commercial uses	5 spaces shall be provided for each 1,000 square feet of gross floor area.
Retail sales	5 spaces shall be provided for each 1,000 square feet of gross floor area.
Wholesale and warehousing	5 spaces shall be provided for each 1,000 square feet of gross floor area. There shall be sufficient area on the lot for designated future expansion for 1-1/2 space for each 1,000 square feet of floor space.
Industry and manufacturing	3 spaces shall be provided for each 1,000 square feet of gross floor area.
Other uses	Parking requirements for other uses not set forth in this section shall be established by the City Council, upon recommendation of City Planner and the Planning Commission.

- (T) **Off-street loading and delivery space required.** Adequate off-street loading and delivery spaces shall be required for each use. Loading spaces shall be no less than 15 feet in width and 25 feet in length. The number of loading and delivery spaces shall be determined by the City Council upon recommendation of City Planner and the Planning Commission. Loading and delivery spaces in all other respects shall conform to the requirements for parking spaces.
- (U) **Proof of parking.** If approved by the City Council, a lesser amount of parking than specified in division (18) above may be constructed. However, space for the full number of required parking spaces as determined by division (18) above must be designated on an approved site plan. Proof of parking spaces shall be constructed by the property owner if parking demand exceeds supply or at the direction of the city.
- (V) **General business and industrial exterior building material and design requirements.** New industrial and general business construction or additions to permitted existing uses in excess of 15% of footprint area existing on 9-6-2005 shall be constructed of masonry or equivalent exterior materials. Up to 15% of the exterior finish may consist of metal architectural trim. No unfinished block or wood surfaces are allowed. Building and additions shall also meet the following architectural design standards.
- (1) Architectural design standards. Construction in the Industrial and General Business zoning districts shall meet the following exterior design standards:
- (a) All buildings are frame or masonry construction and must have a continuous concrete frost footing. No pole buildings are allowed.
 - (b) Any metal exterior materials must be warranted to resist fading for a period of at least 15 years.
 - (c) The height of any accessory buildings, measured at the sidewall, shall not exceed 20 feet.
 - (d) Artificial stucco products without metal reinforcement may be allowed when they are used at a height of at least 8 feet above grade and for minor architectural details not to exceed 10% of the building facade.
 - (e) Buildings shall incorporate means to add architectural interest. Architectural design options include, but are not limited to, articulated walls (avoiding long unbroken walls), entry canopies, vestibules, roof treatments, window and door openings, and facade

design elements (materials, color, and texture, etc.)

- (2) Exterior material flexibility.
 - (a) The City Council may approve use of other exterior materials when in the opinion of the City Council the proposed materials are equal to or better than the materials listed in this chapter and when the overall architectural design meets or exceeds the intent of this chapter.
 - (b) For additions to existing buildings, the City Council may approve exterior materials that are lesser than the masonry or equivalent exterior materials if the materials match the existing building and if in exchange for use of lesser materials, the building and site construction include and equal or greater value in improvement to the public facade(s) of the existing building or other site improvements such as screening, irrigation, planting, paving, etc.

(Am. Ord. O-4a-05, passed 9-6-2005)

(W) Towers and antennae.

- (1) Conditional uses. Communications towers and antennae shall be allowed only as conditional uses and only in the following specified locations:
 - (a) General Business and Industrial Zoning Districts; and
 - (b) On city-owned water towers.
- (2) Co-location requirements. All commercial wireless telecommunications towers erected, constructed or located within the city shall comply with the following requirements.
 - (a) A proposal for a new commercial wireless telecommunications service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a - mile search radius (1/2-mile search radius for towers under 120 feet in height, 1/4-mile search radius for towers under 90 feet in height) of the proposed tower due to one or more of the following reasons:
 - 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or

- replaced to accommodate the planned equivalent equipment at a reasonable cost;
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost; and
 3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
- (b) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennae and comparable antennae for at least 2 additional users if the tower is over 90 feet in height or for at least 1 additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying heights.
- (c) As part of the application for all commercial wireless telecommunication service towers, a letter of intent must be submitted committing the tower owner and his or her successors to allow the shared use of the tower if additional users agree in writing to meet reasonable terms and conditions for shared use.
- (3) Tower construction requirements. All towers erected, constructed or located within the city, and all wiring thereof, shall comply with the following requirements.
- (a) Towers shall be certified by qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association. Towers and associated antennae shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 - (b) With the exception of necessary electric and telephone service and connection lines approved by the city, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any

part of a public or railroad right-of-way, sidewalk or property line.

- (c) All signal and remote control conductors of low energy between a tower or antenna and a structure, or between towers, shall be buried underground.
 - (d) Every tower affixed to the ground shall be protected by chain link fence at least 5 feet in height to discourage climbing of the tower by unauthorized persons.
- (4) Tower and antenna design requirements.
- (a) Proposed or modified towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is required by federal or state law or requirements.
 - (b) Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment.
- (5) Tower setbacks. Towers shall conform with each of the following minimum setback requirements.
- (a) Towers shall meet the setbacks of the underlying zoning district with the exception of Commercial-Industrial Districts, where a tower may encroach into the rear setback are, provided that the rear property line abuts other commercial-industrial zoned property and the tower does not encroach upon any easements.
 - (b) Towers shall be set back from the planned public rights-of-way as shown on the most recently adopted comprehensive plan of the city by a minimum distance equal to 1/2 of the height of the tower including all antennae and attachments.
 - (c) Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - 1. In General Business and Industrial Zoning Districts, towers may be placed within a side yard abutting a street; and
 - 2. On sites adjacent to public streets on all sides, towers may be placed within a side yard.

- (d) A tower's setback may be reduced or its location in relation to a public street varied at the sole direction of the City Council, to allow the integration of a tower into an existing or proposed structure such as a steeple, light standard, power line support device or similar structure.
- (6) Tower lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless the lighting is specifically required by the Federal Aviation Administration, Federal Communications Commission, or other federal or state authority. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
- (7) Signs and advertising. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- (8) Accessory utility building. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- (9) Abandoned or unused towers or portions of towers. Abandoned or unused towers or portions of towers shall be removed as follows.
 - (a) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the City Council. Whenever the tower and facilities are to be located on property not owned by the tower owner, a copy of the relevant portions of a signed lease which requires the removal of the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the city and the costs of removal assessed against the property.
 - (b) Unused portions of towers above a manufactured connection shall be removed within 6 months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the

issuance of a new conditional use permit.

- (10) Antennae or towers mounted on roofs, walls and existing towers.
 - (a) The placement of wireless telecommunication antennae or towers on roofs, walls and existing towers may be approved by the City Council, provided the antenna or tower meets the requirements of this code, after submittal of:
 - 1. A final site and building plan; and
 - 2. A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure.
 - (b) Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
- (11) Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunications providers shall notify the city at least 10 calendar days in advance of the changes and allow the city to monitor interference levels during the testing process.
- (12) Additional submittal requirements. In addition to the information required elsewhere in this section, development applications for towers shall include the following supplemental information.
 - (a) A report from a qualified and licensed professional engineer which:
 - 1. Describes the tower height and design including a cross section and elevation;
 - 2. Documents the height above grade for all potential mounting positions for co-located antennae and the minimum separation distances between antennae;
 - 3. Describes the tower's capacity, including the number and type of antennae that it can accommodate;

4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 5. Includes an engineer's stamp and registration number; and
 6. Includes other information necessary to evaluate the request.
- (b) Before the issuance of a building permit, the following supplemental information shall be submitted:
1. Proof that the proposed tower complies with regulations administered by Federal Aviation Administration; and
 2. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.
- (13) Height limitations. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground to the highest of the tower, including all antennae or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet height restrictions.
- (a) In Industrial and General Business Zoning Districts, the maximum height of any tower, including all antennae and other attachments, shall not exceed 1 foot for each 2 feet the tower is setback from residential property up to a maximum height of 150 feet.
- (b) In accordance with the Federal Communication Commission's Preemptive Ruling PRB-1, towers erected for the primary purpose of supporting amateur radio antennae may exceed 35 feet in height provided that a determination is made by the City Council that the proposed tower height is technically necessary to successfully engage in amateur radio communications.
- (14) Existing antennae and towers. Antennae and towers which comply with requirements in effect before adoption of this section pertaining to communications towers but do not conform to or comply with this section are subject to the following provisions.
- (a) Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this section.

- (b) If the towers are hereafter damaged or destroyed due to any reason of cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this section, provided, however, that if the cost of repairing the tower to its former use, physical dimensions, and location would be 10% or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this section.

§ 152.073 PERFORMANCE STANDARDS FOR THE SHORELAND OVERLAY DISTRICT.

- (A) **Purpose.** All uses, buildings and structures within the Shoreland Overlay District shall conform to the following performance standards.
- (B) **Agricultural use performance standards.** The following are agricultural use performance standards for the Shoreland District:
- (1) The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
 - (2) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting shall be permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems). Consistent with the field office technical guides of the local soil and water conservation districts or the Natural Resources Conservation Service (NRCS).
 - (3) Animal feedlots as defined, where allowed by zoning district designations, shall be reviewed as conditional uses and shall meet the following standards:
 - (a) New feedlots shall not be located in the shoreland of watercourses or in bluff impact zones and shall meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins.
 - (b) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
 - (c) A certificate of compliance, interim permit or animal feedlot permit, when required by Minnesota Statute shall be obtained by the owner or operator of an animal feedlot
 - (4) Use of fertilizer, pesticides or animal wastes within shorelands shall be done in a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.
- (C) **Forest management performance standards.** The harvesting of timber and associated reforestation or conversion of forested use to a non-forested use shall be conducted consistent with the following performance standards for the Shoreland District:

- (1) Timber harvesting and associated reforestation shall be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management Best Management Practices in Minnesota.
 - (2) If allowed by the City Council, forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
 - (a) Shore and bluff impact zones shall not be intensively cleared of vegetation; and
 - (b) An erosion and sediment control plan is developed and approved by the Watershed Management Organization (WMO) before issuance of a conditional use permit for the conversion.
- (D) **Extractive use performance standards.** The following are extractive use performance standards for the Shoreland District.
- (1) Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
 - (2) An extractive use site development and restoration plan shall be developed, approved by the city and followed over the course of operation of the site. The plan shall address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It shall also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and shall clearly explain how the site will be rehabilitated after extractive activities end.
- (E) **Water-oriented area performance standards.** The following are semipublic use performance standards of the Shoreland District:
- (1) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, shall either be setback double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

- (2) Those with water-oriented needs shall meet the following standards.
 - (a) In addition to meeting impervious coverage limits, setbacks and other zoning standards presented elsewhere in this section, the uses shall be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - (b) Uses that require short-term water craft mooring for patrons shall centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - (c) Uses that depend on patrons arriving by water craft may use signs and lighting to convey needed information to the public, subject to the following general standards.
 1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
 2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They shall only convey the location and name of the establishment and the general types of goods or services available. The signs shall not contain other detailed information such as product brands and prices, shall not be located higher than 10 feet above the ground, and shall not exceed 32 square feet in size. If illuminated by artificial light, shall be shielded or directed to prevent illumination out across public waters.
 3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- (F) **Stormwater management performance standards.** The following are stormwater management performance standards for the Shoreland District.
 - (1) The following are general standards:
 - (a) When possible, existing natural drainageways, wetlands and vegetated soil surfaces shall be used to convey, store, filter and retain stormwater runoff before discharge to public waters;

- (b) Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site. National Pollutant Discharge Elimination System (NPDES) standards shall be used when 5 acres or more of a site is disturbed by construction; and
 - (c) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and manmade materials and facilities.
- (2) The following are specific standards:
- (a) Impervious surface coverage of lots shall not exceed 25% of the lot area.
 - (b) Constructed facilities for stormwater management shall be designed and installed consistent with the standards which are consistent with the National Urban Runoff Program (NURP).
 - (c) New constructed stormwater outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- (G) **Mining of metallic minerals and peat performance standards.** The following are mining of metallic mineral and peat performance standards for the Shoreland District: Mining of metallic minerals and peat shall be a permitted use provided the provisions of M.S. §§ 93.44 to 93.51, as they may be amended from time to time, are satisfied.
- (H) **Water supply performance standards.** The following are water supply performance standards for the Shoreland District:
- (1) Any public or private supply of water for domestic purposes shall meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency (M.P.C.A.); and

- (2) Private wells shall be located, constructed, maintained and sealed in accordance with the Water Well Construction Code of the Minnesota Department of Health.
- (l) **Sewage treatment performance standards.** The following are sewage treatment performance standards for the Shoreland District. Any premises used for human occupancy shall be provided with an adequate method of sewage treatment.
 - (1) Publicly-owned sewer systems shall be used where available;
 - (2) All private sewage treatment systems shall meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, specifically chapter 7080 for individual sewage treatment systems and any applicable city standards.
 - (3) On-site sewage treatment systems shall be set back from the ordinary high water level as follows:

Class	Setback from Ordinary High Water Level (feet)
Natural environment lake	150
Recreational development lake	75
Tributary, urban river segments	75

FLOODPLAIN MANAGEMENT

§ 152.075 STATUTORY AUTHORIZATION.

- (A) **Authorization.** The legislature of the State of Minnesota has, in M.S. Chapter 103F, as it may be amended from time to time, and in M.S. Chapter 462, as it may be amended from time to time, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City of Greenfield, Minnesota does ordain as follows.
- (B) **Findings of fact.**
- (1) Generally. This ordinance regulates development in the flood hazard areas of the City of Greenfield, Minnesota. These flood hazard areas are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety and general welfare by minimizing these losses and disruptions.
 - (2) Methods used to analyze flood hazards. This subchapter is based upon a reasonable method of analyzing flood hazards that is consistent with the standards established by the Minnesota Department of Natural Resources.
 - (3) National Flood Insurance Program compliance. This subchapter is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 C.F.R. Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
 - (4) Statement of purpose. It is the purpose of this subchapter to promote the public health, safety, and general welfare and to minimize those losses described in division (1) above by provisions contained herein.
 - (5) This ordinance is also intended to preserve the natural characteristics and function of water courses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Ord. O-4-04, passed 8-17-2004) (Ord. 2016-03, 8-16-2016)

§ 152.076 GENERAL PROVISIONS.

- (A) **How to use this Ordinance.** This ordinance adopts the floodplain maps applicable to the City of Greenfield and includes three floodplain districts: Floodway, Flood Frings, and General Floodplain.
- (1) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in § 152.078 or § 152.079 will apply, depending on the location of a property
 - (2) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in § 152.078 apply unless the floodway boundary is determined, according to the process outlined in § 152.080. Once the floodway boundary is determined, the Flood Fringe District standards in § 152.079 may apply outside the floodway.
- (B) **Lands to which subchapter applies.** This subchapter shall apply to all lands within the jurisdiction of the City of Greenfield shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe or General Floodplain Districts.
- (C) **Establishment of official zoning map.** The official zoning map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this subchapter. The attached material shall include the most recent Flood Insurance Study, for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the most recent Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. The official zoning map shall be on file in the office of the City Administrator-Clerk.

Effective Flood Insurance Rate Map panels:

27053C0014F

27053C0018F

27053C0019F

27053C0109F

27053C0126F

27053C0127F

27053C0128F

27053C0129F

27053C0132F

27053C0134F

27053C0135F

- (D) **Regulatory flood protection elevation.** The regulatory flood protection elevation (RFPE) shall be an elevation no lower than 1 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- (E) **Interpretation.**
- (1) In their interpretation and application, the provisions of this subchapter shall be held to be minimum requirements and shall be liberally construed in favor of the City Council and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (2) The boundaries of the zoning districts shall be determined by scaling distances on the Flood Insurance Rate Map.
- (a) Where a conflict exists between the floodplain limits illustrated on the official zoning maps and actual field conditions, the flood elevations shall be the governing factor. The City Administrator-Clerk, or designee, shall interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
- (b) Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.
- (F) **Abrogation and greater restrictions.** It is not intended by this subchapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this subchapter imposes greater restrictions, the provisions of this subchapter shall prevail. All other ordinances inconsistent with this subchapter are hereby repealed to the extent of the inconsistency only.
- (G) **Warning and disclaimer of liability.** This subchapter does not imply that areas outside the floodplain districts or land uses permitted within these districts will be free from flooding or flood damages. This subchapter shall not create liability on the part of the City of Greenfield or any officer or employee thereof for any flood damages that result from reliance on this subchapter or any administrative decision lawfully made thereunder.

- (H) **Severability.** If any section, clause, provision or portion of this subchapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this subchapter shall not be affected thereby.
- (I) **Annexations.** The Flood Insurance Map panels adopted by reference into § 152.076 (C), above, may include floodplain areas that lie outside of the corporate boundaries of the City of Greenfield at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Greenfield after the adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

(Ord. O-4-04, passed 8-17-2004) (Ord. 2016-03, 8-16-2016)

§ 152.077 ESTABLISHMENT OF FLOODPLAIN DISTRICTS.

- (A) **Districts.**
 - (1) **Floodway District.** The Floodway District shall include those areas within Zone AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in § 152.076(C). For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinance high water level as defined in Minnesota Statutes Section 103G.005, Subdivision 14.
 - (2) **Flood Fringe District.** The Flood Fringe District shall include those areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map as adopted in § 152.076(B), but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinance high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
 - (3) **General Floodplain District.** The General Floodplain District shall include those areas designated as Zones A or AE that do not have a delineated floodway as shown on the Flood Insurance Rate Map adopted in § 152.076(B).
- (B) **Applicability.** Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of

the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in § 152.078 - § 152.080 are prohibited. In addition, critical facilities, as defined in § 152.006, are prohibited in all floodplain districts.

(C) **Compliance.**

- (1) No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted or structurally altered without full compliance with the terms of this subchapter and other applicable regulations which apply to uses within the jurisdiction of this subchapter. Within the Floodway, Flood Fringe and General Floodplain Districts, all uses not listed as permitted uses or conditional uses in §§ 152.078, 152.079 and 152.080 that follow, respectively, shall be prohibited.
- (2) In addition, a caution is provided here that:
 - (a) New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this subchapter and specifically § 152.083.
 - (b) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing non-conforming structures and non-conforming uses of structures or land are regulated by the general provisions of this subchapter and specifically § 152.085.
 - (c) As-built elevations for elevated or floodproofed structures must be certified by ground surveys and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this subchapter and specifically as stated in § 152.084 of this subchapter.

(Ord. O-4-04, passed 8-17-2004) Penalty, see § 152.999 (Ord. 2016-03, 8-16-2016)

§ 152.078 FLOODWAY DISTRICT (FW).

- (A) **Permitted uses.** The following uses, subject to the standards set forth in § 152.078 (B), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
 - (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting;

- (2) Industrial-commercial loading areas and parking areas;
 - (3) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas and single or multiple purpose recreational trails; and
 - (4) Residential lawns, gardens, parking areas and play areas.
 - (5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.
- (B) **Standards for floodway permitted uses.**
- (1) The use shall have a low flood damage potential.
 - (2) The use shall be permissible in the underlying zoning district.
 - (3) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.
 - (4) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (C) **Conditional uses.** The following uses may be allowed as conditional uses following the standards and procedures set forth in § 152.023 – § 152.025 of this ordinance and further subject to the standards set forth in § 152.078 (D), if otherwise allowed in the underlying zoning district or any applicable overlay district.
- (1) Structures accessory to the uses listed in division (A) above and the uses listed in divisions (C)(2) through (7) below;
 - (2) Extraction and storage of sand, gravel and other materials;
 - (3) Marinas, boat rentals, docks, piers, wharves and water control structures;
 - (4) Storage yards for equipment, machinery or materials;

- (5) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in § 152.006, are permitted uses;
 - (6) Travel-ready recreational vehicles meeting the exception standards in § 152.083; and
 - (7) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- (D) **Standards for floodway conditional uses.**
- (1) All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
 - (2) Subject to procedures and standards. All floodway conditional uses shall be subject to the procedures and standards contained in this section of this subchapter.
 - (3) Permissible conditional use. The conditional use shall be permissible in the underlying zoning district.
 - (4) Fill.
 - (a) Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - (b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - (c) As an alternative, and consistent with division (D)(4)(b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the City Council has received an appropriate plan which assures the removal of the materials from

the floodway based upon the flood warning time available. The conditional use permit shall be title registered with the property in the office of the County Recorder.

- (5) Accessory structures. Accessory structures, as identified in § 152.078 (C)(1), may be permitted, provided that:
- (a) Accessory structures shall not be designed for human habitation.
 - (b) Accessory structures shall have a low flood damage potential.
 - (c) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - 1. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - 2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - (d) Service utilities, such as electrical and heating equipment, within these structures shall be elevated to or above the regulatory flood protection elevation or properly floodproofed.
 - (e) Structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
 - (f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - 1. To allow for the equalization of hydrostatic pressure, there shall be a minimum of 2 automatic openings in the outside walls of the structure having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding.
 - 2. There shall be openings on at least 2 sides of the structure

and the bottom of all openings must be no higher than 1 foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

- (6) Storage of materials and equipment.
 - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
 - (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.
- (7) Structural works. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of M.S. Chapter 103G, as it may be amended from time to time. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.
- (8) Levee, dike or floodwall. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 1% chance or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- (9) Hydraulic Capacity. Floodway developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(Ord. O-4-04, passed 8-17-2004) Penalty, see § 152.999 (Ord. 2016-03, 8-16-2016)

§ 152.079 FLOOD FRINGE DISTRICT (FF).

- (A) **Permitted uses.** Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). All permitted uses shall comply with the standards for Flood Fringe District permitted uses listed in division (B).
- (B) **Standards for flood fringe permitted uses.**
 - (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall

be no lower than 1 foot below the regulatory flood protection elevation and the fill shall extend at an elevation at least 15 feet beyond the outside limits of the structure erected thereon.

- (2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally floodproofed in accordance with § 152.078(D)(5)(f).
 - (3) The cumulative placement of fill where at any 1 time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless the fill is specifically intended to elevate a structure in accordance with division (B)(1) above of this section.
 - (4) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
 - (5) All service utilities, including ductwork, shall be elevated or water-tight to prevent infiltration of floodwaters.
 - (6) The utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
 - (7) The provisions of division (E) of this section shall apply.
- (C) **Conditional uses.** The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in § 152.079(D) and (E) and § 152.084(D) of this subchapter.
- (1) Any structure that is not elevated on fill or floodproofed in accordance with division (B)(1) and (2) above and/or any use of land that does not comply with the standards in division (3) and (4) above shall only be allowable as a conditional use.
 - (2) Storage of any material or equipment below the regulatory flood protection elevation.
 - (3) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with division (B)(1) and (2) above.
 - (4) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel wall, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards of (D)(2) below.

(D) **Standards for flood fringe conditional uses.**

- (1) The standards listed in divisions (2) through (7) apply to all conditional uses.
- (2) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls and the like, or above-grade, enclosed areas such as crawl spaces or tuck under garages.
 - (a) The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:
 1. The enclosed area is above-grade on at least 1 side of the structure;
 2. It is designed to internally flood and is constructed with flood resistant materials; and
 3. It is used solely for parking of vehicles, building access or storage.
 - (b) The above-noted alternative elevation methods are subject to the following additional standards:
 1. Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 2. Specific standards for above-grade, enclosed areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - a. A minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There

shall be a minimum of 2 openings on at least 2 sides of the structure and the bottom of all openings shall be no higher than 1 foot above grade. The automatic openings shall have a minimum net area of not less than 1 square inch for every square foot subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

- b. The enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
- (3) Basements, as defined by § 152.006 of this chapter, shall be subject to the following.
 - (a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 - (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with division (D)(3) below of this subchapter.
- (4) All areas of non-residential structures including basements to be placed below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.
- (5) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for activities such as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance.

- (a) In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on-site for a flood event at a minimum of the 100-year or regional flood event.
 - (b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
 - (c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
 - (6) Storage of materials and equipment
 - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited.
 - (b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.
 - (7) The provisions of division (E) below of this subchapter shall also apply.
- (E) **Standards for all flood fringe uses.**
- (1) Vehicular access. All new principal structures must have vehicular access at or above an elevation not more than 2 feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
 - (2) Commercial 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 and velocity that when multiplying the

depth (in feet) times velocity (in feet per second) the product number exceeds 4 upon occurrence of the regional flood.

- (3) Manufacturing and industrial uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in division (E)(2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.
- (4) 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 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.
- (5) Floodplain developments. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.
- (6) Recreational vehicles. Standards for recreational vehicles are contained in § 152.083.
- (7) 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. O-4-04, passed 8-17-2004) Penalty, see § 152.999 (Ord. 2016-03, 08-16-2016)

§ 152.080 GENERAL FLOODPLAIN DISTRICT.

(A) Permissible uses.

- (1) The uses listed in § 152.078(A) of this subchapter, Floodway District Permitted Uses, shall be permitted uses.

- (2) All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to division (B) below. Section 152.078 shall apply if the proposed use is determined to be in the Floodway District and § 152.079 shall apply if the proposed use is determined to be in the Flood Fringe District.

(B) **Procedures for floodway and flood fringe determinations within the General Floodplain District.**

- (1) Upon receipt of an application for a permit or other approval within the General Floodplain District, the City Administrator-Clerk, or designee, shall obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
- (2) If regional flood elevation and floodway data are not readily available, the applicant shall be required to furnish the following information as is deemed necessary by the City Administrator-Clerk or designee for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District:
 - (a) A typical valley cross-section(s) showing the channel of the stream, elevation of land areas 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 elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
 - (c) Photographs showing existing land uses, vegetation upstream and downstream and soil types.
 - (d) 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.
- (3) The applicant shall be responsible to submit 1 copy of the above information 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 District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 C.F.R. Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation

methodology with the respective Department of Natural Resources' area hydrologist prior to commencing the analysis. 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 overbank areas; and
 - (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 feet shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- (4) The City Administrator-Clerk or designee shall present the technical evaluation and findings of the designated engineer or expert to the City Council. The City Council must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The City Council, in its decision shall make an assessment which includes the cumulative effects of previous floodway encroachments. The City Council, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment.
- (5) Once the Floodway and Flood Fringe District Boundaries have been determined, the City Council shall refer the matter back to the City Administrator-Clerk or designee who shall process the permit application consistent with the applicable provisions of §§ 152.078 and 152.079 of this subchapter.

(Ord. O-4-04, passed 8-17-2004) Penalty, see § 152.999

§ 152.081 SUBDIVISIONS.

- (A) **Review criteria.** No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities.
 - (1) All lots within the floodplain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

- (2) All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this subchapter and shall have road access both to the subdivision and to the individual building sites no lower than 2 feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan shall be prepared by a registered engineer or other qualified individual, and shall demonstrate that adequate time and personnel exist to carry out the evacuation.
 - (3) For all subdivisions in the Floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- (B) **Floodway/flood fringe determinations in the General Floodplain District.** In the General Floodplain District, applicants shall provide the information required in § 152.080(B) of this subchapter to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- (C) **Removal of special flood hazard area designation.** The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(Ord. O-4-04, passed 8-17-2004) Penalty, see § 152.999 (Ord. 2016-03, 8-16-2016)

§ 152.082 PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES.

- (A) **Public utilities.** All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the floodplain shall be floodproofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.
- (B) **Public transportation facilities.** Railroad tracks, roads and bridges to be located within the floodplain shall comply with §§ 152.078 and 152.079 of this subchapter. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where these facilities are essential to the orderly functioning of the area minor or auxiliary roads or

railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

(C) **On-site sewage treatment and water supply systems.**

- (1) Where public utilities are not provided:
 - (a) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and
 - (b) 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, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.
- (2) 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.

(Ord. O-4-04, passed 8-17-2004) Penalty, see § 152.999 (Ord. 2016-03, 8-16-2016)

§ 152.083 MANUFACTURED HOMES, MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.

- (A) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by § 152.081 of this subchapter.
 - (1) Placement or replacement of manufactured home units is prohibited in the Floodway District.
 - (2) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with § 152.079 of this subchapter.
 - (3) If vehicular road access for pre-existing manufactured home parks is not provided in accordance with § 152.079(E)(1), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the City Council.

- (4) 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.
- (B) Recreational Vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain shall meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.
- (1) Recreational vehicles are exempt from the provisions of this subchapter if they are placed in any of the areas listed in division (2) below and further they meet the following criteria:
 - (a) Have current licenses required for highway use;
 - (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks;
 - (c) The recreational vehicle has no permanent structural type additions attached to it; and
 - (d) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
 - (e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District shall be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in (A)(4).
 - (f) An accessory structure must constitute a minimal investment
 - (2) Areas exempted for placement of recreational vehicles.
 - (a) Individual lots or parcels of record.
 - (b) Existing commercial recreational vehicle parks or campgrounds.
 - (c) Existing condominium type associations.

- (3) Development. Recreational vehicles exempted in division (C)(1) above lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/floodproofing requirements and the use of land restrictions specified in §§ 152.078 and 152.079 of this subchapter. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
- (4) Criteria. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding 5 units or dwelling sites shall be subject to the following.
- (a) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided the recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with § 152.079 of this subchapter. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood.
- (b) All new or replacement recreational vehicles not meeting the criteria of division (C)(4)(a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of § 152.084(D) of the subchapter. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. The plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of division (C)(1)(a) and (b) of this section will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with § 152.082(C) of this subchapter.

(Ord. O-4-04, passed 8-17-2004) Penalty, see § 152.99

§ 152.084 ADMINISTRATION.

- (A) **City Administrator-Clerk designee.** A City Administrator-Clerk or designee or other official designated by the City Council shall administer and enforce this subchapter. If the City Administrator-Clerk or designee finds a violation of the provisions of this subchapter, the City Administrator-Clerk or designee shall notify the person responsible for the violation in accordance with the procedures of this subchapter.
- (B) **Permit requirements.**
- (1) Permit required. A permit issued by the City Administrator-Clerk or designee in conformity with the provisions of this subchapter shall be secured prior to conducting of the following activities:
- (a) The erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof;
 - (b) The use or change of use of a building, structure, or land;
 - (c) The construction of a dam, fence, or on-site septic system although a permit is not required for a farm fence as defined by this ordinance;
 - (d) The change or extension of a non-conforming use;
 - (e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source;
 - (f) The placement of fill, excavation of materials or the storage of materials or equipment within the floodplain.
 - (g) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for; and
 - (h) Any other type of “development” as defined by this ordinance.
- (2) Application for permit. Application for a permit shall be made in duplicate to the City Administrator-Clerk or designee on forms furnished by the City Administrator-Clerk or designee and shall include the following where applicable:
- (a) Plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill or storage of materials; and

- (b) The location of the foregoing in relation to the stream channel.
- (3) State and federal permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the City Administrator-Clerk or designee shall determine that the applicant has obtained all necessary state and federal permits.
 - (4) Certificate of zoning compliance for a new, altered or non-conforming use. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the City Administrator-Clerk or designee stating that the use of the building or land conforms to the requirements of this subchapter.
 - (5) Construction and use to be as provided on applications, plans, permits, variances and certificates of zoning compliance. Permits, conditional use permits or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this subchapter, and punishable as provided by § 152.999 of this chapter.
 - (6) Certification. 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 subchapter. Floodproofing measures shall be certified by a registered professional engineer or registered architect.
 - (7) Record of first floor elevation. The City Administrator-Clerk or designee shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The City Administrator-Clerk or designee shall also maintain a record of the elevation to which structures or alterations and additions to structures are floodproofed.
 - (8) Notifications for watercourse alterations. The City Administrator-Clerk or designee shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to M.S. Chapter 103G, as it may be amended from time to time, this shall suffice as adequate notice to the Commissioner of Natural

Resources. A copy of the notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

- (9) Notification to FEMA when physical changes increase or decrease the 100-year flood elevation. As soon as is practicable, but not later than 6 months after the date the supporting information becomes available, the City Administrator-Clerk or designee shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the technical or scientific data.

(C) **Board of Appeals and Adjustments.**

- (1) Rules. The Board of Appeals and Adjustments shall adopt rules for the conduct of business and may exercise all of the powers conferred on the Board by state law.
- (2) Administrative review. The Board of Appeals and Adjustments shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.
- (3) Variances.
 - (a) The Board of Appeals and Adjustments 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 practical difficulties, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of a variance, the Board of Appeals and Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this chapter, any other zoning regulations in the community, and in the respective enabling legislation that justified the granting of the variance.
 - (b) 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.
 - (c) The following additional variance criteria of the Federal Emergency Management Agency must be satisfied.
 1. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels

during the base flood discharge would result.

2. Variances shall only be issued by a community upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (4) General Considerations. The Board of Appeals and Adjustments may consider the following factors in granting variances and imposing conditions on variances in floodplains:

- (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
 - (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - (e) The importance of the services to be provided by the proposed use to the community;
 - (f) The requirements of the facility for a waterfront location;
 - (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - (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 Land Use 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.
- (5) Hearings. Upon filing with the Board of Appeals and Adjustments of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Appeals and Adjustments shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Appeals and Adjustments shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least 10-days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (6) Decisions. The Board of Appeals and Adjustments shall arrive at a decision on the appeal or variance within 60 days. In passing upon an appeal, the Board of Appeals and Adjustments may, so long as the action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board of Appeals and Adjustments may prescribe appropriate conditions and safeguards that as those specified in division (D)(6) below, which are in conformity with the purposes of this chapter. Violations of these conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this subchapter punishable under the provisions of this code. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within 10 days of the action.
- (7) Appeals. Appeals from any decision of the Board of Appeals and Adjustments may be made, and as specified in this community's official controls and also by Minnesota Statutes.
- (8) Flood insurance notice and record keeping.
- (a) 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 up to amounts as high as \$25 for \$100 of insurance coverage; and
 2. The construction below the 100-year or regional flood level increases risks to life and property.
- (b) This notification shall be maintained with a record of all variance actions.
- (c) A community shall maintain a record of all variance actions, including justification for their issuance, and report the variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.
- (D) **Conditional uses.** Applications for conditional uses within any flood zone district shall follow the procedures of divisions (B)(5) and (6) with the following additions:
- (1) **Hearings.** Upon filing with the City of Greenfield an application for a conditional use permit, the city shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least 10-days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
 - (2) **Decisions.** In granting a conditional use permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in § 152.024, which are in conformity with the purposes of this chapter. Violations of these conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this chapter punishable under § 152.999. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within 10 days of the action.
 - (3) **Procedures to be followed by the City of Greenfield in passing on conditional use permit applications within all floodplain districts.**
 - (a) Require the applicant to furnish the following information and additional information as deemed necessary by the City of Greenfield for determining the suitability of the particular site for the proposed use:

1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures and the relationship of the above to the location of the stream channel; and
 2. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (b) Transmit 1 copy of the information described in division (3)(a) above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters.
- (c) Based upon the technical evaluation of the designated engineer or expert, the City of Greenfield shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- (4) Factors upon which the decision of the City of Greenfield shall be based. In passing upon conditional use applications, the City of Greenfield shall consider all relevant factors specified in other sections of this subchapter, and:
- (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 onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures;
 - (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 floodplain 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) Other factors which are relevant to the purposes of this subchapter.
- (5) Conditions attached to conditional use permits.
- (a) Upon consideration of the factors listed above and the purpose of this subchapter, the City of Greenfield shall attach conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this subchapter.
 - (b) These conditions may include, but are not limited to, the following:
 - 1. Modification of waste treatment and water supply facilities;
 - 2. Limitations on period of use, occupancy and operation;
 - 3. Imposition of operational controls, sureties and deed restrictions;
 - 4. Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures; and
 - 5. Floodproofing measures, in accordance with the State Building Code and this subchapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(Ord. O-4-04, passed 8-17-2004) (Ord. 2016-03, 8-16-2016)

§ 152.085 NON-CONFORMING USES.

- (A) A structure or the use of a structure or premises which was lawful before the passage or amendment of this subchapter but which is not in conformity with the provisions of this subchapter may be continued subject to the following conditions. Historic structures, as defined in § 152.006 of this chapter, shall be subject to the provisions of divisions (A)(1) through (5) below of this subchapter.
- (1) No use shall be expanded, changed, enlarged or altered in a way that increases its non-conformity.
 - (2) Any structural alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 through FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in divisions (3) and (6) below.
 - (3) The cost of any structural alterations or additions to any non-conforming 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 floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on 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 §§ 152.078 and 152.079 of this subchapter for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
 - (4)
 - (a) If any non-conforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this subchapter.
 - (b) The Assessor shall notify the City Administrator-Clerk or designee in writing of instances of non-conforming uses that have been discontinued for a period of 12 months.

- (5) If any non-conforming use or structure is substantially damaged, as defined in § 152.006 of this chapter, it shall not be reconstructed except in conformity with the provisions of this subchapter. The applicable provisions for establishing new uses or new structures in §§ 152.078, 152.079 or 152.080 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Floodplain District, respectively.
- (6) If any nonconforming use or structure experiences a repetitive loss, as defined in § 152.006 of this chapter, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- (7) If a substantial improvement occurs, as defined in subsection (a) below, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration or other improvement to the inside dimensions of an existing non-conforming building, then the building addition (as required by division (A)(2) above) and the existing non-conforming building must meet the requirements of §§ 152.078 or 152.079 of this subchapter for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
 - (a) Substantial Improvement is defined as any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition or other improvement of a structure within any consecutive 365-day period, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
 1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 2. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure. For the purpose of this chapter, historic structure shall be as defined in C.F.R. Part 59.1.

(Ord. O-4-04, passed 8-17-2004) Penalty, see § 152.999

§ 152.086 AMENDMENTS.

- (A) The floodplain designation on the official zoning map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

- (B) All amendments to this subchapter, including amendments to the official zoning map, shall be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner shall approve the amendment prior to community approval. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) technical conditions and criteria and shall receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this subchapter and the notice shall include a draft of the subchapter amendment or technical study under consideration.

- (C) The floodplain district regulations shall be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in § 152.076 (C) of this chapter.

(Ord. O-4-04, passed 8-17-2004) (Ord. 2016-03, 8-16-2016)

SHORELAND OVERLAY DISTRICT

§ 152.100 **GENERALLY.**

The uncontrolled use of shorelands adversely affects the public health, safety and general welfare by contributing to pollution of public waters and by impairing the local tax base. In furtherance of the policies declared in Minnesota Statutes, the city requires the following standards and criteria for use and development of the shorelands of public waters. The standards and criteria are intended to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands and provide for the wise use of water and related resources of the city.

(Prior Code, § 1060)

§ 152.101 **CLASSES OF PUBLIC WATERS.**

- (A) **Generally.** The classes of public waters in the city are natural environment lakes, recreational development lakes, tributary river segments and urban river segments. General descriptions of each class follow.
- (B) **Natural environment lakes.** Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
- (C) **Recreational development lakes.** Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consist of mainly of seasonal and year-round residences and recreationally-oriented commercial uses.
- (D) **Tributary river segments.**
 - (1) Tributary river segments consist of watercourses mapped in the protected waters inventory.
 - (2) These segments have a wide variety of existing land and recreational use characteristics.
 - (3) The segments have considerable potential for additional development and recreational use, particularly those located near roads.

(E) Urban river segments.

- (1) Urban river segments allow for a variety of residential and other land uses on these segments. Recreational uses of these segments and adjacent lands are common, but vary widely in types and intensities.
- (2) These segments have potential for additional development, for redevelopment, and for additional recreational use, although recreational use on some of these segments competes with commercial river traffic.

(Prior Code, § 1060.01)

§ 152.102 PUBLIC WATERS CLASSIFICATION SYSTEM.

The lakes and streams in the city that are subject to the regulations of this chapter are listed as follows.

Lake Name	Class of Public Water	DNR Classification
Sarah	Recreational Development	27-191P
Rebecca	Natural Environment	27-192P
Unnamed	Natural Environment	27-195W
Schwappauff	Natural Environment	27-194P
Unnamed	Natural Environment	27-193W
Schendel	Natural Environment	27-196P
Hafften	Natural Environment	27-199P
Rattail	Natural Environment	27-200P
(Schauer)	(Dry Lake Bed)	27-197W

Stream Name	Class of Public Water
Sarah Creek	Tributary River Segment
Unnamed to Lake Sarah	Tributary River Segment
Unnamed to Crow River	Tributary River Segment
Unnamed to Crow River	Tributary River Segment
Unnamed to South Fork of Crow River	Tributary River Segment
Crow River	Urban River Segment

(Prior Code, § 1060.02)

§ 152.103 LAND USE DISTRICTS.

- (A) **Generally.** The development of shorelands of public waters shall be controlled by means of land use zoning districts which are designated to be compatible with the classes of public waters. Land use zoning districts are established to provide for the management of areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, presence of significant historic sites or any other feature likely to be harmful to the health, safety or welfare of the residents of the community. The following are the Land Use District.
- (B) **Special protection district established.** The special Protection District is established for 2 basic purposes.
 - (1) The first purpose is to limit and properly manage development in areas that are generally unsuitable for development or uses due to flooding, erosion, limiting soil conditions, steep slopes, or other major physical constraints.
 - (2) A second purpose is to manage and preserve areas with special historical, natural or biological characteristics.
- (C) **Residential Districts established.** The Residential District is established to allow low density seasonal and year-round residential uses on lands suitable for the uses.

(Prior Code, § 1060.03) (Am. Ord. 13-001, passed 6-18-2013)

§ 152.104 SHORELAND CLASSIFICATIONS AND USES; LAKES.

For the lake classes, districts and uses in this subchapter, the following are the permitted uses and the conditional uses.

- (A) **Lake classes in special protection districts.**

Uses	All Natural Environment Lakes
Forest management	Permitted use
Sensitive resource management	Permitted use

Uses	All Natural Environment Lakes
Agricultural: cropland and pasture	Permitted use
Agricultural feedlots	Conditional use
Parks and historic sites	Conditional use
Extractive use	Conditional use
Single-family residential	Conditional use
Mining of metallic minerals and peat	Permitted use

(B) **Lake classes in the Residential District.**

Uses	All Recreational Development Lakes
Single-family residential	Permitted use
Semipublic	Conditional use
Parks and historic sites	Conditional use
Extractive use	Conditional use
Forest management	Permitted use
Mining of metallic minerals and peat	Permitted use
Boathouse	Conditional use

(Prior Code, § 1060.04) (Am. Ord. 13-001, passed 6-18-2013)

§ 152.105 SHORELAND CLASSIFICATIONS AND USES; RIVERS.

- (A) For the river classes, districts, and uses in this section, the following are the permitted uses and the conditional uses.
- (B) **River classes in Residential Districts.**

Uses	Tributary River	Urban River
Single-family residential	Permitted use	Permitted use
Semipublic	Permitted use	Conditional use
Parks and historic sites	Permitted use	Conditional use
Extractive use	Conditional use	Conditional use
Forest management	Permitted use	Permitted use
Mining of metallic minerals and peat	Permitted use	Permitted use
Sensitive resource management	Permitted use	Permitted use
Agricultural; cropland and pasture	Permitted use	Permitted use

(Prior Code, § 1060.05) (Am. Ord. 13-001, passed 6-18-2013)

§ 152.106 ZONING PROVISIONS.

The following physical standards are required of land in the Shoreland Overlay District.

- (A) **Residential lot size.** All single-family uses created after 1-1-1996 shall meet the following requirements:
- (1) Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards shall be met at both the ordinary high water level and at the building line.
 - (2) Lots of record in the office of the Hennepin County Recorder on 1-1-1996 that don't meet the requirements of this section may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and

sewage treatment and setback requirements of the shoreland controls are met.

- (3) Necessary variances from setback requirements shall be obtained before any use, sewage treatment system or building permits are issued for the lots.
- (4) If, in a group of 2 or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this section, the lot shall not be considered as a separate parcel of land for the purposes of sale or development. The lot shall be combined with the 1 or more contiguous lots so they equal 1 or more parcels of land, each meeting the requirements of the section.
- (5) Lots intended as controlled accesses to public waters or recreation areas for use by owners of non-riparian lots within subdivisions shall meet or exceed the following standards.
 - (a) Lots shall meet the width and size for residential lots, and be suitable for the intended uses of controlled access lots. If docking, mooring or over-water storage of water craft is to be allowed at a controlled access lot, then the width of the lot shall be increased by the percent of the requirements for riparian residential lots for each watercraft provided for by covenant beyond 6, consistent with the following table:

Ratio of Lake Size to Length (Acres/Mile)	Required Increase in Frontage
Less than 100	25%
100-200	20%
201-300	15%
301-400	10%
over 400	5%

- (b) Lots shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot.
- (c) Covenants or other equally effective legal instruments shall be

developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include water craft launching, loading, storage, beaching, mooring or docking. They shall also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing or picnicking. The covenants shall limit the total number of vehicles allowed to be parked and the total number of water craft allowed to be continuously moored, docked or stored over water, and shall require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They shall also require all parking areas, storage buildings and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

(B) Lot area and width standards for single-family residential development.

The lot area and width standards for single-family residential developments for the lake classes and streams are:

- (1) Natural environment lake, no sewer.

	Riparian Lots	Non-Riparian Lots
Lot area	2.5 acres	2.5 acres
Lot width (feet)	200 feet	200 feet

- (2) Recreational development lake, no sewer.

	Riparian Lots	Non-Riparian Lots
Lot area	2.5 acres	2.5 acres
Lot width (feet)	150 feet	150 feet

- (3) Recreational development, lake with public sewer.

	Riparian Lots	Non-Riparian Lots
Lot area	20,000 square feet	15,000 square feet
Lot width (feet)	75 feet	75 feet

- (4) Streams. The lot width standards for single-family residential development for river classes are:

	Non-Sewer	Sewer	Tributary/Urban Segments
Lot widths	100 feet	75 feet	100 feet

- (C) **Placement and height of structures and facilities on lots.** When more than 1 setback requirement applies to a site, structures and facilities shall be located to meet all setbacks. The placement of structures and other facilities on all lots shall be managed by shoreland controls as follows.

- (1) Building setbacks. The minimum setbacks presented in the following table for each class of public waters apply to all buildings except water-oriented accessory structures and facilities that are managed according to division (C)(7) below. Also, where structures exist on the adjoining lots on both sides of a proposed building site, building setbacks may be altered without a variance to conform to the adjoining setbacks provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

Class of Public Waters	Setback from Ordinary High Water		Setback from Bluff
	<i>Non-sewered</i>	<i>Sewered</i>	
Natural environmental lake	150	150	30
Recreational development lake	100	75	30
Tributary/urban river segments	100	50	30

- (2) Bluff impact zones. Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.
- (3) Steep slopes. The City Council shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary by the City Council, conditions shall be attached to issued building permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

- (4) Proximity to unplatted cemeteries and significant historic sites. No structure shall be placed nearer than 50 feet from the boundary of an unplatted cemetery protected under M.S. § 307.08, as it may be amended from time to time, unless necessary approval is obtained from the Minnesota state archaeologist's office. No structure shall be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- (5) Proximity to roads and highways. No structure may be placed nearer than 50 feet from the right-of-way line of any federal, state or county highway, or 20 feet from the right-of-way line of any city street.
- (6) Height. All structures in the Shoreland Overlay Residential Districts, except spires for religious institutions and non-residential agricultural structures, shall not exceed 35 feet in height.
- (7) Accessory structures and facilities. All accessory structures and facilities, except those that are water-oriented, shall meet or exceed structure setback standards. Each residential lot may have 1 water-oriented accessory structure or facility located closer to public waters than the structure setback if all of the following standards are met:
 - (a) The structure or facility shall not exceed 10 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks shall not exceed 8 feet above grade at any point.
 - (b) The setback of the structure or facility from the ordinary high water level shall be at least 10 feet.
 - (c) The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the City Planner, assuming summer, leaf-on conditions.
 - (d) The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
 - (e) The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.

- (f) On recreational development lakes, water-oriented accessory structures used solely for water craft storage, and including storage of related boating and water-oriented sporting equipment may, by conditional use permit, occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.
 - (g) Any accessory structures or facilities not meeting the above criteria, or any additional accessory structures or facilities shall meet or exceed structure setback standards.
- (8) Stairways, lifts and landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements.
- (a) Stairways and lifts shall not exceed 4 feet in width. Wider stairways not exceeding 10 feet in width may be used for public open-space and recreational properties.
 - (b) Landings for stairways and lifts shall not exceed 32 square feet in area. Landings not exceeding 320 square feet may be used for public open-space and recreational properties.
 - (c) Canopies or roofs are not allowed on stairways, lifts or landings.
 - (d) Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
 - (e) Stairways, lifts, and landings shall, whenever practical, be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer leaf-on-erosion.
 - (f) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of divisions (C)(8)(a) to (e) above are complied with.
- (9) Decks. Except as provided in division (C)(7) above, decks shall meet the structure setback standards. Decks that do not meet setback requirements from public waters may be allowed without a variance to be added to structures existing on 1-1-1996, if all of the following criteria and standards are met:

- (a) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
- (b) The deck encroachment toward the ordinary high water level does not exceed 15% of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
- (c) The deck is constructed primarily of wood, and is not roofed or screened.

(Prior Code, § 1060.06) (Am. Ord. O-3-04, passed 6-1-2004) Penalty, see § 152.999

§ 152.107 SHORELAND ALTERATIONS.

- (A) **Generally.** Vegetative alterations and excavations or grading and filling necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities and exempt from the vegetative alteration standards in this section and separate permit requirements for grading and filling. However, the grading and filling conditions of this section shall be met for issuance of permits for structures and sewage treatment systems. Alterations of vegetation and topography shall only be completed when city approved measures are taken to control and prevent erosion into public waters, fix nutrients, preserve shoreland aesthetic, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat. Public roads and parking areas, as regulated by this subchapter, are exempt from the provisions of this section.
- (B) **Removal or alterations of vegetation.** Except for forest management or agricultural uses as provided for in this subchapter, vegetation removal and alteration shall be allowed only according to the following standards.
 - (1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing outside of these areas is allowed if the activity is consistent with the forest management standards in this subchapter.
 - (2) Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas and permitted water-oriented accessory structures or facilities, as well as providing a view to the water from the principal

dwelling site, in shore and bluff impact zones and on steep slopes is allowed, provided that:

- (a) The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - (b) Along rivers, existing shading of water surfaces is preserved: and
 - (c) The above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased or pose safety hazards.
- (3) Use of fertilizer and pesticides in the shoreland management district shall be done in a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation or both.
- (4) Before grading or filling on steep slopes or within shore or bluff impact zones involving the movement of more than 10 cubic yards of material or anywhere else in a shoreland area involving movement of more than 50 cubic yards of material, it shall be established by the City Engineer that all of the following conditions shall be met. The following conditions shall also be considered during subdivision, variance, building permit and conditional use permit reviews.
- (a) Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
 - (b) Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible.
 - (c) NURP standards as identified by Walker (Design Calculations for Wet Detention Ponds, 1987) to minimize soil erosion and to trap nutrients, phosphorus and sediments before they reach any surface water feature shall be used.
 - (d) Altered areas shall be stabilized to acceptable erosion control standards consistent with the National Pollutant Discharge Elimination System (NPDES).
 - (e) Fill or excavated material shall not be placed in a manner that creates an unstable slope.
 - (f) Plans to place fill or excavated material on steep slopes shall be reviewed by a geotechnical engineer for continued slope stability

and shall not create finished slopes of 30% or greater.

- (g) Fill or excavated material shall not be placed in bluff impact zones.
 - (h) Any alterations below the ordinary high water level of public waters shall first be authorized by the Commissioner under Minnesota Statutes.
 - (i) Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 - (j) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to 1 foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level and the height of the riprap above the ordinary high water level does not exceed 3 feet.
- (5) Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors, may be given only after the Commissioner has approved the proposed connection to public waters.

(Prior Code, § 1060.07) Penalty, see § 152.999

§ 152.108 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS AND PARKING AREAS.

(A) Generally.

- (1) Public and private roads, driveways and parking areas shall be designed to take advantage of natural vegetation and topography in order to achieve maximum screening from view from public waters.
- (2) They shall be designed and constructed to minimize and control erosion to public waters consistent with the standards of the National Pollutant Discharge Elimination System (NPDES).

(B) Roads, driveways and parking areas.

- (1) Roads, driveways and parking areas shall meet structure setbacks and shall not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist.

- (2) If no alternatives exist, they may be placed within these areas, and shall be designed to minimize adverse impacts.
- (C) **Public and private water craft access ramps, approach roads and access-related parking areas.** These may be placed within shore impact zones provided the vegetative screening and erosion control, fill and grading conditions of this chapter are met.

(Prior Code, § 1060.08) Penalty, see § 152.999

PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

§ 152.109 GENERALLY

A PUD is a tract of land developed as a unit under single or unified ownership or control and which generally includes two or more principal buildings or uses but may consist of one building containing a combination of principal and supportive uses. A PUD is intended to promote creative and efficient use of land by providing design flexibility that would not be possible through existing zoning. This Section may allow modification to zoning and subdivision requirements such as lot size and dimensions, rights-of-way and street widths, housing types and building setbacks as well as allow private streets and driveways or zero lot line development. These modifications shall meet the standards and purposes of the comprehensive plan while preserving the health, safety, and welfare of the citizens of the city.

§ 152.110 PURPOSE

The purpose of the Planned Unit Development (PUD) District is to provide a district which will encourage the following:

- A. Flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development.
- B. Developments that provide a benefit to the city as a whole, through, but not limited to, higher standards of architectural and site design, enhanced or innovative public infrastructure, sustainable design, provision of life-cycle and/or affordable housing, redevelopment or expanded transportation options.
- C. Provide for variations to the strict application of the land use regulations to improve site design and operation, while at the same time incorporating design elements, e.g.

construction materials, landscaping, lighting, etc., that meet or exceed the City's standards to offset the effect of any variations.

- D. Preservation of desirable site characteristics and open space and protection of sensitive environmental features, including, but not limited to, existing vegetation, natural topography and geologic features and the prevention of soil erosion.
- E. More efficient and effective use of land, open space and public facilities through mixing of land uses and assembly and development of land into larger parcels.
- F. A development pattern in harmony with the objectives of the comprehensive plan.
- G. Sensitive development in transitional areas located between different land uses and along significant transportation or scenic corridors within the city.

§ 152.111 USES

- (A) Uses not otherwise allowed in the base zoning district are prohibited within a PUD district unless specific provisions are made and listed in the development plan or modified in the conditions of approval. A PUD district may include varied and compatible land uses within one defined development. Uses may include:
 - (1) Dwelling units in detached, clustered, semi-detached or attached multi-storied structures or combinations thereof.
 - (2) Commercial and office uses.
 - (3) Supporting community facilities and institutional uses.
 - (4) Parks, recreational facilities and open space public or privately owned.
- (B) Uses within the PUD may include only those uses generally considered associated with the land use category shown for the area on the official Comprehensive Land Use Plan unless otherwise approved in the development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses within the PUD with the acceptance of the development plan. Any change in the list of uses presented in the development plan will be considered an amendment to the PUD and will follow the procedures specified in 152.115.

§ 152.112 GENERAL STANDARDS

- (A) Ownership. An application for PUD must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions

must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved final plan shall be binding on all owners.

- (B) Rezoning. All PUDs must be rezoned to a PUD zoning district indicating the base zoning district, such as PUD-RT. The city may approve the PUD only if it finds that the development satisfies all of the following standards:
- (1) Compatibility of the plan with the standards, purposes and intent of this section;
 - (2) Consistency of the plan with the goals and policies of the comprehensive plan;
 - (3) The impact of the plan on the neighborhood in which it is to be located;
 - (4) The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, sidewalks, trails, buffering and landscaping; and
 - (5) Other factors as the city deems relevant.
- (C) The project area is at least ten acres in size unless the applicant can show that a PUD of less acreage meets the standards and purposes of the comprehensive plan and preserves the health, safety, and welfare of the citizens of the city and that all of the following conditions exist:
- (1) The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district(s).
 - (2) The proposal benefits the area surrounding the project to greater degree than development allowed within the underlying zoning district(s).
 - (3) The proposal provides mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district(s).
 - (4) If applicable, the proposal increases open or green space or ensures the concentration of open space into more workable or usable areas and better preserves the natural resources of the site than would otherwise occur in the underlying zoning district(s).
- (D) Public Benefits. Public benefits shall be included in each development and considered as part of the review of the overall PUD and as an opportunity to support any deviations from the primary zoning ordinance provisions and performance standards. Public benefits that may be considered include the following:
- (1) Public or private open space (above what is excluded in net calculation).

- (2) Increased park land dedication beyond the required park dedication amount when land is required by the ordinance.
 - (3) Expansion of existing open space or open space corridors and/or linking open space corridors beyond borders of the site.
 - (4) Preservation of existing natural resources and woodlands beyond minimum net calculation or required by ordinance.
 - (5) Site amenities: private parks, enhanced pedestrian scale and decorative street lighting, tot lots, trails (above what is required by ordinance), recreational facilities, community center, pools, or other on-site amenities which serve the entire development.
 - (6) Development-based stormwater treatment system that provides treatment benefits beyond the site and the city's LID ordinance.
 - (7) Multiple development-wide enhanced entry features including the following elements: monument signage with decorative lighting, water feature, and enhanced entry landscaping surrounding the monument.
 - (8) Innovative street designs including but not limited to curvilinear streets.
 - (9) Architectural detail beyond minimum requirements.
 - (10) Unique environmentally-friendly development characteristics or building techniques.
- (E) Density. The maximum allowable density in a PUD district shall be determined by standards negotiated and agreed upon between the applicant and the city. In all cases, the negotiated standards shall be consistent with the development policies as contained in the comprehensive plan. Whenever a PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred percent of the proposed residential density of the entire PUD.
- (1) Individual buildings or lots within a PUD may exceed these standards, provided that density for the entire PUD does not exceed the permitted standards.
- (F) Open space. PUDs must contain open space meeting all of the following criteria.
- (1) At least 15% of the total project area must be preserved as open space.
 - (2) Road rights-of-way or land covered by road surfaces, parking areas, structures, or footprints reserved for future structures are developed areas and shall not be included in the computation of minimum open space.

- (3) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites such as unplatted cemeteries.
 - (4) Open space may include pervious outdoor recreation facilities for use by owners of dwelling units or sites, by customers/guests in commercial PUDs, and by the general public.
 - (5) Any open space that will be owned and maintained by the city must be dedicated to the city. If not dedicated to the city, the open space shall be conveyed to and maintained by a homeowners association or similar organization within the PUD. This dedication may be in lieu of park fees.
- (G) Homeowners Association. Unless an equally effective alternative community framework is approved by the city, all residential PUDs must use an owners' association with the following features:
- (1) Mandatory membership for each dwelling unit or site purchaser and owner.
 - (2) Each member must pay a pro rata share of the association's expenses. Unpaid assessments shall become liens on units or sites.
 - (3) Adjustable assessments for changing conditions.
 - (4) The association must be responsible for insurance, taxes, and maintenance of all commonly-owned property and facilities.
- (H) Impervious Surface Requirements. The impervious surface requirements of PUDs shall not exceed that of the base zoning district or 25% if it is in a shoreland area.
- (I) The property is directly adjacent to or across a public right-of-way from property that previously was developed as a PUD, and the new PUD will be perceived of and function as an extension of that previously approved development or will provide additional compatibility between the PUDs.
- (J) The city may allow more than one principal building to be constructed on each platted lot within a PUD.
- (K) The proposed PUD shall be compatible with the adjacent land uses.
- (L) The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding areas.
- (M) The PUD shall not create an excessive burden on community systems and infrastructure that serve or are proposed to serve the PUD.

- (N) A PUD that involves only one land use or a single housing type may be permitted provided that it is otherwise consistent with the purposes of this Section.

§ 152.113 SUBDIVISION REGULATIONS

Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this chapter shall be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plat. Flexibility of design standards and criteria of Chapter 151 may be allowed as part of a PUD.

§ 152.114 PROCEDURE FOR PROCESS A PUD

- (A) All PUD applications shall follow the procedural requirements set forth in this subsection. Prior to issuance of any permits for development within a PUD district, the following must occur:
- (1) A pre-application conference between the applicant and the City Planner regarding the PUD process shall be initiated by the applicant.
 - (2) A concept plan review may be completed pursuant to this Section if so desired by the applicant. This review provides helpful insight and preliminary review comments by the Planning Commission and City Council.
 - (3) A general development plan application and preliminary plat shall be submitted according to the procedures outlined in the following items subject to review and approval by the City Council.
 - (4) A final development plan application and final plat shall be submitted according to the procedures outlined in the following items subject to review and approval by the City Council.
- (B) *Pre-Application Meeting.* Prior to preparation of a concept plan and/or general development plan application, the property owner or proposed applicant shall meet with the City Planner to describe the situation, be advised of the procedures for PUD application and review, and obtain an application form. The designated fee for this meeting is set in the fee schedule. After this meeting, the City Planner may recommend that the general development plan and final plan review processes run concurrently.
- (C) *Concept Plan.* The concept PUD plan is optional and provides an opportunity for the applicant to submit a plan to the city generally illustrating the proposed development without incurring substantial cost. The process is also intended to allow the city and general public to identify potential issues and concerns at an early stage of project development

- (1) Procedure for the concept plan.
 - (a) The applicant shall file the following with the City Administrator-Clerk:
 - i. Complete application form signed by all property owners;
 - ii. All required fees and escrows along with an executed escrow deposit agreement;
 - iii. Statement of all property owners of all land included within the proposal and a list of property owners' names and addresses within 350 feet of the outer boundaries of the property;
 - iv. Location map showing the site in relation to the surrounding area and important elements, including major roadways, public facilities, and parks;
 - v. Concept plan(s) or sketch(es) for the proposed project area; and
 - vi. Written narrative addressing proposed uses, housing types, density, public or private amenities, parks and open space, phasing and timing, as well as the experience and financial capacity of the proposed developers. The narrative should address how the city's vision, guiding principles, goals, and/or policies, as identified in the comprehensive plan, are incorporated into the design of the overall development.
 - (b) The City Administrator-Clerk shall schedule a public hearing and shall cause notice of the time, place and purpose of said hearing to be published at least ten days prior to the date of the hearing in the official newspaper of the city. The notice shall be mailed to the owners of the property within 350 feet of the outer boundaries of the property in question not less than ten days prior to the date of the hearing.
 - (c) The City Planner shall submit a written review along with the applicant's application and exhibits to the Planning Commission for review and consideration.
 - (d) The Planning Commission shall hold a public hearing on the application, review the proposal, and report its comments and suggestions regarding the concept PUD plan to the City Council.
 - (e) The City Council shall also review the concept PUD plan and provide feedback to the applicant. The Council will not take any formal action to approve or deny the application. No comments, suggestions, remarks, or observations made by city staff, the Planning Commission or the City Council shall be binding on the city for future stages.

- (D) *General Development Plan*. The general development plan will provide a specific and particular plan and preliminary plat for the PUD upon which the Planning Commission will base its recommendation to the Council and with which substantial compliance is necessary for the preparation of the final plan.
- (1) Procedure for the general development plan.
 - (a) Once a complete application has been submitted, the City Planner shall review the application and summarize his/her findings in a report, which shall be submitted to the Planning Commission along with the application submittals for review and recommendation.
 - (b) The Planning Commission shall hold a public hearing regarding the general development plan application. Notice of the public hearing shall be published in the official newspaper and actual notice shall be mailed to the applicant and all property owners within 350 feet of the boundaries of the subject property. At the hearing, the Planning Commission shall review the general development plan and make recommendations as it deems appropriate. For the purposes of administrative simplification, the public hearings required for the development plan and the preliminary plat may be combined into one hearing or may be held concurrently.
 - (c) Following receipt of the recommendations of the Planning Commission, the City Council shall act upon the development plan within the maximum time limit established by the state unless additional time is granted in writing by the applicant. The Council may approve, approve with conditions, or disapprove the general development plan by a majority vote. Approval of the development plan by the Council shall constitute rezoning of the property to PUD and conceptual approval of the elements of the plan.
 - (d) In addition to the guidelines provided elsewhere in the City Code, the City Council shall base its actions on rezoning upon the following criteria:
 - i. Compatibility of the plan with the standards, purposes and intent of this section;
 - ii. Consistency of the plan with the goals and policies of the comprehensive plan;
 - iii. The impact of the plan on the neighborhood in which it is to be located;
 - iv. The adequacy of internal site organization, uses, densities, circulation, parking facilities, public facilities, recreational areas, open spaces, sidewalks, trails, buffering and landscaping; and
 - v. Other reasonable factors as the City deems relevant.

- (e) The City may impose such conditions as part of the approval of a development plan as it deems necessary in order to ensure consistency with the comprehensive plan and this section. The City Planner shall maintain a record of all approved plans, amendments, and development agreements.
- (f) In addition to criteria and standards set forth in Section 152.021 of this chapter for granting of a rezoning, the following additional findings shall be made before the approval of a general development plan.
 - i. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.
 - ii. The development plan provides for the creation, preservation, or restoration of natural resources such as native vegetation, valuable habitat, lakes, streams, wetlands, shoreland, floodplains, woodlands, steep slopes, and similar areas.
 - iii. The PUD is consistent with the planned and efficient provision of public improvements and will not create an excessive burden on parks, schools, streets, and other public facilities and utilities, which serve or are proposed to serve the area.
 - iv. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding areas.
 - v. The tract under consideration is under single ownership or control, or all owners have given written approval for the inclusion of their property in the PUD.
 - vi. Each phase of the development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.
 - vii. Common elements proposed as part of the PUD are appropriate for the scale, location, shape, size, density, and topography of the development and are proposed to be suitably improved for the intended use(s). Significant natural features may be preserved or restored.
 - viii. The project area is at least ten acres in size unless the applicant can show that a PUD of less acreage meets the standards and purposes of the comprehensive plan and preserves the health, safety, and welfare of the citizens of the city and that all of the following conditions exist:

- a. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district(s).
 - b. The proposal benefits the area surrounding the project to greater degree than development allowed within the underlying zoning district(s).
 - c. The proposal provides mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district(s).
 - d. If applicable, the proposal increases open or green space or ensures the concentration of open space into more workable or usable areas and better preserves the natural resources of the site than would otherwise occur in the underlying zoning district(s).
- (2) Data required for the general development plan.
- (a) A complete application including the names and addresses of landowner(s), applicant(s), and professional consultant(s), existing zoning, and present use of property;
 - (b) All required fees and escrows along with an executed escrow deposit agreement;
 - (c) If the application is inconsistent with the comprehensive plan, the application must be accompanied by an application for an amendment to the comprehensive plan;
 - (d) An explanation of the character of the planned development, including information about the current target market of the development, and the manner in which it has been planned to take advantage of the planned development regulations including a list of all deviations from the standard zoning regulations and an explanation as to why these deviations provide a public benefit;
 - (e) A site survey prepared by a registered surveyor, showing site size, property lines, and legal description;
 - (f) A map showing existing improvements and land ownership on and within 100 feet of the site, including the following:
 - i. The location and width of all streets and easements;

- ii. The location and size of all existing utilities, including sewers, manholes, watermains, hydrants, and culverts;
 - iii. The location and size of all structures;
 - iv. Existing zoning; and
 - v. School district boundary lines;
- (g) A map showing natural conditions on and within 100 feet of the site, including the following:
- i. Contour lines at two-foot intervals;
 - ii. Soil types and their locations;
 - iii. Location and extent of water bodies, wetlands, streams, and floodplains within 100 feet of the subject property;
 - iv. Existing drainage patterns; and
 - v. Vegetation, including a list of tree species;
- (h) An engineering report presenting results of percolation tests and a soil analysis of the site;
- (i) A preliminary plat prepared in accordance with the Subdivision Chapter of the City Code (Ch. 151);
- (j) A development plan showing the following information:
- i. Proposed underlying zoning classification(s);
 - ii. Information on proposed lots including location, number, square footage, outer dimensions, and dimensions at setbacks;
 - iii. Information on structures, including location and dimensions of both existing and proposed structures;
 - iv. Proposed street information, including right-of-way and pavement widths, names, and layout;
 - v. Proposed parking, driveway, and loading information, including location and dimensions of all driveways, off-street parking facilities, and loading facilities;
 - vi. Proposed and existing sidewalks and trails, including location, dimensions, and materials;

- vii. Areas proposed to be dedicated to the public, including location, dimensions, and acreage;
 - viii. Open space areas, including location, dimensions, acreage, and detailed information about any amenities; and
 - ix. A statement describing the provision that is to be made for the care and maintenance of any open space or service facilities;
- (k) A utility plan showing the following:
- i. Proposed location and size of sanitary sewer, watermains, storm sewers, and the gradient of each;
 - ii. Proposed point of discharge or connection to existing utilities; and
 - iii. Location and dimensions of proposed existing easements;
- (l) A stormwater management plan showing the following:
- i. Site grading at two-foot contour intervals;
 - ii. Proposed stormwater management improvements and techniques; and
 - iii. Preliminary stormwater calculations;
- (m) A landscape plan prepared by or under the supervision of a landscape architect showing the following:
- i. Location, size, number, and spacing of all proposed plantings, including common and botanical names;
 - ii. Planting schedule by species name and size; and
 - iii. Any berms, entry monuments, or other landscaping elements;
- (n) A lighting and signage plan consistent with the City's lighting and/or nuisance ordinances showing the type, height, and location of all exterior lighting and signs;
- (o) An explanation, with diagrams as needed, detailing how the proposed development will receive power;
- (p) A phasing plan showing the time frame for construction of all improvements, including starting and completion dates;
- (q) Preliminary architectural drawings illustrating schematic floor plans, building massing, elevations, structure heights, exterior construction materials, and the typical design and dimension of private yards; and

- (r) A statement explaining the general intents of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
 - (s) Information may be in a preliminary form, but shall be sufficiently complete and accurate to allow an evaluation of the development by the city.
 - (t) The City Planner may excuse an applicant from submitting any specific item of information or document required in this stage determined to be unnecessary.
 - (u) The City Planner may require the submission of any additional information or documentation determined to be necessary or appropriate.
- (E) *Final Development Plan.* After approval of the general development plan and the preliminary plat, the applicant may apply for final development plan approval for all or a portion of the PUD.
- (1) The applicant shall submit the following material for review by the City Council:
 - (a) A final development plan and, if necessary, the modified preliminary plat containing the information required in the general development plan as well as any changes recommended by the Planning Commission and City Council as a result of the general development plan review process.
 - (b) A final plat, subject to the requirements in Chapter 151 for all or that portion to be platted. Such plats may be submitted in smaller increments as may be economical to finance or construct at one time.
 - (c) Any final plat shall conform to the approved PUD general development plan and approved preliminary plat. This plan shall include any recommended changes by the Planning Commission or City Council to the original PUD application and original preliminary plat.
 - (2) The City Council shall review the final development plan and final plat.
 - (3) The final development plan and final plat may be approved, approved with conditions, or disapproved by a majority vote of the City Council.
 - (4) The City may impose such conditions as part of the approval of a development plan as it deems necessary in order to ensure consistency with the comprehensive plan and this section. The City Planner shall maintain a record of all approved plans, amendments, and development agreements.
 - (5) Upon approval, the following shall occur:
 - (a) The final development plan and all supporting documents will be filed with the PUD agreement and together will form the conditions of approval.

- (b) Within 30 days of its approval, the applicant shall cause the final plan, or such portions thereof as are appropriate, to be recorded with the County Recorder. The applicant shall provide the City with a signed copy verifying County recording within 40 days of the date of approval or the approval shall be null and void.
 - (c) If, within twelve months, or within a timeframe specified in the approved development agreement, following final City Council approval of the development plan, no building permits have been obtained within the PUD or, if within twelve months, or within a timeframe specified in the approved development agreement, after the issuance of building permits, no construction has commenced on the subject property approved for the PUD district, the zoning for the parcel(s) shall revert back to the original zoning and the PUD designation shall be declared null and void. Prior to the expiration of the initial period, the City Council may upon request of the property owner and by resolution and findings of fact, extend the above noted time frame for a period specified in the approved development agreement. This extension may only occur once per general development plan.
 - (c) In any case where final development plan approval expires, the Council may forthwith adopt an ordinance repealing the general development plan approval and the final development plan approval for that portion of the PUD.
- (6) Building Permits. Building permits shall not be issued for any structures and land alterations shall not be made until the following conditions are met:
 - (a) Required public open space has been deeded to the city and officially recorded;
 - (b) A development agreement contract has been approved and executed by all required parties with all required bonds or securities posted;
 - (c) The homeowners association bylaws, covenants and deed restrictions have been approved by the City Attorney and officially recorded; and
 - (d) The final plat has been approved by the city and recorded with appropriate governmental agencies as required by law.
- (7) Standards of Common Open Space
 - (a) Common open space shall be at least sufficient to meet the minimum requirements established in the comprehensive plan or in other such plans as approved by the City Council and such complementary structures and improvements as are necessary and appropriate for the benefit and

enjoyment of the residents/users of the PUD shall be provided within the area of the PUD development.

- (b) The location, shape, size, and character of the common open space must be suitable for the planned development.
 - (c) Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
 - (d) Common open space must be suitably improved for its intended use but common space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.
 - (e) Any outlots that are to be dedicated for park, ponding, or other purposes shall be deeded to the city before the final plat is released for recording.
- (8) Conveyance and Maintenance of Common Elements/Open Space
- (a) Whenever common open space or service facilities are provided within a PUD district, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a pre-determined reasonable standard.
 - (b) If not dedicated to the city, all land shown on the approved PUD plan as common open space must be conveyed to a homeowners association or similar organization provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the homeowners association or similar organization subject to covenants which restrict the common open space to the uses specified in the PUD general development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
 - (c) If a homeowners association is created, the applicant shall submit any required homeowner association documents which explain:
 - i. Ownership and membership requirements
 - ii. Articles of incorporation and bylaws

- iii. Time at which the developer turns the association over to the homeowners
- iv. Approximate monthly or yearly association fees for homeowners
- v. Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities

§ 152.115 REVIEW AND AMENDMENTS

- (A) From time to time the City Planner may review PUD districts within the city and may make a report to the City Council on the status of non-compliance for a particular PUD. If the City Planner finds that the development has not commenced within one year, or within the amount of time specified in the approved development plan, after the original approval of the PUD, he or she may recommend that the City Council extend the time or revoke the PUD approval as set forth in Subsection 152. 114 of this Section. Prior to cancellation or revocation of this permit, the City Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.
- (B) For additional phases of the PUD, if within five years the project has not progressed, the City Planner shall report to the City Council which shall determine what action will be taken, as specified in subsection 152.114, for the remainder of the project. Prior to determining the outcome of the PUD, the City Council shall 1) make a reasonable attempt to contact the developer or property owner and determine if the delay is reasonable and 2) if Council deems the delay is reasonable, amend agreement with the developer or property owner to resume development. If an agreement is not reached, Council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard before the outcome of the PUD is determined.
- (C) Minor changes in the location, placement, and heights of the buildings or structures may be authorized by the City Planner if required by engineering or other circumstances not foreseen at the time the final plan was approved.
- (D) Approval of the Planning Commission and City Council shall be required for other substantial changes such as change in use; rearrangement of lots, blocks and building tracts; significant increase in lot coverage; major change in traffic circulation; or reduction in green space, open space, parking, or stormwater management. These changes shall be consistent with the purpose and intent of the approved final development plan.
- (E) Any amendment to the PUD shall require the same procedures as for the application for a PUD as set forth in this Section.

§ 152.116 INSPECTIONS

- (A) Following approval of a PUD, or a stage thereof, the City Planner shall, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development with the approved development schedule.
- (B) If the City Planner finds that the development fails in any respect to comply with the PUD plans as finally approved, he/she shall immediately notify the Council. Council shall take such steps as it shall deem necessary to compel compliance with the final development plan as approved, and may require the landowner or applicant to seek an amendment of the development stage plan. If the developer or property owner refuses to comply with the approved PUD plans, or is unreachable, the Council shall by ordinance revoke the PUD permit, and the land shall thereafter be governed by the regulations applicable in the district in which it is located.

§ 152.117 FEE

- (A) A PUD application fee shall be set by motion of the City Council and shall be reviewed annually.
- (B) The PUD application fee shall be in addition to the subdivision fee and shall be paid by the applicant at the time the PUD application is submitted
- (C) All costs incurred by the City that are related to the request shall be billed back to the applicant and paid within 30 days of the billing date. Failure to compensate the city for the amount billed will result in suspension of the process until payment is remitted.
- (D) All other subdivision fees shall be paid prior to the city's signing of the final plat.
- (E) In order to ensure that all improvements contained in a PUD are completed in accordance with said plan and to ensure that an applicant fully complies with all conditions of a PUD permit, the applicant may be required to post a letter of credit guaranteeing the faithful performance of such work and compliance with such conditions. Such security shall be in a form satisfactory to the City, shall be in an amount established by the City Council, and shall cover each segment or each phase of a PUD project. The amount of said security may be reduced or a portion of said bond may be released as specific segments of each phase of development have been completed, upon approval by the City Council.

Effective Date: This ordinance will take effect immediately upon its passage and publication.

Adopted this 20th day of November, 2018 by the City Council of the City of Greenfield.

SIGNS

§ 152.120 STATEMENT OF PURPOSE.

The purpose of the subchapter is to provide reasonable and necessary regulations for the design, construction, placement and maintenance of signs in order to protect the general public health, safety, welfare, convenience and aesthetics within the City of Greenfield. The subchapter is also intended to serve the public's need to be given helpful directions, and to be informed of available products, businesses and services. All signs in the City of Greenfield that are visible to the public shall be subject to this subchapter.

(Prior Code, § 1070.01) (Am. Ord. O-7-04, passed 10-5-2004)

§ 152.121 GENERAL PROVISIONS.

The following regulations shall apply to all signs in all zoning districts.

- (A) **Offensive material.** No sign shall contain any offensive pictures or written matter, as defined in M.S. § 617.241, as it may be amended from time to time.
- (B) **Location.** No sign other than a governmental sign shall be erected or temporarily placed within 5 feet of any street rights-of-way or any public easement.
- (C) **Interference with traffic.** A permit for any sign to be located within 50 feet of the edge of any street or official traffic sign or signal or within 50 feet of any intersection, driveway or crosswalk shall be issued only:
 - (1) If the sign shall not interfere with the ability of drivers and pedestrians to see the traffic sign or signal or the intersection, driveway or crosswalk; and
 - (2) If the sign shall not distract drivers nor cause any interference with the official traffic sign or signal.
- (D) **Illumination.**
 - (1) Illuminated signs shall be subject to the electrical requirements of the electrical code of the State of Minnesota. Illuminated signs shall be shielded to prevent any light to be directed at oncoming traffic in brilliance

as to impair the vision of any driver.

- (2) Where the sign is illuminated, the source of light shall not be directed upon any part of a residence or into any area zoned for residential use. The illumination shall be indirect or diffused.

(E) **Construction, maintenance and removal.**

- (1) It shall be the responsibility of the permittee and of the property owner and lessee of the property or structure upon which any sign is located to:
 - (a) Keep the ground around any sign free of weeds and litter;
 - (b) Immediately repair or remove any sign or sign structure, which becomes unsafe, in a state of disrepair, insecure or a menace to the public following written notice of the improper condition from the city; and
 - (c) To immediately remove any sign that has become obsolete by reason of termination of the business or occupation or the vacation of the premises following written notice of the obsolete condition from the city.
- (2) No sign or structure shall be placed on or protrude over the public rights-of-way.
- (3) The top edge of a wall sign shall not extend above the main level of the roof, except where there is a mansard roof, in which case the sign shall then not exceed the height of the mansard.
- (4) The construction of all signs permitted by this subchapter shall be made in accordance with the provisions of the Uniform Sign Code published by the International Conference of Building Officials, as amended, is hereby adopted by reference and made a part of this subchapter as if set out here in full.
- (5) Where a building contains more than 1 business, the allowable sign area for any single business is its portion of the gross square footage of the building applied as a percentage to the allowable sign area of the entire building.

- (F) **Permits required.** Except as otherwise provided in this subchapter, it shall be unlawful for any person to erect, maintain, repair, alter or relocate within the city any sign as shall be defined in this chapter without first obtaining a permit to do so and making payment of the permit fee.

- (G) **Application for permit.** Application for permits shall be made upon forms provided by the City Administrator-Clerk and shall include all sign permit fees. All applications for permanent sign permits shall be reviewed by the Building Official and City Administrator-Clerk regarding the proposed sign's compliance with the terms of this code. The City Administrator-Clerk and/or Building Official shall determine if the sign complies with this code as well as other laws and ordinances of the city. The City Administrator-Clerk shall have the option of having the sign permit reviewed by the City Council. Each application for a permit shall be on a form as provided by the City Administrator-Clerk and shall include a dimensioned drawing(s) showing the:
- (1) Location of the sign on the premises in relation to lot lines, buildings, sidewalks, streets, public rights-of-way and street intersections within 300 feet of a proposed sign;
 - (2) Type of sign (e.g., freestanding, pylon, monument, wall) and general description of the structural design and construction materials;
 - (3) Drawing(s) of the proposed sign containing specifications indicating height, perimeter, area, dimensions, type of lettering, means of support, method of illumination and other significant characteristics; and
 - (4) Any other information requested by the City Administrator-Clerk or designee in order to carry out the purpose and intent of this subchapter.
- (H) **Time limit.** If the work authorized under a permit has not been completed within 6 months after the date of issuance, the permit shall become null and void.
- (I) **Setting of fees.** The City Council shall set by ordinance from time to time all application fees required for temporary and permanent sign permits.
- (J) **Permitted signs requiring no permit.** The following signs shall be permitted without a permit when they are located entirely on private property, are setback at least 5 feet from any property line, do not interfere with traffic visibility or safety and placed with permission of the property owner or lessee:
- (1) Any free-standing, temporary portable political or noncommercial sign in compliance with the standards of M.S. § 211B.045, as it may be amended from time to time;
 - (2) Directional signs located on, above, or beside entrances or exits to buildings or driveways, which direct pedestrians, such as "Employees Entrance," "Exit Only," "Rest Rooms" and provided that the signs are no more than 6 square feet in area and are not illuminated;

- (3) Temporary signs denoting the architect, engineer, contractor, and financial institution when placed upon work under construction, provided each sign is no more than 8 square feet in area for residential construction and no more than 32 square feet for non-residential and site development construction and removed upon completion of construction;
 - (4) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible material and attached to the building, provided the signs are less than 9 square feet in area;
 - (5) One identification sign for each occupant of a premise, which shall not exceed 2 square feet in area;
 - (6) Warning signs placed by the property owner to prohibit trespassing or direct attention to potential danger;
 - (7) Governmental traffic control signs, non-commercial municipal signs, legal notices and temporary non-advertising danger or emergency signs;
 - (8) Temporary advertising signs painted or attached on the interior of a display window in areas zoned commercial or industrial, provided they do not exceed 70% of the window area;
 - (9) Flags of any government or governmental agency or of any civic, charitable, religious, patriotic, fraternal or similar organization, not exceeding 60 square feet or 40 feet in height;
 - (10) Real estate signs on a temporary basis for the purpose of selling or leasing individual lots or residential buildings, provided that the sign is not more than 6 square feet in area. The sign shall be located only on the premises involved and the sign shall be removed upon sale or lease of the property;
 - (11) Garage sale signs for the duration of the sale; and
 - (12) One farm sign, not to exceed 32 square feet in area per surface and having no more than 2 surfaces, shall be permitted on each farm or other property upon which farm products may be sold to advertise those products.
- (K) **Prohibited signs.** The following types of signs shall be prohibited.
- (1) Flashing signs. Flashing signs and motion signs shall be prohibited in all districts, except that informational signs giving time, date and temperature shall be permitted in General Business District and the Commercial-

Industrial District.

- (2) Wall signs. Wall signs painted directly on walls of buildings shall be prohibited in all districts.
- (3) Roof signs. Roof signs erected on the roof, or in the air space over the roof of any structure shall be prohibited in all districts.
- (4) Any sign that does or would interfere with ability of drivers or pedestrians to see any traffic sign or otherwise constitute a public hazard.
- (5) Signs which resemble any official marker erected by a governmental agency on which display words such as "Stop" or "Danger."
- (6) Signs which are tacked, posted, painted or otherwise affixed to the walls of buildings or on trees, fences, poles or other structures not considered to be sign structures, except property warning signs as noted in this subchapter.
- (7) Artificially lit roofs or walls or portions thereof.
- (8) Illuminated signs except as specifically permitted.
- (9) Banners, flags, posters, pennants, ribbons, streamers or spinners used as a sign as defined in this code, except by temporary 10-day permits granted by the City Administrator-Clerk. No business or location shall receive more than four 10-day permits per year.
- (10) On-premises temporary signs and mobile signs except by temporary 10-day permits granted by the City Administrator-Clerk. No business or location shall receive more than four 10-day permits per year.
- (11) No person shall display the flags of the United States of America or the State of Minnesota in a manner which violates established protocol for their display.
- (12) Lighter than air, inflatable devices and/or balloons, designed and utilized primarily to draw attention to an object, product, place, activity, person, institution, organization or business, excepting temporary 10-day permits granted by the City Administrator-Clerk not more than 3 times per year.
- (13) Off-premises signs and billboards.

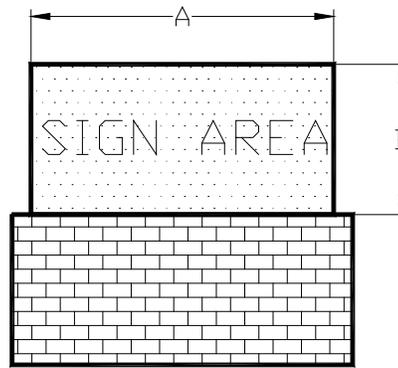
(Prior Code, § 1070.02) (Am. Ord. O-7-04, passed 10-5-2004) Penalty, see § 152.999

§ 151.122 SIGN MEASUREMENTS.

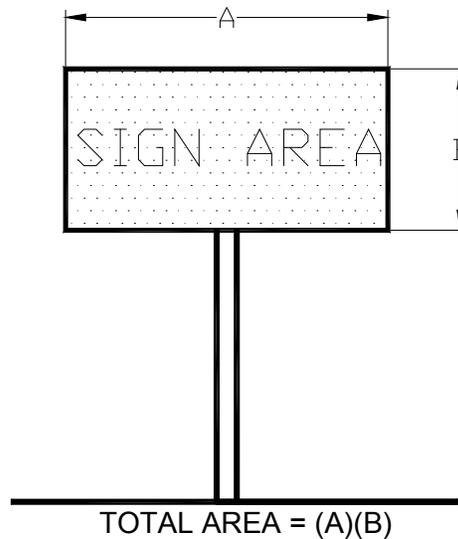
(A) Measurements of gross sign area.

(1) Freestanding signs

- (a) For monument and pylon/pole signs, the sign area shall be the area of the largest face including its border area.
- (b) If it is of an irregular shape, the area shall be computed by means of the smallest rectangle that will encompass the extreme limits.



$$\text{TOTAL AREA} = (A)(B)$$



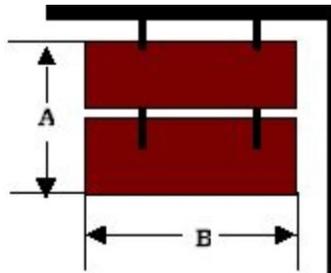
$$\text{TOTAL AREA} = (A)(B)$$

- (2) Sign area, cabinet. The sign area is determined by calculating the measurements of the outer dimensions of the frame or cabinet

surrounding the sign.

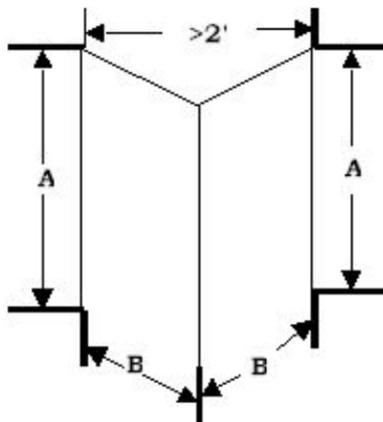


- (3) Multiple cabinets. For freestanding and projecting signs that contain multiple cabinets on 1 structure, the modules together are counted as 1 sign face in order to compute the sign area.



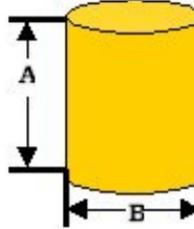
TOTAL AREA = (A)(B)

- (4) Backed (double-faced) signs. When 2 sign faces supported by the same sign structure are placed back-to-back, or the distance between each sign face does not exceed 2 feet at any point, the signs shall be regarded as a single sign. The sign area shall be the area of the larger sign face.



TOTAL AREA = (A)(B)

- (5) Round or 3-dimensional signs. Where a sign consists of 1 or more 3-dimensional objects (i.e., balls, cubes, clusters or objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum visible surface area from any vantage point.



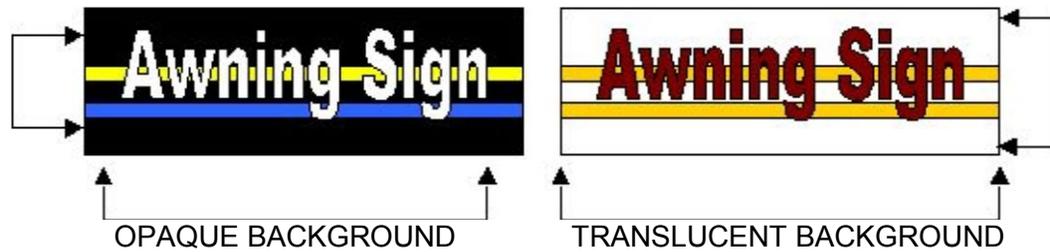
$$\text{TOTAL AREA} = (A)(B)$$

- (6) Individual sign elements. When signs are constructed of individual elements, the area of all sign elements, which together convey a single, complete message, shall be considered as a single sign. The sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements. Sign elements will be measured as 1 unit when the distance between the elements is less than 2 times the dimension of each element.



$$\text{TOTAL AREA} = (A)(B) + (C)(D)$$

- (7) Supporting framework. Supporting framework or bracing on sign mounted to the building that is clearly incidental to the display itself shall not be computed as sign area.
- (8) Signs on awnings and canopies. When signs are incorporated into the awning, or canopy, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign copy including all translucent areas of an illuminated awning or canopy. When the ends of awnings and canopies are parallel and contain signs, only 1 side is counted in addition to the sign on the front, however, when a canopy is a freestanding structure, all sign faces shall be calculated. Sign copy on a canopy shall not be greater than 25% of the canopy area.



(B) **Height of freestanding signs.**

- (1) The overall height of a freestanding sign or sign structure is measured from the average finished grade at the base of the sign to the highest points of the sign structure.
- (2) No berming or alteration of existing grade shall be permitted to increase the height of any signs.

(C) **Clearances.** Clearances are measured from the finished grade directly below the sign to the bottom of the sign structure.

(D) **Measurement of dominant façade.**

- (1)
 - (a) The portion of a principal buildings dominant façade shall be calculated using the width of the first story exterior wall as described.
 - (b) Exterior wall dimensions shall be measured at the base of the ground floor, excluding screening walls, fences and the like.
- (2) Alcoves, entryways and extruding portions shall be measured through as though along a flat wall of a building.
- (3)
 - (a) Only the dominant façade shall be used for sign area calculations.
 - (b) The total sign area for the entire building may not exceed the total sign area allowed based on the dominant façade.

(E) **Measurement of street frontage.** Street frontage shall be measured along the property line abutting the street right-of-way where access to the site is obtained.

(Am. Ord. O-7-04, passed 10-5-2004) Penalty, see § 152.999

§ 152.123 SIGNS IN RESIDENTIAL AND INSTITUTIONAL DISTRICTS.

The following regulations shall apply to all signs in all Residential Districts.

(A) **Name plate, single-family dwelling.**

(1)

- (a) One name plate shall be permitted for each single-family dwelling unit provided that it shall be no greater than 2 square feet in area per surface and shall have no more than 2 surfaces.
- (b) The signs may include the names of home occupations that operate under approval of the City Council, but may not contain further advertising.

(2)

- (a) Private stable, farm entrance name plates shall have a minimum clearance of 14 feet, shall not exceed 32 square feet in surface area, shall have a maximum sign structure height of 20 feet and a minimum sign structure width of 14 feet.
- (b) The name plate and sign structure shall permit the safe entrance and exit of any vehicle, particularly emergency vehicles.

(B) **Name plate, multiple-dwelling.** One name plate shall be permitted for each multiple-dwelling, provided that it shall be no greater than 4 square feet in area per surface, shall have no more than 2 surfaces, and shall contain the name and address of the building and/or occupants, only.

(C) **Name plate, dwelling group.** One name plate shall be permitted for each dwelling group of 8 or more units, provided that it shall be no more than 10 square feet in area per surface, shall have no more than 2 surfaces, and shall contain the name and address of the development area only.

(D) **Name plate, small development area.** One name plate shall be permitted for each development area of 4 to 9 lots, provided that it shall be no more than 10 square feet in area per surface, shall have no more than 2 surfaces, and shall contain the name and address of the development area only.

(E) **Name plate, institutions.**

- (1) One name plate and/or bulletin board shall be permitted for each institutional building occupying a single lot, provided that no name plate,

bulletin board, or combination thereof, shall exceed 32 square feet in area per surface, and shall have no more than 2 surfaces.

- (2) Two signs shall be permitted for institutional buildings occupying corner lots, 1 sign facing each street, provided that the total sign area does not exceed 32 square feet.
- (F) **Development identification signs.** Developments of 10 or more lots are allowed 1 development identification monument sign is allowed per subdivision/development area. The City Council may allow an additional development identification sign for developments with multiple public road access points, when approved as part of the preliminary or final plat. Signs shall have a maximum 32 square foot sign area per surface, a maximum height of 8 feet, and a minimum setback of 10 feet from the public right-of-way.
- (G) **Height and setback limitations.**
- (1) No signs shall exceed 6 feet in height, except private stable/farm entrance name plates and development identification signs as permitted in this section.
 - (2) All signs shall maintain a minimum setback of 10 feet from the public rights-of-way.

(Prior Code, § 1070.03) (Am. Ord. O-7-04, passed 10-5-2004; Am. Ord. 13-001, passed 6-18-2013) Penalty, see § 152.999

§ 152.124 SIGNS IN GENERAL BUSINESS AND INDUSTRIAL DISTRICTS.

- (A) **Business signs.** Up to 2 business signs shall be permitted for each lot which is used for business purposes, provided that the signs shall be accessory to the premises on which they are erected.
- (1) Wall signs. The total area of any wall sign affixed to a building wall shall not exceed 15% of the total area of the wall it occupies, up to a maximum of 125 square feet.
 - (2) Monument signs. No more than 1 (2-sided) monument sign shall be permitted for each lot which is used for business purposes, provided that the free standing sign be no more than 64 square feet in sign area shall have a maximum height of 10 feet, and shall have a minimum setback from the public rights-of-way of 10 feet.
 - (3) Projecting signs. No projecting sign may exceed 10 square feet in area.

(B) Additional signs permitted in General Business and Industrial Districts.

- (1) Major commercial and industrial areas.
 - (a) Major commercial, shopping areas and industrial areas containing 3 or more businesses and having a cumulative building area of at least 30,000 square feet, shall be permitted a pylon sign in addition to those set forth in this section.
 - (b) Pylon signs shall not exceed 125 square feet in area, shall not exceed 30 feet in height, shall maintain a minimum setback of 10 feet from any public right-of-way, and shall be limited to 1 pylon sign per major thoroughfare which approaches the shopping center, commercial or industrial area.
 - (c) No pylon sign or freestanding sign shall be permitted to individual businesses, within the commercial or industrial center.
- (2) Gasoline service stations. One 64 square foot pylon sign shall be permitted for each gasoline service station, in lieu of the allowed 64 square foot monument sign, and in addition to allowed wall and projecting signs, provided that the pylon sign does not exceed 30 feet in height, and shall maintain a minimum setback of 10 feet from any public right-of-way.

Permitted Signs in General Business and Industrial Districts						
Class	Maximum Number Allowed	Type	Maximum Height	Square Feet Allowed	Setback	Notes
Business Signs	2	Monument	10 feet	64 square feet	10 feet	-
		Projecting	-	10 square feet	-	
		Wall	-	15% of wall area, up to 125 square feet	-	

Permitted Signs in General Business and Industrial Districts						
Class	Maximum Number Allowed	Type	Maximum Height	Square Feet Allowed	Setback	Notes
Commercial Industrial Center	3	Monument	10 feet	64 square feet	10 feet	125 square feet pylon sign per major commercial or industrial center in addition to allowed individual business signs.
		Projecting	-	10 square feet	-	
		Wall	-	15% of wall area, up to 125 square feet	-	
		Pylon	30 feet	125 square feet	10 feet	
Gasoline Service Stations	2	Monument	10 feet	64 square feet	10 feet	Monument sign or pylon sign in addition to wall or projecting signs and directional signs.
		Projecting	-	10 square feet	-	
		Wall	-	15% of wall area, up to 125 square feet	-	
		Pylon	30 feet	64 square feet	10 feet	

(Prior Code, § 1070.04) (Am. Ord. O-7-04, passed 10-5-2004) Penalty, see § 152.999

§ 152.125 ABATEMENT.

If the City Administrator-Clerk or Building Inspector finds that any sign has been erected without a permit first being granted to the installer of the sign or to the owner, lessee or manager of the property upon which the sign has been erected or is being maintained in violation of any of the provisions of this code or any amendments thereto, written notice of the violation may be given to the installer of the sign, to the permittee or to the owner, lessee or manager of the property. If after receiving the notice, the person fails to remove or alter the sign so as to comply with the provisions of this code, the sign shall be

deemed to be a nuisance and may be abated by the city by civil proceedings; and the cost of abatement, including administration expenses and reasonable attorneys' fees, may be levied as a special assessment against the property upon which the sign is located, in accordance with the provisions of M.S. Chapter 429, as it may be amended from time to time.

(Prior Code, § 1070.05) (Am. Ord. O-7-04, passed 10-5-2004)

DRIVEWAY REGULATIONS

§ 152.135 PERMIT REQUIRED.

No person shall construct or reconstruct or make any substantial alteration of any driveway access to any city street rights-of-way without first obtaining a permit from the City Administrator-Clerk. The City Administrator-Clerk may issue the permit upon recommendations by the Public Works Supervisor and/or Building Inspector and upon payment of a fee as established by City Council ordinance.

(Prior Code, § 1080.01) Penalty, see § 152.999

§ 152.136 ACCESS CONTROL.

- (A) **Residential Districts.** One access driveway shall be allowed for each parcel of land 2.5 acres or less. Parcels of land in excess of 2.5 acres shall be allowed 1 access driveway for each 200 feet of frontage located along the front lot line on a public right-of-way, and allowed 1 shared access to not more than 2 lots not fronting on a public right-of-way. Corner lots are allowed 1 additional access driveway; this driveway must be placed on a local street. Corner lots with frontage along local streets may place driveway accesses on either the front or side lots lines as long as spacing requirements identified in Section 152.137 are met.
- (B) **Commercial and industrial.** Driveways in all commercial and industrial areas shall be subject to individual review and approval by the city in order to avoid congestion and safety hazards.

(Prior Code, § 1080.02) (Am. Ord. 13-001, passed 6-18-2013) Penalty, see § 152.999

- (C) **All driveways shall access local streets unless otherwise permitted by the City Council.**

§ 152.137 SPACING.

In no case shall any driveway be closer to a street intersection or private shared drive intersection than as follows: 75 feet in Rural Residential or Agricultural Preserve Districts and 35 feet in the Lake Sarah Sewer Residential and Sewered Single Family Residential Districts.

(Prior Code, § 1080.03) (Am. Ord. O-1-00, passed 2-1-2000) Penalty, see § 152.999

§ 152.138 TRAFFIC VISIBILITY.

No fences, structures or plantings shall be permitted within any front, side or rear yard areas which may interfere with visibility and safety.

(Prior Code, § 1080.04) Penalty, see § 152.999

§ 152.139 TURNAROUNDS.

Any driveway in excess of 500 feet shall provide a turnaround for emergency vehicles. Any driveway with access to a roadway classified as an "A" minor arterial shall provide a turnaround to avoid backing out into the public rights-of-way.

(Prior Code, § 1080.05) Penalty, see § 152.999

§ 152.140 DRIVEWAY GRADE.

Driveways shall have a negative grade from the edge of the traveled street to the center line of the culvert at 0.5% grade. From that point to the rights-of-way line and/or property line, there shall be a maximum grade of 2%. Driveways providing access to dwelling units may only exceed a grade of 10% where approved by the City Engineer.

(Prior Code, § 1080.06) Penalty, see § 152.999

§ 152.141 CULVERTS.

- (A) **Requirements.** All culverts shall be provided by the property owner and culverts shall be of corrugated metal or double wall plastic, appropriate size, as directed by the Public Works Director, and a minimum length of 28 feet, the minimum size shall be 15 inches.
- (B) **Installation.** A culvert shall be installed prior to the issuance of a building permit. Prior to the issuance of an occupancy permit, the Public Works Director or Building Inspector shall inspect the culvert and ditch to assure proper construction. Approval of occupancy shall be based upon acceptance of the driveway, and culvert being property installed.
- (C) **Culvert maintenance.**
 - (1) The owner of the contiguous property serviced by the driveway shall be responsible for the maintenance, repairs and/or replacement of any driveway culvert in the city rights-of-way including the removal of yard debris and natural silt accumulation, so that there is no obstruction to the flow of water.

- (2) In the event an owner shall fail to do so, the city shall give written notice to the owner specifying the maintenance, repair or replacement required to be done.
- (3) If after 10 days the owner fails to make the corrections, the city may cause the work to be done, and shall charge the owner with the costs.

(Prior Code, § 1080.07) (Am. Ord. 10-003, passed 5-18-2010) Penalty, see § 152.999

REGULATING MANUFACTURED HOMES, PARKS AND OCCUPANCY**§ 152.155 LOCATION OF MANUFACTURED HOMES AND MANUFACTURED HOME PARKS.**

- (A) **Parking and placement prohibited.** It shall be unlawful within the limits of the city for any person to park any manufactured home on any street, alley or highway or other public place, or on any tract of land owned by any person, occupied or unoccupied except as provided in this subchapter.
- (B) **Emergency parking permitted.** Emergency or temporary stopping or parking shall be permitted on any street, alley or highway for not longer than 3 hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations, or ordinances for that street, alley or highway.
- (C) **Placement outside a manufactured home park prohibited; exceptions.** No person shall park or occupy any manufactured home on either the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling except the parking of no more than 1 unoccupied trailer in an accessory private garage building, side yard or rear yard shall be permitted provided no living or sleeping quarters shall be maintained nor any business practiced in the manufactured home while the manufactured home is so parked or stored. Manufactured homes meeting the definition of manufactured homes under state statute, and conforming to the Manufactured Home Building Code established by Minnesota statute 327.31 may be used as a residential structure in residential districts. A manufactured home, or other mobile dwelling which does not comply with the Manufactured Home Building Code and which is used as a residence is a nonconforming use.
- (D) **Conditional use permit required.** No person shall construct, locate, operate or maintain a manufactured home park within the city without first obtaining a conditional use permit, and all other permits and licenses as shall be required and described in this subchapter.
- (E) **Zoning.** No person shall construct, locate or maintain a manufactured home park in the city unless the property is zoned for multiple residential occupancy.

(Prior Code, § 1090.01) Penalty, see § 152.999

**§ 152.156 APPLICATION FOR A MANUFACTURED HOME PARK
CONDITIONAL USE PERMIT.**

- (A) **Information required.** Application for a conditional use permit for a manufactured home park shall be made to the Zoning Administrator.
- (B) **Land use standards for a conditional use permit.** No conditional use permit shall be recommended by the Planning Commission or granted by the City Council unless the applicant demonstrates that the establishment of the manufactured home park at the proposed location is consistent with sound land use planning and zoning principles as follows.
 - (1) **Injury to surrounding lands.** The manufactured home park shall not be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted, nor substantially diminish and impair the property values within the vicinity.
 - (2) **Orderly development impeded.** The manufactured home park shall not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area or permitted under applicable ordinances.
 - (3) **Health, safety and welfare.** That adequate measures have been or shall be taken to protect the health, safety and welfare of all occupants of the proposed manufactured home park and all persons occupying the vicinity of the manufactured home park.
 - (4) **Nuisance.** That adequate measures have been or shall be taken to prevent or control offensive odor, fumes, dust, noise and vibration, to the end that no nuisance shall be created thereby the manufactured home park.
 - (5) **Other applicable regulations.** That the manufactured home park shall meet all other requirements of the zoning district in which it is located.
 - (6) **Conflict with state laws and rules.** The provisions of Minnesota Statute § 327 and Minnesota Rules parts 4630.0200 to 4630.2210, as the statute and rules may be amended from time to time, are hereby adopted by reference as part of this code. The provisions of this subsection are intended to supplement this law and rules. The state law and rules shall govern when there is a conflict between the law and rules and the provisions of this subsection.

- (C) **Design and construction standards for a conditional use permit.** No conditional use permit shall be recommended by the Planning Commission nor granted by the City Council unless the applicant demonstrates that the establishment of the manufactured home park at the proposed location is consistent with sound design and construction principles as follows.
- (1) Utilities provided. Adequate sewer, waters roadways, service facilities, lighting, drainage, parking areas and all other necessary utility requirements have been or shall be provided.
 - (2) Other design standards. All the design standards of this subchapter have been met.
 - (3) Construction standards. The construction standards of all applicable code provisions, ordinances and statutes have been met.
 - (4) Development standards. All manufactured home parks shall conform to the applicable code provisions of this subchapter and the following minimum standards for development of the park.
 - (a) Minimum size. Every manufactured home park shall have a minimum width of 500 feet and shall have a maximum area of no more than 60 acres. No manufactured home park shall be contiguous to any other manufactured home park.
 - (b) Surface drainage. Every manufactured home park shall be located on a well- drained area and the premises shall be properly graded and equipped with storm sewers if necessary so as to prevent the accumulation of storm or other water on the lots. However, runoff to adjacent properties shall not be increased. Where there is water ponding on the site, provisions shall be taken to retain the natural ponding features of the land and provide for the same amount of water storage in some manner at the site.
 - (c) Parks and recreation.
 1. A minimum of 15% of the total manufactured home park area shall be devoted to park and recreation according to the following standards:
 - a. One “tot lot” for every 15 lots or less on 1 side of a street, furnished with playground equipment; and
 - b. One or more general park areas with tennis courts, shuffleboard, badminton or horseshoe courts or other similar features and games for the entire park.

2. Any cooking shelters, barbecue pits or outdoor fireplaces planned for the park shall be located in the general park area and be so located and constructed as to minimize fire hazards and smoke.
 3. All areas required for park setback areas shall not be utilized nor computed as park and recreation areas.
- (d) Setbacks and buffer zones. There shall be a minimum setback of 80 feet between the park outside boundary line and any use within the manufactured home park; the setback area shall be landscaped and screened by a fence and/or screen plantings of sufficient size and density to permit complete privacy for the residents of both the manufactured home park and adjacent properties. In cases where the park abuts industrial or commercial zones property or a major highway, the city may require a 6 foot high masonry wall circumscribing the entire boundaries within the above mentioned setback except for main entrance to park, to permit greater privacy, security and safety for the residents of the park.
- (e) Landscaping. Every manufactured home park shall be landscaped and maintained with cultured sod on the entire park except for areas used for streets, sidewalks, patios, manufactured home parking areas or vehicle parking areas.
- (5) Lot standards. All lots in the manufactured home park shall be subject to the following regulations.
- (a) Size, single lot. Each lot in a manufactured home park intended as the location for 1 single wide unit shall contain not less than 7,500 square feet of unoccupied space and shall have a minimum width of 60 feet except corner lots which shall have a minimum width of 70 feet and shall have minimum depth of 125 feet measured from the curb face to the rear lot line.
 - (b) Size, double lot. Each special width lot in a manufactured home park intended as the location for 1 doublewide unit shall contain not less than 11,250 square feet of unoccupied space and shall have a minimum width of 90 feet and minimum depth of 125 feet. Applicant may designate lots for doublewide units in the original plans or may recombine single lots to achieve the necessary width, to the satisfaction of the Building Inspector. No doublewide unit may be installed on any but a special width lot.

- (c) Front setback. Front setback of the manufactured homes shall be no less than 30 feet from curb face. On corner lots, the setback shall be observed on both frontages.
 - (d) Rear setbacks. Rear setback of the manufactured home shall be not less than 20 feet from the rear lot line.
 - (e) Side yard. The side yard setback shall be no less than 15 feet from the lot line.
 - (f) Minimum distance. There shall be no less than 30 feet between manufactured homes in all directions.
 - (g) Area occupied. No more than 25% of each lot may be occupied by a dwelling or structure.
- (6) Street standards and parking requirements.
- (a) Access to public thoroughfare required. All manufactured home parks shall have adequate and direct access to a public thoroughfare. No access roads shall be permitted through residential subdivisions.
 - (b) Paving required. All streets, parking spaces and overload parking areas within the park and any access road to the park shall be paved with bituminous material to 7-ton specifications or as recommended by the City Engineer.
 - (c) Street access required. Each lot shall abut on and have access to a public street within the mobile park.
 - (d) Minimum street width required. Each right-of-way in the manufactured home park shall have a minimum of 40 feet of width and street layout and design shall conform to the other provisions of this subchapter.
 - (e) Street construction required. All streets shall have concrete curb and gutters, where necessary, so as to provide drainage away from any and all manufactured home lots and park facilities.
 - (f) Off-street parking required and regulated. Two off-street parking spaces providing a minimum of 440 square feet of parking area shall be provided for each manufactured home lot. No off-street parking shall be closer than 5 feet to the manufactured home nor closer than 5 feet to any lot line.

- (g) Sidewalks required. Sidewalks of at least 36 inches in width and 4 inches in thickness shall be constructed on both sides of all streets, parallel with streets and on the unit side of the curb.
 - (h) Guest parking required. Each manufactured home park shall maintain a paved, off-street parking lot for guests of occupants in the amount of 1 space for each 2 manufactured home lots, and located within 300 feet of the lot to be served.
 - (i) Overload parking required. Each manufactured home park shall have not less than 7,500 square feet of area for overload, parking and dead storage, for every 50 manufactured home lots or major fraction thereof. This area shall be completely enclosed with security fence and screened from view by dense shrubbery.
- (7) Additional lot regulations.
- (a) Concrete patio required. Each lot shall have a concrete patio adjacent to each home in addition to the off-street parking area. Each patio shall be not less than 300 square feet and a minimum of 4 inches thick.
 - (b) Adjoining sidewalk required. Each patio shall be connected to the front sidewalk by a concrete sidewalk of a minimum of 24 inches in width and 3 inches in thickness.
 - (c) Shade tree required. Each lot shall have at least 1 shade tree with a minimum trunk diameter of 2-1/2 inches at the time of planting and shall be planted and permanently maintained on each manufactured home lot.
 - (d) Anchors required. Each manufactured home lot shall be provided with anchors and tie-downs, such as cast in place concrete foundations or runways, screws augers, arrowhead anchors or other devices providing for stability of the manufactured home.
 - (e) Anchor locations. Anchors and tie-downs shall be placed at each corner of the manufactured home site and midway on the longest sides of each manufactured home site, and each anchor or tie-down shall be able to sustain a minimum tensile strength of 2,800 pounds.
 - (f) Individual site preparation. Every manufactured home lot shall have a base of at least 4 inches of compacted gravel or aggregate on the site where the home is to be parked, in addition to whatever foundation structures shall be necessary to secure the

manufactured home anchors and tie-downs.

- (8) Emergency shelters.
 - (a) Shelter required. Every manufactured home park shall provide 1 or more tornado and wind storm emergency shelters capable of seating comfortably and collectively all of the occupants of the park. Each shelter shall be constructed so as to be dry, well ventilated, to have more than 1 exit, to be entirely below ground level, and to be capable of withstanding the impact of a manufactured home propelled by winds of tornado force.
 - (b) Storm warning device required. Every manufactured home park shall have a warning device for providing tornado or serious wind storm warning to its residents.
 - (c) Emergency electrical generator required. Every manufactured home park shall have an emergency electrical power generator in case of power failure to provide power for the storm warning device, the inside and outside lights of the emergency shelter and sufficient street lights for residents to find their way to the shelter at night.
- (9) Service building and service facilities. Each manufactured home park shall have 1 or more service buildings to provide space for the park office, laundry facilities, sanitation facilities and indoor community meeting and recreational space.
 - (a) Manager's office required. Every manufactured home park shall have a central office for the manager or caretaker of the park.
 - (b) Laundry facilities required. Laundry facilities shall be provided at the following ratio: 1 clothes washer for every 8 lots and 1 clothes dryer for every 16 lots in the park, or section thereof to be served by the laundry building. The park shall also provide space adjacent to the laundry for the exterior drying of clothes.
 - (c) Indoor recreation room required. Indoor recreational or community meeting space shall be provided at the minimum ratio of 25 square feet of space for every lot in the manufactured home park, or section thereof served by the building. Space provided for requirements such as emergency shelters, laundry facilities and other public service facilities shall not be deemed to meet the requirements of this section.
 - (d) Central kitchen. The manufactured home park may provide a

central kitchen in the service building for use by the park residents for group gatherings.

- (e) Lavatory facilities required. The manufactured home park shall provide complete lavatory facilities for park residents if the park is designed to accommodate trailers without full baths.
 - (f) Service building parking required. In addition to the off-street parking spaces required elsewhere in this chapter, there shall be provided parking spaces for the service building(s) in the following ratio:
 - 1. One parking space for every 200 square feet of building space planned for use by park residents; or
 - 2. One parking space for every 5 lots in the park, located conveniently to the service buildings, whichever yields the greater number of spaces.
 - (g) Setbacks required. Setbacks from internal streets for all service buildings shall conform to the city's residential setback requirements.
- (10) Manufactured home display lots permitted; sales lots prohibited. The establishment of a commercial sales lot for selling manufactured homes shall be prohibited. A manufactured home display may be established within the manufactured home park by conditional use permit at the time the park is approved, or later by recommendation of the Planning Commission and approval of the City Council, based upon the same criteria as set forth in this section. The approval shall regulate size, number and location of all display lots. No manufactured home display may exceed 1 manufactured home per manufactured home lot. The display lots shall be landscaped by an approved design and maintained. No manufactured home park shall have more than 6 display lots. The conditional use permit for establishing the display lots shall be an annual contractual agreement which shall expire on January 1 of each succeeding year.
- (11) Water supply and sewage disposal system.
- (a) Central water system required. All manufactured home parks shall have a central water system serviced either by a municipal water system, or a central deep well of adequate capacity as approved by the City Engineer and the Minnesota Department of Health.
 - (b) Public municipal sanitary sewer required. All manufactured home

parks shall have a sanitary sewer system connected to a public municipal sewer system owned by the city. The design and specifications of the sewer system shall meet the approval of the City Engineer, Minnesota Pollution Control Agency and the Minnesota Department of Health.

- (c) Underground utilities required. All sewer and water system lines shall be underground.
- (12) Utilities, fuel supply, storage and lighting.
- (a) Underground utilities required. All utility lines for electricity, telephone, TV cable, gas or fuel oil shall be underground. There shall be no overhead wires or supporting poles except poles for street lights or other lighting purposes.
 - (b) Fuel storage regulated. All fuel supply and storage systems shall be installed and maintained in accordance with applicable state codes and regulations governing the systems.
 - (c) General illumination required. The manufactured home park shall provide overhead lights to adequately illuminate the streets and sidewalks of the park and all service building parking areas and entrances. The lighting shall be shielded to prevent any light to be directed at traffic, nearby manufactured homes or neighboring residential property in the brilliance as to constitute a danger or a nuisance.
- (13) Refuse receptacle required. The manufactured home park shall provide at least 1 individual sunken garbage receptacle for each lot, or suitable receptacles at a central collection point with suitable screening, no further than 200 feet from any units.

(Prior Code, § 1090.02) Penalty, see § 152.999

§ 152.157 CERTIFICATE OF OCCUPANCY REQUIRED.

- (A) **Certificate of occupancy required for manufactured home park.** No manufactured home shall be occupied for residence in any manufactured home park in the city until certificates of occupancy have been issued as follows.
 - (1) Upon completion of all construction and improvements required under all applicable ordinances, for the entire manufactured home park or portion to be completed in anyone stage of construction, the completion shall be

certified by the City Engineer and approved by the Zoning Administrator and the Building Inspector.

- (2) Upon finding that the construction and improvements have been completed in accordance with applicable ordinance requirements and the conditional use permit issued, the City Council shall approve the issuance of a certificate of occupancy for the manufactured home park by the Building Inspector.
- (B) **Certificate of occupancy required for manufactured homes.** A certificate of occupancy for each individual manufactured home shall be issued by the Building Inspector upon his or her finding that:
- (1) Placement shall be complete. The manufactured home park operator has certified in writing that the manufactured home is installed in place and that the anchors and tie-downs provided for the manufactured home are correctly installed;
 - (2) Utilities connected. All necessary service and utility connections have been properly installed and are in operating condition; and
 - (3) Fit for human habitation. The manufactured home has been properly installed, is in good repair, is in a sanitary condition, is structurally sound and is fit for human habitation.

(Prior Code, § 1090.03) Penalty, see § 152.999

§ 152.158 ANNUAL INSPECTION FEES.

The manufactured home park owner shall pay an annual fee to the city to cover the aggregate cost of the inspections as may be required by this subchapter.

- (A) **Building Inspector.** All manufactured home parks shall be inspected quarterly by the City Building Inspector to ascertain that all provisions of this subchapter, all other applicable city ordinances, and the provisions of any conditional use permit are being observed. The fee for the quarterly inspections shall be \$200 per year.
- (B) **Fire Marshal.** All manufactured home parks shall be inspected no less than annually, and more frequently if deemed necessary, by the Greenfield Fire Marshal, to ascertain that no fire hazards shall be present, to ascertain that fire hydrants and fire extinguishing equipment shall be in working order, and to ascertain that all provisions of this subchapter and other applicable codes and ordinances pertaining to fire protection and prevention are being observed. The fee for the inspection shall be \$30 per inspection.

- (C) **Water system inspection.** All manufactured home parks shall have the water system inspected once a month by a designated City Inspector, to insure that all hydrants and other water facilities shall be in proper working order. The fee for the inspections shall be \$240 per year.

(Prior Code, § 1090.04) Penalty, see § 152.999

§ 152.159 OPERATION REQUIREMENTS.

- (A) **General operation and maintenance.**
- (1) **Manager.** Every manufactured home park shall have an adult manager or caretaker on duty in or about the manufactured home park at all times, to keep the park, its facilities and equipment in a clean, orderly and sanitary condition, and to be available in case of emergencies. The manager or caretaker shall be answerable to the owner for the violations of any provisions of this subchapter.
 - (2) **Office.** Each manufactured home park shall maintain a central office for the use of the owner or manager, distinctly marked "Office" and the marking shall be illuminated during all hours of darkness.
 - (3) **Map.** A map of the manufactured home park, with all lots clearly numbered, shall be displayed at the manufactured home park office. The lots themselves shall also be numbered in a manner visible from the frontage street. The manufactured home park shall be open at reasonable times to the visiting public and the directory shall be readily available to visitors.
 - (4) **Lighting.** The manufactured home park grounds shall be lighted as approved by the city during all hours of darkness.
 - (5) **Public address prohibited.** No public address or loud speaker system shall be permitted.
 - (6) **Rules.** Each manufactured home park shall adopt a set of rules and regulations for orderly operation of the park in conformance with this subchapter, and these rules shall be clearly posted in the park office and made available to the residents of the park.
 - (7) **Pets.** No domestic animals or house pets of park occupants shall be allowed to run at large, or commit any nuisances within the limits of the park.
 - (8) **Clothes drying.** No exterior clothes drying shall be permitted upon any lot

or any other area of the manufactured home park except in an area specifically provided.

- (9) Transient occupancy. The use of any lot or other area within a manufactured home park for tent sites, camper trailers, pickup campers or any other transient occupancy use shall be prohibited.

(B) **Lot regulations.**

- (1) Placement restricted. No more than 1 manufactured home shall be parked upon any lot.
- (2) Occupancy regulated. No manufactured home may be inhabited by a greater number of occupants than that for which it was designed.
- (3) Skirts required. The base of all manufactured homes shall be enclosed with skirting, the skirting to be installed within 10 days from the date of installation of the unit. The enclosure shall be accessible for inspection and no obstruction shall be permitted that impedes the inspection of the manufactured home, plumbing, electrical facilities and related equipment. No storage shall be permitted beneath the manufactured home.
- (4) Use restrictions. All manufactured home lots shall be used for residential purposes only, or for the display and sale of manufactured homes for residential purposes for the park, pursuant to a conditional use permit as provided in this chapter.

(C) **Street maintenance and regulations.**

- (1) Snow removal. The manufactured home park operator shall remove snow from all streets, guest parking areas and sidewalk areas within the park after each snowfall and these areas shall be kept sanded and or free of ice and snow.
- (2) Maintenance and repair. All streets within the park shall be kept in good repair and kept clean and free of litter.
- (3) Speed limit. A speed limit of 15 m.p.h. shall be maintained within the park limits and a sign shall be posted accordingly. The operator may use raised bumps or ridges across the road surfaces to assure compliance with the posted limits.

(D) **Storage and parking.**

- (1) On-site parking restricted. No more than 2 vehicles may be parked on any manufactured home lot.

- (2) On-site storage prohibited. All boats, boat trailers, hauling trailers and all other equipment not stored within the manufactured home nor the utility enclosure that may have been provided shall be stored in the overload parking area, and not upon the lots occupied by the manufactured homes, nor upon the streets within the manufactured home park, nor upon any other city streets.

(E) **Registration required.**

- (1) Owner's or manager's duties. It shall be the duty of the owner or manager of the manufactured home park to maintain a register containing a record of all manufactured home owners and occupants residing within the park. The register shall contain the following information:
 - (a) Name and address of each manufactured home occupant;
 - (b) Name and address of the owner of each manufactured home motor vehicle by which it is towed;
 - (c) The make, model, year and license number or serial number of each manufactured home or motor home; and
 - (d) The date of arrival and departure of each manufactured home.
- (2) Records required. The manufactured home park management shall keep the register available for inspection at all time by law enforcement officers, or public health officials whose duty necessitates acquisition of the information contained in the register. The register record for each registered occupant shall not be destroyed for a period of 3 years following the date of departure of the occupant from the park.
- (3) Registration of manufactured homes required. All manufactured homes occupied or stored or displayed in the manufactured home park shall be registered with the motor vehicle divisions, State of Minnesota, and shall display license plates for the current year.

(F) **Fire and police protection.**

- (1) Fire alarm system required. Every manufactured home occupied in a manufactured home park shall have a UL approved automatic fire alarm system installed and in operating condition.
- (2) Fire extinguisher required. Every manufactured home occupied in a manufactured home park shall be equipped with a fire extinguisher in usable condition and approved by the Greenfield Fire Marshal. The occupant of the manufactured home shall be responsible for providing the

extinguisher for his or her manufactured home.

- (3) Fire extinguisher required in service building. Portable fire extinguishers rated for classes B and C fires, with a capacity of 10-pounds' dry powder, shall be kept visible in service buildings and at other locations as approved or required by the Greenfield Fire Marshal, for convenient access by all of the occupants of the manufactured home park. The fire extinguishers shall be maintained in good operating condition.
- (4) Open burning prohibited. No fire shall be kindled or maintained except in a stove, fireplace, barbecue pit, incinerator or other equipment intended for that purpose. No fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. Open burning shall be prohibited.
- (5) Storage of flammable liquids prohibited. Storage of flammable liquids or materials or gases within or under a manufactured home shall be expressly forbidden.
- (6) Litter and rubbish storage prohibited. All areas of the manufactured home park shall be kept free of litter, rubbish and other flammable material.
- (7) Open to police, fire and emergency vehicles. The manufactured home park shall be open to fire, police and other emergency vehicles and personnel at all times, and the City Police Department and area fire departments shall be provided with a current directory showing the names and lot numbers of the occupants.

(G) **Storage protection.**

- (1) Storm warning device required. The storm warning device required for the manufactured home park shall be kept in good operating condition and tested once a week at a designated time in a manner approved by the city.
- (2) Weather alerts required. The manufactured home park manager shall be responsible for obtaining weather warning information from the appropriate media, and for alerting residents to the hazards of a storm via the warning device when any storm with damaging winds is imminent.
- (3) Emergency shelter maintained. The emergency shelter area or building shall be kept open 24 hours a day. Entrances shall be illuminated during all hours of darkness. The manager shall keep the shelter area clean and sanitary, and stocked with emergency supplies and first aid equipment.
- (4) Generator required. The emergency electrical power generator shall be

tested once a week at the same time as the storm warning device, to assure good working order.

(H) **Refuse handling.**

- (1) Management responsible. The manufactured home park shall provide for the collection and disposal of all refuse and garbage generated with the manufactured home park. The park may contract with private garbage haulers or provide the service itself.
- (2) Standards. All refuse handling shall adhere to the following standards.
 - (a) Nuisance prohibited. The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted so as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.
 - (b) Garbage collection required. Garbage and refuse shall be collected and disposed of as frequently as may be necessary to insure that garbage receptacles shall not overflow.

(I) **Sewer and Water.**

- (1) Maintenance required. All sewer and water systems within the manufactured home park shall be kept in good operating condition in conformance with regulations of the Minnesota Department of Health and the city. Any maintenance of water and sewer systems within the park shall be at the owner's expense, but shall be under the supervision of an official designated by the city, who shall have authority to initiate necessary repairs.
- (2) Water pressure maintained. If the city deems it necessary, auxiliary pumps to boost water pressure shall be installed at the expense of the park owner to maintain needed pressure or fire protection.
- (3) Service charges.
 - (a) For sewer service, and water service when available, the city shall charge the service rates established in the appropriate district.
 - (b) All charges shall be computed on a per unit basis, and charged to the manufactured home park.

(Prior Code, § 1090.05) Penalty, see § 152.999

**§ 152.160 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS
AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES
IN THE GENERAL FLOODPLAIN DISTRICT.**

Manufactured homes, manufactured home parks, travel trailers, travel vehicles and recreation vehicles in the floodplain districts shall meet the criteria and standards of § 152.083 of this code.

(Prior Code, § 1090.06) (Am. Ord. O-4-04, passed 8-17-2004) Penalty, see § 152.999

LIGHTING

§ 152.200 LIGHTING.

The purpose of this ordinance is to provide regulations of general applicability for property throughout the city in order to protect the health, safety, and welfare of the community and its residents by limiting glare and light trespass while enhancing night sky visibility and preserving rural character.

§152.201 DEFINITIONS.

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

Authority: The adopting city/municipality, agency or other governing body.

Backlight: Light (usually unintentionally) emitted behind a light fixture. It is the B in BUG Rating. Refer to BUG Rating Definition.

BUG Rating: “A luminaire classification system that classifies backlight (B), uplight (U) and glare (G).” (International Dark Sky Association). Refer to Backlight, Uplight, and Glare Definitions. <http://darksky.org/>

Candela (cd): A unit of brightness. “Unit of luminous intensity. One candela is one lumen per steradian. Formerly called the candle.” (International Dark Sky Association) <http://darksky.org/>

Commercial: Any property zoned commercial or industrial.

Common Outdoor Area: One or more of the following: a parking lot; a parking structure; a common entrance or public space structure or covered vehicular entrance shared by all occupants of the domiciles. (International Dark Sky Association Model Lighting Ordinance)

Correlated Color Temperature (CCT): A measure of the color of the light given off by a lamp. A lower color temperature means a warmer color. A higher color temperature means a cooler color. The CCT is often mentioned on the packaging of a lamp. It is measured in degrees Kelvin (K). The CCT is NOT a measure of how bright a lamp is.

Emergency conditions: Generally, lighting that is only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.

Foot Candle (fc): A measure of the amount of light per unit of area. It is measured in lumens per square foot (as distinct from “lux”, which is lumens per square meter). Refer to Lumen definition.

Full Cutoff Luminaire: A light fixture that projects no light upward and controls glare by limiting light output between the horizontal plane and 10 degrees below the horizontal plane to less than 10% of the total light output in lumens. All full cutoff fixtures are fully shielded. Refer to Fully Shielded Luminaire definition.

Fully Shielded Luminaire: A light fixture that projects no light upward, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Fully shielded does NOT always mean full cutoff. Refer to Full Cutoff Luminaire definition.

Glare: Lighting entering the eye directly from lights or indirectly from reflective surfaces that causes visual discomfort and/or reduced visibility. It is the G in BUG rating. Refer to BUG Rating definition.

Hardscape: Permanent hard surface improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc. It does NOT include vegetated areas, such as vegetated landscaping, lawns, natural areas, etc.

Hardscape Area: The area measured in square feet of all hardscape. It is used to calculate the Total Site Lumen Limit. Refer to Hardscape definition.

Hardscape Perimeter: The perimeter of hardscape measured in feet is used to calculate the Total Site Lumen Limit. Refer to Hardscape definition.

IDA: International Dark Sky Association
<http://darksky.org/>

IES: Illuminating Engineering Society
<https://www.ies.org/>

Initial Lumens: The initial intensity/output of a brand-new bulb (often mentioned on its packaging). Over time bulbs will lose their intensity. Refer to Lumen definition.

Lamp: A generic term for a source of light, often called a “bulb” or “tube.” Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

Landscape Lighting: Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

LED: Light-Emitting Diode.

Light Pollution: Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts on the night environment.

Light Trespass: Light that shines beyond the property or surface it is intended to illuminate

Lighting: “Electric” or “man-made” or “artificial” lighting.

Lighting Zone: An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.

Lumen (lm): The unit of measure of amount of light produced by a lamp (bulb) or emitted from a luminaire (as distinct from “watt,” a measure of power consumption). The number of lumens a lamp gives off is often mentioned on its packaging.

Luminaire: Light fixture

Lux (lx): A measure of the amount of light per unit of area. It is measured in lumens per square meter (as distinct from “foot candle”, which is lumens per square foot). Refer to Lumen definition.

Mounting Height: The height of the photometric center of a luminaire above the ground.

Net Acre: A net acre is defined as the portion of a lot that is developed, not just the buildings/footprint but includes all improved areas. See definition for Hardscape perimeter.

Non-Conforming Lighting: Lighting legally installed before the date of enactment of this ordinance but not conforming to the provisions of this ordinance.

Outdoor Lighting: Lighting equipment installed within the property line and outside a building, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

Partly Shielded Luminaire: A light fixture with opaque top and translucent or perforated sides, designed to emit most light downward.

Sales area: Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.

Seasonal Lighting: Temporary lighting installed and operated in connection with holidays or traditions.

Shielded Directional Luminaire: A light fixture that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

Sign: Advertising, directional or other outdoor promotional display of art, words and/or pictures.

Sky Glow: The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

Temporary Lighting: Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.

Third Party: A party contracted to provide lighting, such as a utility company.

Timer: An automatic lighting control device that switches lights according to time of day.

Total Site Lumen Limit: The Site Lumen Limit that is determined by using the Hardscape Area Method. Refer to Hardscape Area definition.

Translucent: Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).

Unshielded Luminaire: A light fixture capable of emitting light in any direction including downwards.

Up-light: Light shone upward. It is the U in the BUG rating. Refer to BUG rating definition.

Vertical Illuminance: Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.

Watt (W): A measure of power consumption (as distinct from "lumen", the unit used to measure the amount of light produced by a lamp (bulb) or emitted from a light fixture).

§152.202 LIGHTING ZONES.

The Lighting Zone shall determine the limitations for lighting as specified in this ordinance. The Lighting Zones shall be as follows:

LZ0: No ambient lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of plants and animals and/or detracting from human enjoyment and appreciation of the natural environment. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be turned off.

LZ1: Low ambient lighting

Areas where lighting might adversely affect the natural environment or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After 11:00 pm, most lighting should be dimmed or turned off as activity levels decline.

LZ2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily

uniform or continuous. After 11:00 pm, lighting may be dimmed or turned off as activity levels decline.

Lighting Zones in this ordinance conform to the City of Greenfield Zoning Map and are utilized here to recognize differing lighting needs around the city. Lighting levels are specified as LZ0, LZ1, and LZ2 in the Tables of this ordinance.

- (A) LZ0 (Undeveloped, Agriculture, or rural residential areas where little to no lighting is expected): Zoning districts include Park, Agriculture Preserve, Rural Residential, and Lake Sarah Sewer Residential.
- (B) LZ1 (Residential areas or active park uses where low levels of lighting can be appropriate): Zoning districts include Sewered Single Family Residential, Residential Townhouse, and Park
- (C) LZ2 (Active commercial areas where moderate levels of lighting can be appropriate): Zoning districts include General Business, Industrial, and Institutional

§152.203 GENERAL REQUIREMENTS.

- (A) *Conformance with All Applicable Codes.* All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, Street Light Ordinance (Chapter 51), applicable Electrical and Energy Codes (Chapter 150.45-51), the Building Code (Chapter 150), and the Zoning Code (Chapter 152). It is the intent of the City of Greenfield to comply with this ordinance. In regards to lumens, a property may exceed the allotted limit for safety purposes so long as the property does not exceed the average maintained foot-candles recommended by the Illuminating Engineering Society (IES). See Table D for reference. <https://www.ies.org/>
- (B) *Applicability.* All outdoor lighting shall comply with this ordinance, EXCEPT
 1. Lighting within the public right-of-way or easement for the principal purpose of illuminating state or federally controlled highways.
 2. Lighting for public monuments, statues, and flagpoles. However, flagpoles are encouraged to be lit to minimize the amount of up-light and other forms of light pollution. Lighting for statues and monuments are encouraged to be designed to minimize the amount of light missing a statue or monument.
 3. Lighting solely for signs. However, all lights aimed at a sign must have all the light hit the sign (or be blocked by a shield/hood), and should shine from above instead of from below when practical.
 4. Temporary lighting for theatrical, television, performance areas, civic events, and construction sites.
 5. Underwater lighting in swimming pools and other water features.
 6. Lighting that is only used under emergency conditions.
 7. Lighting specified or identified in a specific use permit.
 8. Lighting required by federal, state, county or city ordinances and regulations.
 9. Lighting for outdoor events
 10. Seasonal lighting and related holiday decorations.
 11. Lighting required for the safe takeoff and landing of aircraft.
 12. Solar landscape lights.

13. Indoor lighting.
14. Lighting in a garage.
15. Lighting not permanently affixed or installed on a property, handheld or mounted on a functional vehicle.
16. Lights mounted on functioning farm buildings or used for active agriculture practices if used with a motion sensor.

(C) *Lighting Controls:*

1. Time of outdoor lighting reduction in non-residential areas and common areas of multi-family residential properties shall be 11:00 pm or one hour after the close of business, whichever is later. After such time, total outdoor brightness (lumens) must be reduced by at least 50% or turned off, unless light levels need to be maintained due to traffic or safety concerns. If dimmed, lights can also lower their color temperature (switch to a warmer color; such as red, amber, or orange).
2. Lighting reductions are NOT required for any of the following:
 - a) Outdoor lighting where only one single fixture exists on the entire property.
 - b) Lighting required by Code for steps, stairs, walkways and building entrances.
 - c) Lighting for outdoor recreational facilities is allowed one hour prior to sunset and until 11 PM, unless needed to complete a specific organized activity authorized by the City, or an event already in progress.
 - d) Lighting governed by special use permit in which times of operation are specifically identified.
 - e) Where lighting levels must be maintained for safety reasons or special events.
 - f) Businesses with shift workers and/or operate on a 24-hour basis.
 - g) Motion sensor lights

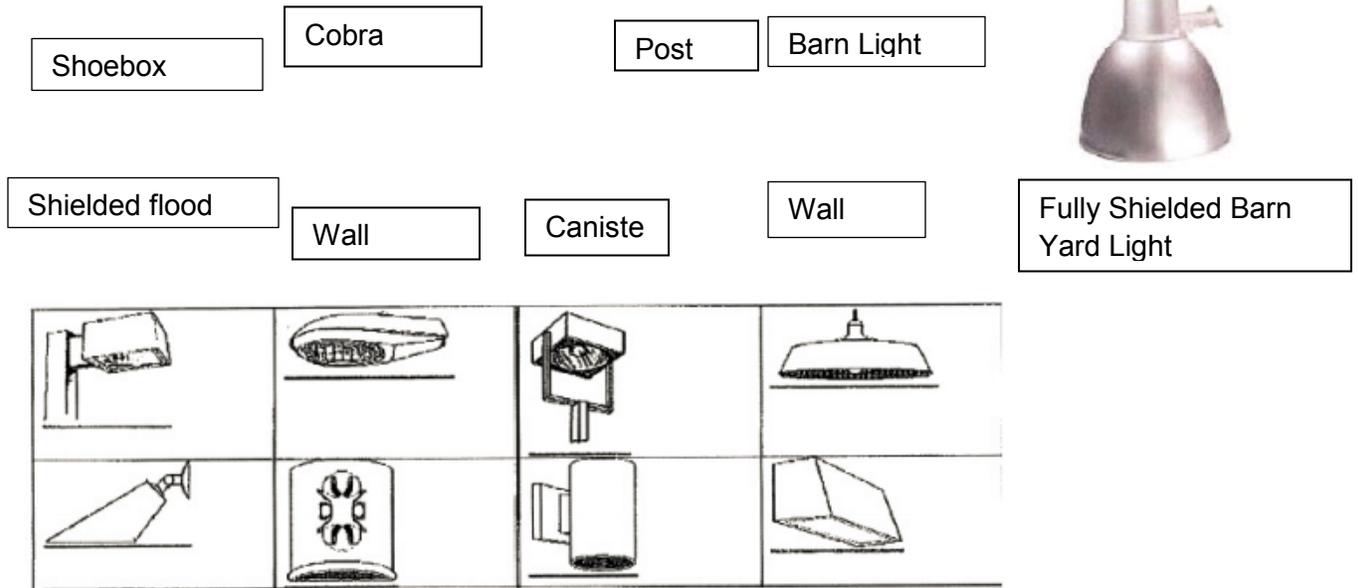
(D) *Color Temperature of Lamps.* To minimize the amount of harmful blue light in the nighttime environment, lamps (bulbs) shall not exceed a maximum Correlated Color Temperature (CCT) of 3,000 Kelvin as listed on the packaging (5,700 Kelvin for recreational lighting). 3,000 Kelvin appears bright yellow, often called warm white or soft white. 5,700 Kelvin appears bluish-white.

§152.204 NON-RESIDENTIAL, AND MULTI-FAMILY RESIDENTIAL COMMON OUTDOOR AREA LIGHTING

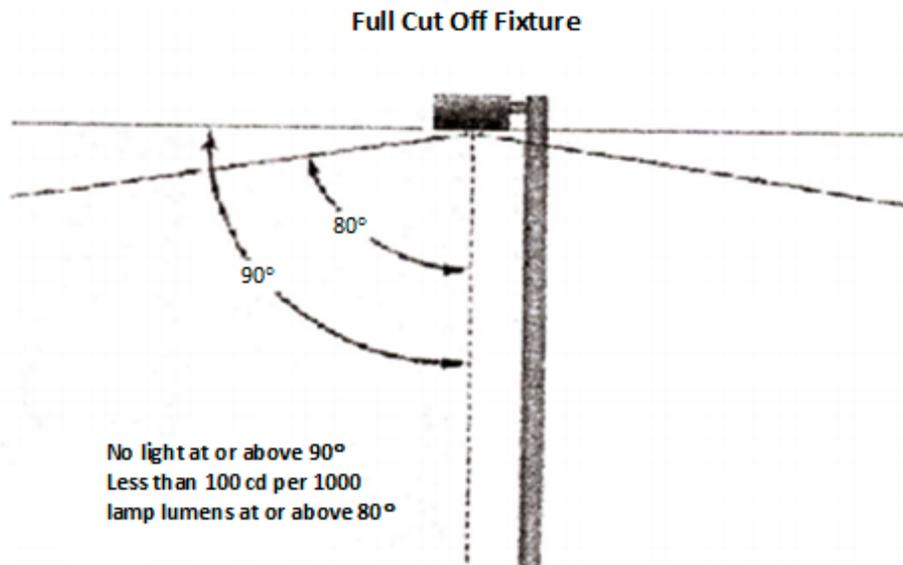
Outdoor lighting for all new construction of non-residential properties and common outdoor areas of multi-family residential properties requires site plan approval per section 152.070 and shall comply with this section.

(A) *Site Lumen Limits.* The Total Site Lumen Limit is determined by using the Hardscape Area Method (Tables A and B). All existing lighting shall be included in the calculation of total installed lumens. Motion sensor lights are exempt from site lumen limits.

(B) *Fixture Shielding and Cutoff.* All fixtures shall be fully shielded and should be full cutoff and installed such that no light is emitted upward. Examples of fully shielded lights are as shown below.



Fully-shielded fixtures do not allow any light to be emitted above the fixture. Full cutoff fixtures do not allow any light to be emitted above the fixture, and additionally, control glare by limiting the light output at 10 degrees below the horizontal, to less than 10% of the light output in lumens.



(C) *Mounting Height Limit.* The height of pole-mounted fixtures shall be held to a minimum practical height not exceeding twenty (20) feet above grade.

(D) *Light Trespass Standard.* All light fixtures, including motion sensing fixtures and security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source, including any public or private street or road. Reflected glare or light trespass shall not exceed 0.5 foot candles as measured one foot above the ground at the edge of the property line of an abutting adjacent lot or right-of-way. Motion sensing light fixtures shall be adjusted according to the manufacturer's instructions to dim or turn off no more than 10 minutes after detected motion ceases, unless located at the main entry of a building.

§152.205 RESIDENTIAL LIGHTING (NEW CONSTRUCTION).

- (A) *General Requirements.* For single-family and multi-family residential properties lamps shall not exceed the allowed lumen output shown in Table C, except as mentioned otherwise. Lighting controlled by a motion sensor shall be adjusted to dim or turn off within 10 minutes of detecting last motion, unless located at the main entry. Reflected glare or light trespass shall not exceed 0.5 foot candles as measured one foot above the ground at the edge of the property line of an abutting adjacent lot or right-of-way.
- (B) With the exception of solar landscape lights; lighting shall not shine onto adjacent properties, and not exceed the lumen limits shown in Table C; unless deemed otherwise necessary for safety/security.
- (C) Common outdoor areas of multi-family residential properties shall comply with the standards mentioned in Section 152.204.
- (D) Lighting for recreational play in residential zones shall comply with the standards of this ordinance and/or conform to the standards referred to in the International Residential Code, the Illuminating Engineering Society (IES), the International Dark Sky Association (IDA), or other acceptable standard.
<https://www.ies.org/>
<http://darksky.org/>

§152.206 EXISTING LIGHTING.

Lighting installed prior to the effective date of this ordinance shall comply with the following:

- (A) *Three Year Waiver of Compliance.* Three years from the enactment date of this ordinance, all lighting in non-residential areas, and common outdoor areas of multi-family residential properties shall comply with this ordinance.
- (B) Non-Conforming Residential Outdoor Lighting.
1. The City of Greenfield suggests and encourages all non-conforming outside lighting be brought in conformity as soon as possible.

2. When a lighting installation is expanded or replaced it shall be brought into conformance with this ordinance.
3. Upon replacing a failed lamp, the rated correlated color temperature (CCT) of the replacement lamp (bulb) shall not exceed 3,000 Kelvin.
4. Three years from the enactment of this ordinance, all outdoor barn yard light fixtures shall be fully-shielded.

(C) *New Uses or Structures.* Whenever there is a new use or structure or remodel on a property that requires all nonconforming aspects to be updated per City of Greenfield codes and ordinances, all outdoor lighting on the property shall likewise be brought into compliance with this ordinance.

(D) *Lighting Safety Hazard.* If a light fixture is deemed a safety hazard, the City may require the light to comply with this ordinance within 90 days. This applies to all lights in any zoning district.

§152.207 SPECIAL STANDARDS (NON-RESIDENTIAL PROPERTY ONLY).

(A) *Recreational Lighting.* The City Council shall approve new recreational lighting fixtures for fields, courts, pools, tracks or ranges in accordance with standards recommended by the Illuminating Engineering Society (IES) and/or the International Dark Sky Association (IDA). Lighting for athletic fields must use equipment to minimize the visibility of the light emitted by the lamp (bulb), or directed by diffusing, reflecting, or refracting elements and their reflected images from off-site. Lamps (bulbs) shall not exceed a maximum Correlated Color Temperature (CCT) of 5,700 Kelvin (about bluish-white) as listed on the packaging. Light levels should be reduced after an event and light is only needed for exiting and cleanup. Landscaping can be used to screen the lighting at athletic fields.

<https://www.ies.org/>

<http://darksky.org/>

(B) Installations prohibited:

1. Lighting contrary to this ordinance.
2. New outdoor neon lighting.
3. Searchlights and Aerial Lasers
4. Mercury vapor fixtures or lamps.
5. Outdoor wall pack style fixtures, unless fully shielded.
6. Installation of any outdoor barn yard light fixture, unless it includes a full opaque reflector instead of the standard translucent lens and is fully shielded.
7. Other than signs, new flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting.

§152.208 LIGHTING BY SPECIAL PERMIT ONLY

(A) *High Intensity and Special Purpose Lighting*. The following lighting systems shall be prohibited from being installed or used except by an interim use permit per Chapter 152.029:

1. Temporary lighting in which any single light fixture exceeds 20,000 initial lumens or the total lighting load exceeds 160,000 lumens.
2. Other very intense lighting defined as having a light source exceeding 200,000 initial lumens or an intensity in any direction of more than 2,000,000 candelas.

(B) Non-Conforming or Complex Uses shall require an interim use permit (IUP), as mentioned in Chapter 152.029 of the Greenfield City Code. Upon an interim use permit issued by the City Council, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or special uses. To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

1. Mitigates the effects of light on the environment and surrounding properties so as to comply with the purpose of this ordinance, and supported by a signed statement describing the mitigation measures.
2. Uses controls to reduce lighting at a project specific time as defined in the Permit.

§152.209 TABLES AND ILLUSTRATIONS.**Table A. Allowed total initial lumens per site for non-residential lighting, and lighting for multi-family residential common outdoor areas, hardscape area method. Lumens allowed by lighting zone.***

LZ0	LZ1	LZ2
0.5 lumens per square foot (SF) of hardscape	1.0 lumen per SF of hardscape	2.0 lumens per SF of hardscape
Maximum 25,000 lumens per net acre	Maximum 50,000 lumens per net acre	Maximum 100,000 lumens per net acre

When lighting intersections of site drives, development entries, and public streets or private roads, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

*In regards to lumens, a property may exceed the allotted limit for safety purposes so long as the property does not exceed the average maintained foot-candles recommended by the Illuminating Engineering Society (IES). See Table D for reference. <https://www.ies.org/>

Table B. Allowed lumens per square foot for specified commercial applications by lighting zone.*

Use	LZ0	LZ1	LZ2
Base allowance lumens per SF of hardscape (see definitions section 152.201)	0.5	1.0	2.0
Maximum lumens per net acre including additional allowances	25,000	75,000	150,000
Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non-sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	0	4 lumens per square foot	8 lumens per square foot
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.	0	0	800 per linear foot
Drive-Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump.	0	4,000 lumens per pump	8,000 lumens per pump

*In regards to lumens, a property may exceed the allotted limit for safety purposes so long as the property does not exceed the average maintained foot-candles recommended by the Illuminating Engineering Society (IES). See Table D for reference. <https://www.ies.org/>

Table C. Residential lighting limits

Use	LZ0	LZ1	LZ2
Maximum allowed lumens for unshielded or partly shielded fixture at main building entry only	600*	600*	900
Maximum allowed lumens for each fully-shielded fixture	630	1,260	1,260
Maximum allowed lumens for each unshielded or partly shielded fixture excluding main entry	0	375	375
Maximum allowed lumens for each landscape lighting fixture (non-solar)	300	600	900
Maximum allowed lumens for each shielded directional flood lighting fixture (motion-sensor lights exempt)	750	1,125	1,500

*Only allowed under a canopy or porch

Table D: IES Lighting Recommendations

Use	Average Maintained Foot-candles (Horizontal) (FC)	Range of Maintained Foot-candles (Horizontal) (FC)	Average Maintained Foot-candles (Vertical) (FC)	Range of Maintained Foot-candles (Vertical) (FC)	Comments
Parking (Covered)	5				1 FC min, 10:1 Max to Min Uniformity
Parking (Open) (Medium Activity) Lighting Zone 2 (Suburban)	1	0.5-2	0.6	0.3-1.2	
Gas Station Canopy	12.5	10-15			
Safety (Building Exterior)	1	0.5-2			If security an issue, raise average level to 3
Automotive Sales Lot (Exterior) Lighting Zone 2 (Suburban)	15	7.5-30	15	7.5-30	

§152.210 ENFORCEMENT AND PENALTIES.

Public Nuisance. Any violation of this ordinance that results in light trespass (except from a compliant unshielded or partially shielded fixture) or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance, which is prohibited by this ordinance. The provisions of this lighting ordinance shall be regulated and enforced in accordance with Section 93.04 of the Greenfield City Code governing public nuisances affecting peace and safety.

§152.211 SEVERABILITY

If any language in this ordinance is deemed to any extent invalid, illegal, or incapable of being enforced, such language shall be excluded only to the extent of such invalidity, illegality, or unenforceability; all other language hereof shall remain in full force and effect.

Effective Date: This ordinance will take effect immediately upon its passage and publication.

Adopted this 4th day of June, 2019 on a vote of 5 ayes and 0 nays by the City of Greenfield, Minnesota.

PENALTIES

§ 152.999 PENALTY.

- (A) **Generally.** Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.
- (B) **Performance standards for home occupations.**
 - (1) Any person violating § 152.073(F), upon conviction, is guilty of a misdemeanor and subject to a maximum fine or a maximum period of imprisonment, or both, as specified in Minnesota Statutes.
 - (2) The city may also seek injunctive relief or other equitable relief for violation of this § 152.073(F) in Hennepin County District Court. If the city is successful in seeking the injunction, or other equitable relief, the property owner shall be responsible for all costs associated with the action, including reasonable attorney's fees.
 - (3) Mandatory clean-up of the property in violation of the home occupation section shall be required as part of any resolution to a violation.
 - (4) The city hereby reserves the right, upon approval of any home business, and upon reasonable notice, to inspect the premises in which the business is being conducted to insure compliance with the provisions of this section or any conditions imposed.
 - (5) Violation of any provisions or conditions of the home business regulations may result in the revocation of the license, following a public hearing.

(Ord. O-5-03, passed 4-15-2003)

- (C) **General Floodplain District.**
 - (1) Violation of the provisions of this subchapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

(2)

(a) Nothing herein contained shall prevent the City of Greenfield from taking any other lawful action as is necessary to prevent or remedy any violation.

(b) The actions may include but are not limited to:

1. In responding to a suspected subchapter violation, the City Administrator-Clerk or designee and the City of Greenfield 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.
2. The community must act in good faith to enforce these official controls and to correct subchapter violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(c) When a subchapter violation is either discovered by or brought to the attention of the City Administrator-Clerk or designee, the City Administrator-Clerk or designee 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.

(d)

1. The City Administrator-Clerk or designee shall notify the suspected party of the requirements of this subchapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the City Administrator-Clerk or designee may order the construction or development immediately halted until a proper permit or approval is granted by the community.
2. If the construction or development is already completed, then the City Administrator-Clerk or designee may either:

- a. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or
 - b. Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.
- (e) If the responsible party does not appropriately respond to the City Administrator-Clerk or designee within the specified period of time, each additional day that lapses shall constitute an additional violation of this subchapter and shall be prosecuted accordingly. The City Administrator-Clerk or designee shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition that existed prior to the violation of this subchapter.

(Ord. O-4-04, passed 8-17-2004)

(Chapter 152 was repealed in its entirety and a new Chapter passed on February 16, 2016. Ord. # 2016-01.)