**CITY OF MENDOTA**

**DAKOTA COUNTY, MINNESOTA**

**ORDINANCE 2022-\_\_**

**An Ordinance to Amend the Mendota Code of Ordinances**

**To Repeal and Replace Chapter VIII Zoning in its Entirety**

The City Council of the City of Mendota, Dakota County, Minnesota, does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CHAPTER VIII ZONING OF THE CITY’S CODE OF ORDINANCES.**

That City Code Chapter VII is hereby repealed in its entirety and is REPLACED with the following:

**SECTION 801. ESTABLISHMENT OF ZONING DISTRICTS**

**801.01 Establishment of Zoning Districts**

The following Base Zoning Districts and Overlay Zoning Districts are provided to promote and encourage the efficient development of land, buildings, and all usable structures. All land in the City of Mendota is assigned a Base Zoning District and some lands along the Mississippi/Minnesota River corridor are within an Overlay Zoning District that provides standards and regulations in addition to the Base Zoning Districts. The Mississippi River Corridor Critical Area (MRCCA) is an Overlay District which is further divided into subdistricts as established by the Minnesota Department of Natural Resources (MnDNR).

***Table 801-1. Zoning District Names and Abbreviation***

|  |  |
| --- | --- |
| **Base Zoning District** | **Abbreviation** |
| Residential District | R |
| Mixed-Use Main Street District | MU-MS |
| Open Space District | OS |
| **Overlay Zoning District** |  |
| Floodplain Overlay District | FP-O |
| Mississippi River Corridor Critical Area – Rural and Open Space Overlay District | MRRCA- ROS |
| Mississippi River Corridor Critical Area – River Neighborhood Overlay District | MRCCA – RN |
| Mississippi River Corridor Critical Area – Separated from River Overlay District | MRCCA - SR |

**801.02 Zoning Map**

The land areas that comprise the Zoning Districts described in Table 801-1 and the boundaries of said districts are shown on the Official Zoning Map that is attached hereto and made part of this City Code. The Official Zoning Map for the City, showing all proper notations, references and other information, is on file with the City Clerk.

**801.03 Interpretation of the Zoning Map**

Where, due to the scale, lack of detail or illegibility of the Official Zoning Map there is an uncertainty, contradiction or conflict as to the intended location of any Zoning District boundary as shown, the Zoning Administrator shall make an interpretation that must be presented to the Zoning Board of Appeals. The Zoning Administrator, and the Zoning Board of Appeals, in interpreting the Official Zoning Map or in deciding any appeal, shall apply to the following standards:

1. Zoning District boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of roads, rights-of-way or lines fixed by dimensions shown on the Official Zoning Map, or to follow elevational contour lines.
2. Where Zoning District boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
3. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a Zoning District boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in the City of Mendota, as well as all other relevant facts.

**SECTION 802. ZONING DISTRICTS**

**802.01 Base Zoning Districts.** All lands and parcels within the City of Mendota are assigned a Base Zoning District. The Base Zoning District shall establish the minimum standards and regulations of a specific parcel, lot or piece of land. The following Base Zoning Districts are established.

802.011 Residential District (R)

1. Purpose and Intent. The Residential District designates areas of the City where there is a concentration of existing single-family development on smaller lots. Most of the land within this District is developed, and there is little room for expansion unless redevelopment of existing lots and structures is proposed.
2. Dimensional and Lot Standards. Parcels and lots zoned Residential must follow the standards as established in the following table and diagram:

***Table 802-1. Residential (R) Dimensional and Lot Standards.***

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| --- |
| **Structure and Lot Standards** |
| Minimum Lot Size (public sewer)Minimum Lot Size (private septic system) | 10,000 SF15,000 SF |
| Minimum Lot Width on Public Road Frontage | 60 Feet |
| Front Yard Setback | 15 Feet |
| Side Yard Setback | 6 Feet |
| Rear Yard Setback | 15 Feet |
| Maximum Lot Coverage | 35% |
| Maximum Height (Principal Structure) | 35 Feet |
| **Accessory Structure Standards** |
| Maximum Height | May not exceed height of Principal Structure |
| Total SF Permitted (for personal storage purposes) | Up to 25% of Principal Structure |
| Accessory Dwelling Unit, Maximum (See Section [804.022]) | 600 SF |

***Figure 802-1. Residential District – Lot Standards***

1. General Regulations. Additional Requirements for parking, signs, and sewage systems are established in Section 803.
2. MRCCA Standards in the Residential District. All parcels zoned Residential (R) in the City are located within the MRCCA-RN or the MRCCA-SR Overlay Districts. The setback and dimensional standards are established in ***Table 802-4. Mississippi River Corridor Critical Area Conservation Overlay (MRCCA-CO) Dimensional and Lot Standards***. All parcels within the MRCCA-CO overlay are subject to Chapter IX of the City Code.

802.013 Mixed-Use Main Street District (MU-MS)

1. Purpose and Intent. The Mixed-Use Main Street District is established to create a walkable, vibrant main street with a mix of retail, commercial and residential uses. Most parcels are currently developed, and the standards are established to accommodate future development or redevelopment. Future development must reinforce a walkable streetscape through shopfronts, building stoops, outdoor gathering spaces, and other non-residential uses. Residential uses are encouraged in this Zoning District but are not required.
2. Dimensional and Lot Standards. Parcels and lots zoned MU-MS are generally located on the frontage of Highway 13, which is the City’s main street. Land in the MU-MS District is fully within either the MRCCA-RN or MRCCA-SR Overlay District.

***Table 802-2. Mixed Use Main Street (MU-MS) Dimensional and Lot Standards.***

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| **Structure and Lot Standards** | **MRCCA-** |
| **River Neighborhood (RN)** | **Separated from River (SR)** |
| Minimum Lot Size (public sewer)Minimum Lot Size (private septic system) | None15,000 SF | None15,000 SF |
| Front Yard Setback (build-to) | 0-15 Feet | 0-15 Feet |
| Side Yard Setback | 0 Feet, or 6 Feet from nearest Structure | 0 Feet, or 6 Feet from nearest Structure |
| Rear Yard Setback  | 6 Feet | 6 Feet |
| * Structure Setback – River
 | 100 Feet | 75 Feet |
| * Structure Setback – Bluff
 | 40 Feet | 40 Feet |
| Maximum Impervious Surface Coverage | 70% | 70% |
| * If within 300 Feet of OHWL or Mapped Floodplain
 | 25% | 25% |
| Maximum Height (Principal Structure) | 35’ | 35’ |
| **Accessory Structure Standards** |
| Location | Must be a minimum of 6 Feet from Principal Structure. If Riparian Lot, may not be closer to OHWL than the Principal Structure |
| Maximum Height | May not exceed Height of Principal Structure  |
| Total SF Permitted (for personal storage purposes) | Up to 25% of Principal Structure | Up to 25% of Principal Structure |
| Accessory Dwelling Unit, Maximum (See section [804.022]) | 600 SF | 600 SF |

***Figure 802-2 Mixed-Use Main Street (River Neighborhood) District – Lot Standards***

***Figure 802-3 Mixed-Use Main Street (Separated from River) District – Lot Standards***

***Figure 802-4 Mixed-Use Main Street – Examples of Main Street Façade Types (Shopfront, stoop, etc.)***



1. General Regulations. Additional Requirements for parking, signs, and sewage systems are established in Section 803.
2. MRCCA Standards in the Mixed-Use Main Street District. All parcels zoned Mixed-Use Main Street (MU-MS) in the City are located within the MRCCA-RN or the MRCCA-SR Overlay Districts. The setback and dimensional standards are established in ***Table 802-4. Mississippi River Corridor Critical Area Conservation Overlay (MRCCA-CO) Dimensional and Lot Standards***. All parcels within the MRCCA-CO overlay are subject to Chapter IX of the City Code.

802.014 Open Space District.

1. Purpose and Intent. The purpose of the Open Space District is to protect sensitive natural areas that may include significant habitat, wildlife, vegetation or archaeological resources. Lands in the Open Space District are owned by a public or semi-public entity and are generally unsuitable for residential, commercial, industrial and most institutional development. Lands may include steep slopes, flood prone areas, high water table, restrictive soil conditions, significant and valuable vegetation and/or wildlife habitat. The Open Space District also includes any recreational land owned for active or passive park uses.
2. Dimensional and Lot Standards. There are no dimensional or lot size standards in the Open Space District since land general does not include improvements or structures.
3. MRCCA Standards in the Open Space District. All parcels zoned Open Space (OS) in the City are located within a MRCCA-CO Overlay Districts. The setback and dimensional standards are established in ***Table 802-4. Mississippi River Corridor Critical Area Conservation Overlay (MRCCA-CO) Dimensional and Lot Standards***. All parcels within the MRCCA-CO overlay are subject to Chapter IX of the City Code.

**802.02 Overlay Zoning Districts.** There are two Overlay Zoning Districts in the City that provide further standards and regulations in addition to those standards established by the Base Zoning Districts. The Mississippi River Corridor Critical Area (MRCCA) is fully regulated within Chapter IX of the City Code, and the Floodplain Overlay standards are further established by the MnDNR.

802.021 Mississippi River Corridor Critical Area – Conservation Overlay District (MRCCA-CO)

1. Purpose and Intent. The Mississippi River Corridor Critical Area Conservation Overlay (MRCCA-CO) District applies to those areas within the City where the natural features are unique, endangered, or could easily be extensively damaged by development. Areas included in this zone may include lands that are steep sloped, contain major drainage ways, unique wooded areas and any other lands which have been found to be of statewide scenic and environmental significance. To best protect the public health, safety and general welfare, it is necessary to more stringently regulate development activities and uses within the MRCCA-CO. The MRCCA-CO is divided into three subdistricts which are defined by the MnDNR as:
	1. *Rural and Open Space District (MRCCA-ROS):* Rural undeveloped and developed low density residential land that is riparian to or visible from the river, often contains tracts of high-quality ecological resources.
	2. *River Neighborhood District (MRCCA-RN):* Developed residential areas containing parks and recreational areas that are visible from the river or abut riparian parks.
	3. *Separated from River District (MRCCA-SR):* Land that is separated from and not visible from the river.
2. Dimensional and Lot Standards. Parcels and lots within the MRCCA-CO are subject to the standards established in the Base Zoning District of the parcel and the standards as established in the following table and diagram:

***Table 802-4. Mississippi River Corridor Critical Area Conservation Overlay (MRCCA-CO) Dimensional and Lot Standards.***

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| --- | --- | --- | --- |
| **MRCCA Overlay** | **Structure Height** | **OHWL Structure Setback** | **Bluff Structure Setback** |
| ROS | 35 Feet | 200 Feet | 100 Feet |
| River Neighborhood (RN) | 35 Feet | 100 Feet | 40 Feet |
| Separated from River (SR) | Base Zoning Standard | 75 Feet | 40 Feet |

1. Prohibited Uses and Structures. All uses and structures which are not specifically permitted or conditionally permitted within Section [804] shall be prohibited in the MRCCA-CO District.

802.022 Floodplain Overlay District (FP)

1. Purpose and Intent. The Floodplain Overlay applies to those areas of the City that are subject to periodic flooding which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood projections and relief, and impairment of the base, all of which adversely affect the public healthy, safety and general welfare. The purpose of this Ordinance is to protect the public health, safety and general welfare, by regulating the placement of structures in flood prone areas.
2. Dimensional and Lot Standards. All parcels and lots in the FP-O District are fully contained within the MRCCA overlay districts are subject to the lot and dimensional standards established in the Base Zoning District and Table 802-4. All standards must comply with the standards as established by the MnDNR for properties within the floodplain.
3. Prohibited Uses and Structures. All uses and structures which are not specifically permitted or conditionally permitted within Section 804 shall be prohibited in the Floodplain Overlay District.

**SECTION 803. BUILDING, DESIGN AND SITE STANDARDS**

**803.01 Purpose.** The purpose of this Section is to establish building, design and site standards so that development and redevelopment in the City is consistent with the City’s comprehensive plan and protects the health, safety and welfare of residents and businesses.

**803.02 Residential Performance Standards.** The following standards shall apply to all residential structures built or brought into the City in any Base Zoning District. The standards established apply to any residential use, and the standards are applicable to any structure constructed, moved, or altered after the effective date of these regulations.

803.021 Minnesota State Building Code. The following standards shall apply to all detached and attached residential structures in the City:

1. Codes adopted by reference.The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota State Statutes, Section 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein. Adopted 9/11/07
2. Application, Administration and Enforcement.The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota State Statutes, Section 16B.62, Subdivision 1, when so established by this ordinance.
3. The code enforcement agency of this municipality is called the Mendota Code Enforcement Official.
4. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer Minnesota State Statute Section 16B.65, Subdivision 1.
5. Permits and Fees.The issuance of permits and the collection of fees shall be as authorized in Minnesota State Statutes, Section 16N.62, Subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the City of Mendota. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota State Statutes, Section 16B.70.
6. Violations and Penalties.A violation of the code is a misdemeanor (Minnesota State Statutes 16B.69).
7. Building Code Optional Chapters.The Minnesota State Building Code, established pursuant to Minnesota State Statutes Sections 161.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.
8. The following optional provisions identified in the current Minnesota State Building Code are hereby adopted and incorporated as part of the building code for this municipality.
9. Chapter 1306 Special Fire Protection Systems
10. Chapter 1309 International Residential Code
11. Chapter 1335 Flood Proofing Regulations
12. Chapter 1325 Energy Systems

803.022 Single-family detached residential structures. The following standards shall apply to all single-family detached residential structures:

1. All single-family detached residential structures shall possess a minimum width of 20 feet and a minimum length of 20 feet.
2. All single-family detached residential structures must provide parking on-site for a minimum of two vehicles. A minimum of one (1) parking space must be covered and/or in an enclosed garage.
3. A temporary residential structure may be permitted with an Interim Use Permit if a principal residential structure meeting the standards herein is constructed. The permanent residential structure must be constructed within one-year and the temporary structure must be removed after the certificate of occupancy is issued for the permanent structure.
4. No garage or accessory building shall be at any time used as a dwelling unless a Conditional Use Permit is obtained for an Accessory Dwelling Unit as described in Section [804] Allowed Uses. The basement portion of a finished residential structure may be used for normal eating and sleeping purposes, provided that it is properly damp-proofed, has suitable fire protection, and is otherwise approved by the Building Inspector.
5. One Accessory Building, used for storage purposes, is permitted provided the lot meets the dimensional standards of the Zoning District in which the parcel is located.

803.023 Single-family attached residential structures. The following standards shall apply to all single-family attached residential structures (duplex, triplex, fourplex).

1. All single-family attached residential structures must provide on-site parking for a minimum of 1 parking stall for each unit.
2. All units must have a minimum of 500 square feet unless a Conditional Use Permit is granted.
3. One Accessory Building, used for storage purposes, is permitted provided the lot meets the dimensional standards of the Zoning District in which the parcel is located.

**803.03 Mixed-Use Main Street Performance Standards.**

803.031 Purpose and Intent. The purpose of this section is to provide landowners, businesses, and developers with the standards necessary to expand, renovate or develop within the MU-MS District.

1. Applicability. The standards established herein shall apply to any new construction of non-residential and/or multi-family residential structures, any renovation, expansion or exterior changes that expand an existing building by more than 20%. Repair or replacement of existing materials shall be excluded. Any development or expansion of parking areas with frontage on Highway 13 shall also be subject to Site Plan Review, excluding any necessary repairs and maintenance that do not substantively change the parking area.
2. Architectural and Site Design Standards. The City is interested in promoting and reinforcing the small-town scale of the City’s main street, which is Highway 13. New development and redevelopment should incorporate the following:
	1. Traditional buildings in the MU-MS District should include architectural details such as cornices, brickwork, transom and display windows, porticos and awnings over entrances.
	2. All building facades visible from a public street should be setback no more than 15-feet from the sidewalk and are encouraged to be developed at the lot line. If the building is setback, the setback area should be used for greenspace and landscaping, patio area for outdoor seating and gathering areas, or similar.
	3. *Building Width.* Buildings more than 45 feet in width must be divided into smaller increments through the articulation of the façade. The façade may be articulated through a variety of ways, examples include:
		1. Stepping back or extending forward a portion of the façade.
		2. Vertical divisions using different textures or materials.
		3. Division into shopfronts, with separate display windows and/or entrances.
		4. Variation in rooflines by alternating dormers, stepped roofs, gables, etc.
		5. Arcades, awnings, window bays, balconies, etc.
		6. Providing a light fixture, trellis, tree, or other landscape feature with each interval.
	4. *Ground Level.* The ground level of a multi-story building in the MU-MS District must be visually distinct from the upper stories. Examples of how to distinguish between the stories include windows or fenestration patterns, change in building materials, awnings, etc. All ground level equipment must be 100% screened using vegetation or fencing, or some combination of both.
		1. Windows and doors must comprise at least 50 percent of the length and at least 30 percent of the area of the ground-level façade facing a public street. Reflective or spandrel glass is not permitted on the façade facing the Highway 13 frontage. A minimum of 10 percent of upper story facades shall be windows, which must be regularly spaced to avoid large blank walls with no articulation.
	5. *Entries.* The main entrance to the building or use should face the public right-of-way and should be clearly marked. Entrances should be designed with one or more of the following:
		1. Canopy, portico, overhang, arcade or arch above the entrance.
		2. Projections or recess in the building façade.
		3. Display windows on either side of the entrance.
		4. Permanent planters or window boxes.
	6. All rooftop equipment must be screened from the view from the public right-of-way and adjacent properties to the extent possible.
3. Building lighting. Exterior lighting should be the minimum necessary for safety and security. Buildings should be lit with external lighting consistent with the style, materials and details of the proposed building. All lighting shall be downcast and hooded.
4. Signs. Signs are regulated in [Section 803].
5. Site Plan Review. Any proposed development that meets the standard as established in (A) are be required to prepare and apply for Site Plan Review. The Site Plan Review may be processed as part of another Land Use Application such as a Conditional Use Permit or may be considered independently if no other land use approvals are required. The Site Plan Review process is established in [Section 806].
6. Site Plan Review Requirements. The following Site Plan review requirements must be submitted as part of any application:
	1. *Site Plan*. A site plan, drawn to scale and scalable, shall be prepared and submitted. The Site Plan must clearly identify the existing site improvements and the proposed site improvements.
	2. *Elevations.* Complete exterior elevations of all proposed buildings, additions, or existing buildings with proposed additions. The elevations should include:
		1. Any signs and/or awnings to be mounted on the building faces.
		2. Identification of materials and colors to be used on exterior building faces.
7. Context. Photographs of surrounding buildings adjacent to the site/project shall be submitted to demonstrate the context of the proposed project.

**803.04 Parking**

1. One and two-family dwellings shall provide accessory parking on the same lot. Vehicles which can be seen from the street must have current license plates.
2. All parking requirements established in Table 803-1 must be accommodated on-site. Minimum parking calculations may not use on-street parking to meet the minimum standards.
3. Off-Street Parking. Parking Areas should conform to the following minimum site requirements; in figuring the needed area, one parking space shall equal 150 square feet of area.

***Table 803-1. Required Parking Minimum by Use.***

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| --- | --- |
| **Use** | **Required Parking Stalls** |
| Single Family – Detached | 2 |
| Single Family – Attached | 1.5 Stalls per Unit |
| Multi-family | 1 Stall per Studio or 1 Bedroom Unit, 1.5 stalls per 2 Bedroom Unit, 2 Stalls per 2+ Bedroom Unit |
| Office, including medical office |  |
| Retail Store | At least one off-street parking space for each 150 sq. ft. of gross floor area. |
| Restaurants, Cafes, Bars, Taverns, Night Clubs | At least one space for each three seats based on capacity design. |
| Industrial, Warehouse Storage, Handling of Bulk Goods, | At least one space for each employee on maximum shift or one space for each 2000 square feet of gross floor area, whichever is larger. |
| Uses not Specifically Noted | As determined by the governing body following review by the Planning Commission. |

**803.05 Soil Erosion and Sedimentation Control**

803.051 General Standards:

1. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for prevention of soil erosion.
2. Slopes over eighteen percent (18%) in grade shall not be developed.
3. Development on slopes with a grade between twelve to eighteen percent (12 – 18%) shall be carefully reviewed to ensure adequate measures have been taken to prevent erosion, sedimentation, and structural damage.
4. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
5. Land shall be developed in increments of workable size such that adequate erosion and siltation control can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
6. The drainage system shall be constructed and operational as quickly as possible during construction.
7. Whenever possible, natural vegetation shall be retained and protected.
8. Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
9. When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed 60 days. Said time period may be extended only if the Planning Commission is satisfied that adequate measured have been established and will remain in place.
10. The natural drainage system shall be used as far as is feasible for storage and flow of runoff. Storm water drainage shall be discharged to retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas, shall be encouraged to reduce peak flows, erosion damage, and construction cost.

803.052 Exposed Slopes. The following measures shall be taken to control erosion during construction.

1. No exposed slope should be steeper in grade than five (5) feet horizontal to one (1) foot vertical.
2. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap), before being allowed to enter the natural drainage system).
3. Along the top of each exposed slope, a berm, should be constructed to prevent runoff from slowing over the edge of the slop. There runoff collection behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope, or a flexible slope drain. At the base of the slope drain or flow apron, a rock energy dissipator should be installed to prevent erosion at the discharge end.
4. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils material and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with liquid as halt, stakes, and netting, or should be worked into the soil to provide additional slope stability.
5. Control measures, other than those specifically stated above, may be used in place of the above measures, if it can be demonstrated that they will be effectively protect exposed slopes.

803.053 Preservation of Natural Drainageways

*803.0531 Waterways*

1. Generally, storm sewers are not acceptable alternatives to the use of the natural above-ground drainage system to dispose of runoff. Storm sewers may only be used where it can be demonstrated that the use of the aboveground natural drainage system will inadequately dispose of runoff. Above-ground runoff disposal waterways may be constructed to augment the natural drainage system.
2. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff, when full development of the drainage area is reached.
3. The banks of the waterway shall be protected with a permanent turf vegetation.
4. The banks of the waterway should not exceed five (5) feet horizontal to one (1) foot vertical in gradient.
5. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
6. The bed of the waterway should be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, field stone (if random rip rap is used) as construction material provided said construction materials are limited to asphalt, cement and concrete. The rip rap shall be no smaller than twelve (12) inches square, no larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.
7. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

*803.0532 Waterway Velocity*

1. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout, the contributing watershed.
2. Temporary pervious sediment traps may consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development.
3. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in a permanent body of water.

*803.0533 Sediment Control*

1. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
2. Temporary pervious sediment traps may consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the constructure state of development.
3. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

**803.06 Sewage Disposal Standards**

803.061 General Provisions

1. Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged onto the ground surface, into abandon wells or water bodies of surface water, or into any soil or rock formation, the structure of which is not conductive to purification of water by filtration, or into any well or other excavation in the ground which does not comply with the other requirements of this Ordinance.
2. Bulldozers, trucks, or other heavy machinery shall not be driven over the system after installation.
3. In areas with a high groundwater table, the final disposal until shall be a tile field. The bottom of the trenches shall be not less than 3 feet above the highest known or calculated water table.
4. The portions of any buried sewer more than 50 feet from a well shall be of adequate size and constructure of cast iron, vitrified clay, cement-asbestos, concrete or other pipe material acceptable to the State Board of Health. Clay pipe and clay pipe fittings shall conform to A.S.T.11. specifications for standard strength or extra strength clay pipe and clay pipe fittings. No building drain or building sewer shall be les than 4 inches in diameter.
5. The system shall consist of a building sewer, a septic tank, and a soil absorption unit. The soil absorption unit shall consist of a sub-surface disposal field. All sewage shall be treated in the septic tank and the septic tank effluent shall be discharged to the treatment field.
6. Septic tank effluent shall not be discharged into an agricultural tile line or drainage system

803.062 Specific Standards.

1. The installation of individual sewage treatment systems shall be in accord with the regulations contained within the Minnesota Rules 7080 and 7081, or successor Rules and Statutes. Such Standards are hereby incorporated into this zoning ordinance by reference.

**803.07 Tree and Woodlands Preservation.** Structures shall be located in such a manner that the maximum number of trees shall be Preserved. When trees are cut to allow for development, a tree replanting plan shall be reviewed and approved by the City Council.

1. On lands within 100 feet of the normal ordinary high water level (OHWL) of the Mississippi or Minnesota Rivers, and on lands within 40 feet of a bluffline on these rivers, the following regulations shall apply:
	1. Clear cutting, except for authorized public services such as roads and utilities shall be prohibited.
	2. Selective cutting of trees that are in excess of 4 inches in diameter at a height of 4 feet above the ground is permitted provided that cutting is spaced in several cutting operated and a continuous tree cover is maintained, uninterrupted by large openings. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.
	3. The above cutting provisions will not be deemed to prevent:
		1. The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards; or Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.

**803.08 Utility Line.** The following standards shall apply to the construction and maintenance of utility lines and public service structures and shall be considered as requirements for the issuance of permits for construction.

1. Each road crossing shall be approved by the proper road authority.
2. In the event of repair or improvement of a road, the line owner shall pay for necessary movement and replacement of the line.
3. In the event of necessary repairs of improvement of existing, public drainage ditches, the line owner shall pay for necessary movement and replacement of the line.
4. Drain tile lines shall be repaired or replaced where cut or damaged by construction, for at least 5 feet from the damaged sections.
5. High voltage power lines, pipelines and associated structures (except service lines from a main to a customer) shall be at least 250 feet from residential dwelling units.
6. Wherever feasible, utility lines shall be located underground, and within or along existing railroad, highway, or utility line rights-of-way, section lines or other established boundaries and/or easements, or other such routes as approved by the City Council.
7. The owner and/or builder of the utility line shall be responsible to pay for such inspection procedures incident to the line’s construction and maintenance, as the City Council determines to be reasonable, necessary to protect the public interest.
8. For underground pipelines which transport products under pressure, but not residential water lines:
	1. All underground lines shall be bored and cased through public and private roads unless the road authority approves case and backfill crossing;
	2. All underground lines shall be at last five feet below the bottom of drainage ditches and not impede the flow of water;
	3. All underground lines shall be at least one foot below existing and proposed drain tile lines. The utility line owner shall be responsible for:
		1. The cost of surveys for future drain tile line plans that are incurred because of the existence of the utility line;
		2. Additional expenses for installation of future drain tile caused by existence of the utility line;
		3. Cost of repair of drain tile and crop loss due to settling after utility line construction.
	4. Where feasible, underground utility lines shall be at least 4 feet below the ground surface
9. Underground electrical and telephone lines shall be subject to the provisions contained in the state electrical code.
10. The owners of utility lines shall be help strictly liable for any and all damages that may arise out of the operation or malfunction of any utility line of facilities incidental to the operation of the utility line.
11. The City Council may impose such other conditions, terms, bonds, and indemnities as may be necessary to protect the public interest.

**803.09 Sign Regulations**

803.091 Purpose.Signs have an impact on the character and quality of the environment in Mendota, and may affect the safety of vehicular traffic if not properly regulated and located. Signs should be kept within reasonable boundaries consistent with the objectives and goals of the community to retain its special character and economic advantages. The following standards in the section are adopted to regulate signs.

803.092 Permit required.All signs require a sign permit as set forth in this section. A sign permit application containing the following information shall be filed with the City Clerk.

1. A drawing of the proposed sign, or signs, showing dimensions and describing materials, lettering, colors, illumination and support systems.
2. Photographs of the building face and the building faces of both adjacent buildings:
3. A drawing of the building face and site plan showing the location of the proposed sign(s) if necessary.
4. A cross section of the building face showing how the sign will be attached and how far it will extend from the building.
5. Any pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign as appropriate.
6. A building sign plan for a building with more than one use or business, showing all signs.

803.093 Definitions.Unless specifically defined within this section, common definitions, words and phrases used in this Section shall be interpreted so as to give them the same meaning throughout this Code.

803.094 General Provisions.The following provisions apply to signs located in all zoning districts:

1. Maintenance. All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering. Any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced or other altered, shall be repainted, repaired, replaced or removed.
2. Electrical Signs. When electrical signs are installed, the installation shall be subject to the State’s Electrical Code. Overhead electrical wiring is not allowed.
3. Public Lands and Rights-of-Way. No signs other than governmental signs shall he erected or temporarily placed within any street right-of-way or upon public lands, or easements of rights-of-ways without the approval of the City Council.
4. Ingress or Egress. No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
5. Temporary Signs. Temporary signs may be allowed for special business events such as business openings and closing, change in management, City wide events or other special occasions for fifteen (15) days maximum by permit from the City Clerk.
	1. The City may grant a permit to locate signs or decorations on, over or within the right-of-way for a specified period of time.
6. Abandoned Sign Structures. Sign structures not used for signing for twelve (12) consecutive months shall be considered abandoned and shall be removed.
7. Compatibility. All signs shall be compatible with the building and area in which they are located.
8. Preservation of Visual Impact of Architectural Features. A sign shall not obscure architectural features of a building to which the sign is attached in the Mixed-Use Main Street District.
9. Building Address. A building address shall not be considered a sign.
10. Conditions of Waiver. The terms of this ordinance may be waived if the sign is a historic resource or if the sign is a proposed, and verified, reproduction of a historic sign.

803.095 Permitted Signs

1. Signs Permitted in All Zoning Districts. The following signs are allowed without a permit in all zoning districts but shall comply with all other applicable provisions of this section.
2. Public Signs. Signs of public, non-commercial nature including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer of employee in the performance of official duty.
3. Integral Signs. Names on buildings, date of construction, commemorative tablet and the like, which are permanent construction, and which are an integral part of the building or the structure.
4. Political Signs. Signs or posters announcing candidates seeking political office, or issues to be voted upon at a public election. Such signs must contain the name and address of person(s) responsible for its removal. These signs shall be erected no more than forty-five (45) days before any election and be removed ten (10) days after the general election for which they are intended. The City shall have the right to remove and destroy signs after the ten (10) day limit.
	1. Size
		1. *Residential District.* The maximum sign size shall be six (6) square feet in area with a maximum height of four (4) feet.
		2. *Mixed-Use Main Street District.* The maximum size shall be thirty-five (35) square-feet in area.
		3. Notwithstanding these provisions, all non-commercial signs of any size may be posted from August 1 in a State General Election year until ten (10) days following the State Election.
5. Signs or displays which contain or depict messages pertaining to a National, State or local holiday and no other matter and which are displayed for a period not to exceed sixty (60) days.
6. Construction Signs. A non-illuminated sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration or repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise of the purpose for which the building is intended. Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit of when the particular project is completed, whichever is sooner. One signs shall be permitted for each street the project abuts. No sign may exceed thirty-two (32) square feet in the Mixed-Use Main Street District, and twelve (12) square feet in Residential District.
7. Individual Property Sale, Lease, or Rental Sign. An on-premise sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered. Such signs are limited to six (6) square feet in the Residential District and thirty-two (32) square feet in the Mixed-Use Main Street District. Signs must be removed within ten (10) days after sale or rental of property.
8. Name Plate Signs
	1. One name plate sign, placed on a wall of the structure, for each dwelling not exceeding two (2) square feet is area per structure. No signs shall be constructure to have more than two (2) surfaces.
	2. One name plate sign for each dwelling group of six (6) or more units. Such sign shall not exceed six (6) square feet in area per surface. No signs shall be constructed to have more than two sides.
9. Real Estate Development Project Advertising Signs
	1. For the purpose of selling or promoting a development projects the following signs are permitted:
10. Projects of three (3) to twenty-five (25) acres are allowed one sign not to exceed 100 square feet of advertising surface, on the project site.
11. Projects of twenty-six (26) through fifty (50) acres are allowed one (1) or two (2) signs not to exceed two hundred (200) aggregate square feet of advertising surface on the project site.
12. Projects over fifty (50) acres are allowed one (1), two (2) or three (3) signs not to exceed two hundred (200) aggregate square feet of advertising surface on the project site.
	1. No dimension shall exceed twenty-five (25) feet exclusive of supporting structures.
	2. Such sign shall not remain after ninety-five percent (95%) of the project is developed.
	3. The permit for such sign must be renewed annually by the City Council.
	4. All signs shall be bordered with a decorative material compatible with the surrounding area.
	5. Any illuminated sign shall be illuminated only during those hours when business is in operation or when the model homes or other development are open for conducting business.
13. Window Signs. No sign permit is required for window signage that does not cover more than one-third (1/3) of the total area of the window in which the sign is displayed.
14. No trespassing. No trespassing and or private drive signs shall be no larger than two (2) square feet.

803.096 Prohibited Signs. The following signs are prohibited in all zoning districts:

1. Signs Obstructing Vision. Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic control device.
2. Unofficial traffic or Signals. Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs.
3. Off Premises Advertising Signs. Off premises advertising signs except as regulated in this section.
4. Moving or Rotating Signs. Any sign which moves or rotates, including electronic reader board signs, except approved time and temperature information signs and barber poles.
5. Illuminated or Flashing Lights. No sign shall display any moving parts, be illuminated with any flashing or intermittent lights or shall be animated, except time and temperature information. All displays shall be shielded to prevent any light to be directed at oncoming traffic in such brilliance as to impair the vision of any driver. No device shall be illuminated in such a manner as to interfere with or obscure an official traffic sign or signal. This includes indoor signs that are visible from public streets.
6. Roof Signs.
7. Banners, Pennants, Ribbons, Streamers. No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners or similar devices, except where used for non-commercial purposes or part of an approved sign plan.
8. Portable Signs. Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs; mounted on a vehicle for advertising purposes; parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used on the normal day-to-day operations of the business, hot air or gas filled balloons or semi-truck umbrellas used for advertising.
9. Building Walls. Signs painted directly on building walls unless approved by a sign permit.
10. Illuminated Signs or Spotlights. Illuminated signs or spotlights giving off an intermittent or rotating beans existing as a collection or concentration of rays of light.
11. Revolving Beacons, Beamed Lights, or Similar Devices.
12. Signs Supported by Guy Wire.
13. Billboards.

803.097 Variance from Sign Standards.The Planning Commission shall hear requests for a variance to the literal provisions of this section in instances where the strict enforcement would cause practical difficulty because of circumstances unique to the individual property under consideration and to grant the variance only when it is demonstrated that:

1. There are extraordinary circumstances that apply to this property which do not generally apply to other properties in the same zone. These circumstances may include the narrowness shallowness, shape, and topography of the parcel of land or setback from right-of-way.
2. The literal interpretation of the provisions of the sign ordinance deprives the applicant rights commonly enjoyed by other properties in the same district under the terms of the sign ordinance.
3. The special circumstances are not the result of the applicant.
4. The granting of the variances requested do not confer of the applicant a special privilege that is denied by this ordinance to owners of the lands, structures, and building in the same district.
5. The variances requested are the minimum variances, which would alleviate the hardship.
6. The variance requested would not be materially detrimental to the purposes of the sign ordinance.
7. The design of the sign or signs are as follows:
	1. Compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood.
	2. Have good scale and proportion in the visual relationship to buildings and adjacent areas
	3. The material, size, color, lettering, location and arrangement of the sign(s) is an integral part of the site and building design
	4. The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City
8. Application. An application for a variance to this section shall be process according to Section [806.063] of this Section.

803.099 Non-Conforming Signs*.* Signs erected prior to the date of enactment of this Ordinance, which do not conform with the sign regulations contained herein, shall not be expanded, modified or changed in any way except in conformity with these sign regulations. Non-conforming signs must be removed or modified to conform to this Ordinance within five (5) years of adoption of this Ordinance. Adopted/Approved 1/13/2004

**SECTION 804 ALLOWED USES**

**804.01 Allowed Uses.** This Section describes the permitted, conditionally permitted and prohibited uses within each Base Zoning District and Overlay District.

1. As provided in Table 804-1 Table of Uses, if a use is not identified on the Table of Uses then it is prohibited.
2. If an owner or applicant believes that a proposed use is similar to a use identified on the Table, the Applicant or Owner may request that the City Council make a determination that the use is permitted or conditionally permitted.
3. Interim Uses. A request for an interim use may be made for any use identified on Table 804-1 that is a conditional use which would be best regulated with a time, date or event expiration.

***Table 804-1. Table of Uses***

| P – PermittedCUP – Conditional Use PermitIUP – Interim Use PermitN – Not Permitted**LAND USE** | **ZONING DISTRICT** | **OVERLAY DISTRICT** |
| --- | --- | --- |
| **Residential (R)** | **Mixed Use – Main Street (MU-MS)** | **Open Space (OS)** | **MRCCA-CO** **(RN and SR)** | **FP-O** |
| Accessory Uses | P | P | N  |  P/CUP | P/CUP |
| Accessory Dwelling Unit (ADU) | CUP | CUP | N | N | N |
| Any and all forms of commercial agriculture and commercial horticulture as defined by this Ordinance | N  | N | P | P | P |
| Auto service stations, and car washes |  N | CUP | N | CUP | N |
| Cemeteries | CUP | CUP | N  | N  | N  |
| Churches | CUP | CUP | N   | N  | N  |
| Clubs and Lodges |  N  | CUP |  N  | N  | N  |
| Commercial recreation |  N  | P | N  | N  | P |
| Forestry |  N  | N  | N  | N  | P |
| Gardening |  P | P | P | P | P |
| Historic sites | P | P | N  | N  | N  |
| Home occupations | IUP | IUP |  N | IUP | N |
| Keeping of Animals (domestic farm) | P | N | N | N | N |
| Multifamily buildings (5+ Units) | N | CUP | N  | CUP | CUP  |
| Municipal buildings | CUP | P | N  | N  | N  |
| Office/medical and related facilities |  CUP | P | N  | N  | N  |
| Public and private recreational uses such as: parks, hiking trails, wildlife and nature preserves and other such uses which require no permanent structures | P  | CUP | P | P | P |
| Public recreation | P | CUP | CUP  | CUP | CUP |
| Public utility buildings | CUP | CUP | CUP  |  CUP | CUP  |
| Residential Open Space (Permanent protection) | P  | CUP |  P | P | P |
| Retail, sales, trade and services including eating and drinking establishments |  N | CUP | N | N | N |
| Drive-in/Drive-through Business | N | CUP | N | CUP | N |
| Schools and educational facilities |  CUP | CUP | N | N | N |
| Single-family attached dwellings (duplex, triplex, fourplex) | CUP | CUP | N | CUP | N |
| Single-family detached dwellings on lots larger than 15,000 square feet with City central sanitary sewer service | P | N |  N | N |  P |
| Single-family detached dwellings on lots larger than 15,000 square feet without City central sanitary sewer service | P | N |  N | N | P |
| Single-family dwellings on lots smaller than 15,000 square feet without City central sewer service | CUP | N |  N | CUP | N |
| Storage, as principal use | N | CUP | N | CUP | N |
| Storage, as accessory use | CUP | CUP | N | CUP | N |
| Utility facilities such as: transmission lines, pipe lines, drainage aids or other related uses, so long as the placement of such structures does not substantially alter the scenic or natural quality of the land (No building) | P  | CUP | P | P | P |
| Utility lines | P | CUP | P  | P | P |
| Wholesale business |  N | CUP | N | CUP | N |

**804.02 Specific Use and Performance Standards.** The following specific use and performance standards are established for certain activities and uses associated with the Table of Uses. The following are provided alphabetically and may be applicable to multiple uses and some, or all, of the Base Zoning Districts or Overlay Districts as noted in Table 804-1.

804.021 Accessory Buildings. Accessory Buildings are defined as any structure that is accessory to the principal use or building. An Accessory Building must comply with the standards as established within the Base Zoning District in which the lot is located, and is subject to the following standards:

1. The Accessory Building or structure may only be used for the storage of personal vehicles, products, possessions, materials, and yard maintenance equipment. Such personal storage must be accessory to, and related to, the principal use of the property.
2. No commercial storage is permitted, unless expressly permitted by a Conditional Use Permit issued for the principal use of the property.
3. No living or dwelling in an Accessory Building or structure is permitted. Any habitation of an accessory unit shall be subject to the rules and standards stated in Section 804.022 Accessory Dwelling Units (ADUs).

804.022 Accessory Dwelling Units. An Accessory Dwelling Unit (ADU) is an accessory building that is detached or attached to the principal dwelling unit and is suitable for habitation. An ADU must comply with the standards as established within the Zoning District in which the lot is located, and is subject to the following standards:

1. The ADU may not exceed 600 Square Feet and must comply with the impervious surface coverage as identified in the Base Zoning District and any applicable Overlay Zoning District in which the property is located.
2. The ADU must provide a minimum of one (1) off-street parking space for the accessory unit. The parking space must be added to the required parking space for the principal dwelling unit.
3. The ADU must be designed consistent with the principal dwelling unit, which may include similar materials, colors, or other architectural details.
4. The ADU does not count towards the number of allowable Accessory Buildings, however, it must be counted as part of the total impervious surface coverage of a lot or parcel and must meet the standards as established in the Base and Overlay Zoning District in which the lot or parcel is located.

804.023 Bulk Storage (Liquid). All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a conditional use permit in order that the City Council may have assurance that fire, explosion, or water or soil contamination hazards are not present (that would be detrimental to the public health, safety, and general welfare). All existing, above ground liquid storage tanks having a capacity in excess of five hundred (500) gallons shall secure a conditional use permit within twelve (12) months following enactment of this Ordinance. The City Council may require the development of diking around said tanks. Diking shall be suitable sealed and shall hold a leaking capacity equal to one hundred fifteen (115) percent of the tank’s capacity. Any existing storage tank that, in the opinion of the City Council, constitutes a hazard to the public safety shall discontinue operations within five years following enactment of this ordinance.

804.024 Commercial Operations. Certain commercial operations are subject to additional standards and regulations because they may impact traffic flow, parking, pedestrian routes, and overall character of main street. The following standards shall apply.

*804.024 Drive-in Business Development Standards.* These standards shall apply to all drive-in businesses except auto service stations.

1. General Standards
	1. No person shall construct, operate, or maintain a drive-in business within the City without first obtaining a license.
	2. The hours of operation shall be a condition for granting of any drive-in business license.
2. If a non-conforming use is replaced by another use, the new use shall conform to this Ordinance.
3. If a non-conforming use is destroyed by any cause, to an extent exceed fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance except for structures whose only non-conformance is the minimum setback from the bluff.
4. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alteration which do not extend or intensify the non-conforming use.

*804.0242 Auto Service/Convenience Station Standards*

1. Lot Size. A service station site shall be a minimum of 20,000 square feet.
2. Setbacks. The building or buildings shall be setback at least thirty-five feet from the street right-of-way. Near the Residential District, the service station buildings, signs, and pumps shall be a minimum of twenty-five feet from adjoining property. In commercial areas, the structures shall be set back at least ten feet from adjoining Property.
3. Curb and Gutter. Curbs and gutters shall be installed on all streets giving access to the stations. There shall be a six-inch curb along all interior driveways.
4. Fencing and Screening. When adjacent or near to residential property, there shall be a screening fence. When adjacent to commercial property, there shall be a bumper-type fence eighteen inches high between the station and the adjacent commercial property.
5. Pedestrian Circulation. Sidewalks or other designated pedestrian ways shall be clearly indicated and must provide a safe pedestrian route along the right-of-way.
6. Surfacing. At least 5% of the site shall be landscaped. All areas not landscaped or covered by structures shall be paved or blacktopped and proper stormwater drainage shall be provided. The site development shall comply with the impervious surface requirements stated within the Base and Overlay Zoning District.
7. Trash Enclosures. A receptacle shall be provided for trash that must be a minimum of six feet by four feet and the base/or foundation must be constructed of a solid, non-combustible material. Trash enclosures shall present a good appearance to the Public and must fully screen the trash receptacle from any public right-of-way or adjacent land used for residential purposes. The station shall be well maintained so as not to be unsightly.
8. Signs. An overabundance of signs is to be avoided. Special caution shall be taken to avoid signs which blow away and present safety hazards during high winds. Signs shall not be permitted within the street right-of-way.
9. Access Drives. Access drives shall conform the applicable road authority which may include the City or the State, if access is proposed on Minnesota Highway 13. At a minimum, driveways shall not exceed twenty-four feet in width or be spaced closer than thirty feet apart. No more than two access drives to any street are permitted. Off-street Parking must be fully contained.
10. Architecture. The station shall be of a design that is reasonably compatible with the surrounding buildings and land uses.
11. Outdoor Displays. The storage of used tires, batteries, and other such items for sale outside the building shall be controlled; such items shall be displayed in specially designed containers and be limited to one or two areas well back from the street right-of-way line. Junk cars, empty cans, and other unsightly materials shall not be permitted.

804.025 Keeping of Animals (domestic farm). The keeping of domestic farm animals on any lot or parcel zoned Residential is permitted with the following standards:

1. The domestic farm animal must be kept onsite and contained on the lot or parcel at all times.
2. The shelter, fence, or penned area meant to contain the animal(s) must meet all applicable setbacks and dimensional standards as established within the Base Zoning District and any applicable Overlay District.

804.026 Landscaping Maintenance.All structures requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

1. In any new development or redevelopment approved through Land Use Application of Site Plan Review, a landscape plan shall be reviewed and approved. The approved landscape plan must be accompanied by a Landscape Guarantee that shall guarantee the approved landscape plan for a minimum of 2-years.

804.027 Parking.Every vehicle parked upon any street with the curb shall be parked parallel to the curb and with the right-hand wheels of such vehicle within 12 inches of the curb. On other streets, the vehicle shall be parked to the right of the main travel portion thereof and parallel thereto and in such a manner as not to interfere with the free flow of traffic.

*804.0271 Parking Restrictions.* No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within 10 feet of a fire hydrant;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;
7. Within 30 feet upon the approach to any flashing beacon stop sign or traffic control signal location at the side of the roadway;
8. Between a safety zone and the adjacent curb or within 30 feet of point on the curb immediately opposite the ends of a safety sone unless a different length is indicated by signs or markings.
9. Within 50 feet of the nearest rail of a railroad cross; and
10. At any place where official signs prohibit stopping.

*805.0272 Length of Parking.* No vehicle shall be upon any street in any one place for a longer continuous period than twenty-four (24) hours.

*805.0273 Snow Removal.* Except when otherwise posted, marked, or metered, no vehicle shall be parked on the street or alleys in such a manner as to obstruct or interfere with the snow plowing or snow removal.

*805.0274 Towing of Parked Vehicles.* The Police Department, and all member thereof, are hereby authorized to remove and tow away, or have removed or towed away by commercial towing service, any vehicle illegally parking in any place in violation of the terms of the code of the statues of Minnesota, or any vehicle which blocks the use of the fire hydrant or obstructs or may obstruct the movement of any emergency vehicles. Vehicles so impounding shall be surrendered to the duly identified owner to operator thereof only upon payment of the impounding and storage fees assessed against said vehicle. Vehicle so impounded may be placed at any commercial establishment, operating vehicle storage facilities or at public vehicle pounds established by the City.

804.028 Relocating Structures.A conditional use permit shall be required for all permanent relocation of structures. Relocation of non-residential construction shed and other non-residential temporary structures to be located on a lot for less than 18 months requires no permit. For relocation of structures requiring a permit, the applicant shall submit photographs showing all sides of the structure that is to be located. The Planning Commission may also require photographs of surrounding lots and structures. The Planning Commission shall consider the compatibility of the structure to be relocated with structures and uses on surrounding lots. The Planning Commission shall report its conclusions to the City Council. If the City Council decides that relocation of the structure would depreciate the value of structure of lots surrounding the lot upon which it is to be moved, then the permit shall be denied.

804.029 Storage. Storage uses must comply with the following standards:

1. Enclosed Storage, or Mini-Storage. Storage that is fully enclosed either within one structure, or mini-storage units may be permitted as a principal use with a Conditional Use Permit. Enclosed storage and/or mini-storage must comply with the following:
	1. The façade facing the public right-of-way must be designed to comply with the design standards established for buildings in the Mixed-Use Main Street District.
	2. Multiple accesses into a mini-storage or enclosed storage area are discouraged, and no more than two access drives are permitted.
	3. All standards of the Base Zoning District and any applicable Overlay District must be met.
2. Outdoor Storage. Outdoor storage may be permitted if it is accessory to a permitted or conditionally permitted use identified on the Table of Uses. Outdoor storage must comply with the following:
	1. Any outdoor storage area must be fully screened from the public right-of-way by either vegetation, fence, or some combination.
	2. The outdoor storage area must be accessory to the principal use and must support the operations of the principal use on the site.
	3. All material and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: recreational equipment and construction and landscaping materials and equipment currently being used on the premises. There shall be no outside storage of either materials or products without a conditional use permit. Adopted 4/10/07
3. Residential Storage (Accessory to principal dwelling unit). Storage of personal vehicles, items or materials must be consistent with the standards established by the Base Zoning District. All storage within the Residential District must be for personal purposes and commercial use is not permitted.

804.030 Traffic Control.The traffic generated by any use shall be channelized and controlled in a manner that will avoid, a) a congestion on the public streets, b) traffic hazards, and c) excessive traffic through residential areas, particularly truck traffic.

1. On corner lots, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets, to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right-of-way lines.

804.031 Performance Standards, All Districts

1. Intent. The guiding of urban development so as to develop a compatible relationship of uses depends upon certain standards being maintained. Uses permitted in the various districted, Conditional Uses and Accessory Uses shall conform to the following standards.
2. Standards
	1. *Noise.* Any use producing noise shall be in conformance with the minimum standards as adopted and enforced by the Minnesota Pollution Control Agency.
	2. *Smoke And Particulate Matter.* Any use established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated and maintained as to meet the minimum requirements of the Minnesota Pollution Control Agency regarding emission of smoke and particulate matter.
	3. *Toxic or Noxious Matter.* The discharge of toxic or noxious matter shall conform with the minimum standards as adopted by the Minnesota Pollution Control Agency.
	4. *Odors.* The discharge of odors shall conform with the air quality standards as adopted by the Minnesota Pollution Control Agency.
	5. *Vibrations.* Any use creating periodic earth-shaking vibrations, such as may be created from a drop forge shall be prohibited if such vibrations are perceptible beyond the log line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
	6. *Glare and Heat.* Any use requiring an operation producing an intense heat or light transmission shall be performed with the necessary shieled to prevent such heat or light from being detectable at the lot line of the site which the use is located. Lightning in all instanced shall be diffused or directed away from any parcel zoned Residential District and public streets.
	7. *Explosives.* Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation shall be located not less than four hundred (400) feet from a parcel zoned Residential District and shall be allowed only by conditional use permit.
	8. *Screening.* Any use in the Residential or Mixed-Use Main Street District abutting a parcel zoned Residential District shall effectively screen any open storage from the eye level vision by providing and maintaining a wall, fence or thirty (3) foot wide planting stripe to screen and reduce the noise, dust and vision between the two uses. Such wall or fence shall be six (6) feet in height and at least ninety (90) percent opaque during all seasons.
	9. *Waste Material.* Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system nor the sanitary sewer system but shall be disposed of in a manner approved by the City Engineer. The City Council may establish appropriate regulations and standards therefor.
	10. *Bulk Storage (Liquid).* All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemical and similar liquids shall comply with the requirements of the Minnesota State Fire Marshal’s and Minnesota Department of Agriculture Offices and have documents from those offices stating the use is in compliance.
	11. *Radiation Emission.* All activities that emit radioactivity shall comply with the minimum requirements of the Atomic Energy Commission.
	12. *Electrical Emission.* All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.
	13. *Maintenance Standards.* In all districts, all structures, required landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.
	14. *Lighting Standards.* Lights for illuminating parking areas, loading areas or yards for safety and security purposes, shall be permitted if no adjacent property owner, within 150 feet of the light source, shall have his/her use of enjoyment of that property interfered with.
	15. *Drainage Standards.* No land shall be developed and no use shall be permitted that results in water run-off causing flooding, or erosion on adjacent properties. Such run-off causing flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facility. In no event shall drainage be allowed in a sanitary sewer.
	16. Water Pollution. All uses and activities shall conform to water pollution standards controls and regulations of the Minnesota Control Agency and all other applicable governmental rules, regulations and laws relative thereto.

Adopted 10/12/93

**SECTION 805 NON-CONFORMING USE**

**805.01 Intent.** Is it the intent of this Ordinance to permit legal non-conforming uses and structures existing on the effective date of this ordinance or amendment thereto, to continue until they are removed but not to encourage their survival.

**804.02 Non-conforming Use and Structures.** Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance, may be continued subject to the following conditions:

1. No such use shall be expanded or enormity with the provisions of this Ordinance.
2. If a non-conforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Ordinance.
3. If a non-conforming use is replaced by another use, the new use shall conform to this Ordinance.
4. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance except for structures whose only non-conformance is the minimum setback from the bluff.
5. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not exceed or intensify the non-conforming use.

**SECTION 806 ZONING ADMINISTRATION**

**806.01 Administration Standards.** Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, it shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

**806.02 Application of the Zoning Regulations.** No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the City of Mendota except as specifically, or by necessary implication, authorized by Ordinance. Conditional uses are allowed only on permits granted by the City of Mendota, upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized, except as prohibited specifically or by necessary implication.

**806.03 Review and Decision Making.** At all times the City will have an elected City Council which shall have the authority to make decisions regarding the land use applications as identified in this Section 806. Unless otherwise amended by ordinance, the City Council will also appoint a Zoning Administrator(s) who may be the City Planner, City Engineer, a Planning Commission Member, City Clerk or other individual as assigned. The City Council will appoint a Planning Commission consistent with Chapter I of the City Code. Appointed Commissions shall be considered recommending bodies unless other powers are expressly provided within this Section. The City Council, by ordinance, may create another commission or task force from time to time.

1. Zoning Administrator: The Zoning Administrator shall be responsible for receiving all land use application, enforcing the zoning regulations, processing occupancy permits, buildings permits, and other duties as assigned by the City Council. The Zoning Administrator shall assist in the processing of all Land Use Application and Subdivision requests as noted in the subsequent sections of this Chapter.
2. Planning Commission: The Planning Commission shall be responsible for making recommendations to the City Council concerning this Zoning Ordinance and amendment thereto, all land use applications and applications for subdivision, , and make and maintain records thereof. Conduct inspections of buildings and use of land to determine compliance with the terms of this ordinance.

**806.04 Maintenance of Records.** The City Council of Mendota shall instruct the City Clerk to perform the following duties;

1. Maintain permanent and current records and all building permits and zoning transactions, including but not limited to: all maps, amendments, conditional uses, variances, appeals and applications therefore.
2. Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies. Proposed conditional uses, variances, and zoning amendments within the MRCCA overlay district must be sent to the Minnesota Department of Natural Resources (MnDNR) for review and comment.

**806.05 Appeals and the Zoning Board of Appeals.** The City Council of Mendota shall, through the passing of a resolution, provide for the establishment of a Zoning Board of Appeals. The City Council shall serve as the Zoning Board of Appeals.

1. The Zoning Board of Appeals shall elect a chairman and vice-chairman from among its members and shall appoint a secretary who need not be a member of the Board. The Board shall provide a public record of its proceeds which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.
2. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretating 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 Ordinance.
3. Hearings by the Zoning Board of Appeals shall be held within such time and upon such notice to interested parties as is provided by the City Council. 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.
4. The Zoning Board of Appeals 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 Boards decision shall be stated. The decision of such Board shall be the final administrative remedy made by the City of Mendota.

**806.06 Land Use Applications and Review Timeline.** Certain land use applications are subject to Minnesota State Statute 15.99, and any successor statutes are incorporated by reference herein, that regulates the timeline for decision by the City after the submission of a complete application. The following land use applications must comply with the review timelines established:

806.061 Zoning Amendments

1. Procedure
2. An amendment to the text of the Ordinance or the Official Zoning Map may be initiated by the City Council, the Planning Commission, or by any City resident or property owner. Individuals wishing to initiate an amendment to the Zoning Ordinance shall fill out and submit to the City Clerk an application together with a fee. The amount of this fee will be set by ordinance. The Planning Commission shall make its report to the City Council at the next regular meeting of the City Council following the hearing recommending approval, disapproval or modified approval the proposed amendment. All notice and hearing requirements of Minnesota Statues shall be complied with, and the list of persons to whom notices were sent shall be made part of the record of the public hearing.
3. A public hearing on the rezoning application shall be held by the Planning Commission after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the City Council.
4. The City Council must take action on the application following referral by the Planning Commission. The person making the application shall be notified of the action taken. The City Council shall maintain records of amendments to the text and zoning map of the Ordinance.
5. No application of a property owner for an amendment to the text of the Ordinance or the Official Zoning Map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

806.062 Conditional Use and Interim Use Permits

1. Criteria for Granting Conditional Use and Interim Use Permits: In granting a conditional use permit or interim use permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands, traffic conditions, parking, the effect of values of property and scenic views in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. In permitting a new conditional or interim use or the alteration of an existing conditional or interim use, the Planning Commission or City Council may impose, in addition to those standards and requirements expressly specified in the Zoning Regulations, additional conditions which they consider necessary to protect the best interest of the surrounding area of the community as a whole. These conditions may include, but are not limited to the following:
	1. Increasing the required lot size of yard dimension;
	2. Limiting the height, size or location of buildings;
	3. Controlling the location and number of vehicle access points;
	4. Increasing the street width;
	5. Increasing the number of required off-street parking spaces;
	6. Limited the number, size, location or lighting of signs;
	7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property; or
	8. Designating sites for open space.
2. Amendments or Changes. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional or interim use permit issued, shall require an amendment to the permit. All procedures shall apply as if a new permit were being issued. The City Clerk shall maintain a record of all conditional or interim use permits issued, including information on the use, location, and conditions imposed by the City Council, time limits (if Interim Use), review dates, and such other information as may be appropriate.
3. Procedure
	1. The person applying for a conditional or interim use permit shall fill out and submit to the City Clerk, an application, together with the fee as set by ordinance.
	2. The application shall be referred to the Planning Commission. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the City at least ten days prior to the day of the hearing. Property owners within 100 feet of the subject property shall be notified although failure of any property owner to receive notification shall not invalidate the proceedings.
	3. The Planning Commission shall hold a public hearing on the proposal.
	4. The Applicant or Owner shall appear before the Planning Commission in order to answer questions concerning the proposed conditional or interim use.
	5. The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission.
	6. The City Council must take action on the application after receiving the report of the Planning Commission. If it grants the conditional or interim use permit, the City Council may impose conditions (including time limits for an Interim Use) it considers necessary to protect the public health, safety and welfare.
	7. An amended conditional or interim use permit application shall be administered in a manner similar to that required for a new conditional or interim use permit; amended conditional or interim use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
	8. No application for a conditional or interim use permit shall be resubmitted for a period of six months from the date of said order of denial.
	9. If a time limit or periodic review is included as a condition by which a conditional or interim use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten days prior to review; it shall be the responsibility of the Clerk to schedule such public hearings and the owner of land having a conditional or interim use permit shall not be required to pay a fee for said review. A public hearing for annual review of conditional use permit may be granted at the discretion of the City Council.

806.063 Variances.A variance may be requested by any landowner or applicant from the strict provisions of this Zoning Ordinance. A variance may only be granted from the dimensional standards or other physical standards if they meet the criteria as established herein. A variance from the use standards established by this code is not permitted.

1. Criteria for Granting Variances. A variance may be granted only in the event that all the following circumstanced exist:
	1. Practical Difficulties apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owner of property since enactment of this ordinance have had no control.
	2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other property in the same Zoning District under the terms of the ordinance.
	3. That the special conditions or circumstances do not result from the actions of the applicant;
	4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same Zoning District; and
	5. The variance will not allow any use that is not permitted under the zoning regulations for a property in the same where the affected applicants land is located.
2. Procedure
	1. The person applying for a variance shall fill out and submit to the City Clerk an application, together with a fee, which shall be set by Ordinance.
	2. The application shall be forwarded to the Zoning Board of Appeals. The Board shall hold a public hearing on the proposal.
	3. Property owners within 100 feet of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by registered mail.
	4. The Applicant or Owner shall appear before the Zoning Board in order to answer questions concerning the proposed variance.
	5. The Zoning Board must take action on the application after the public hearing. If it grants the variance, the Board may impose conditions (including the limits) it considers necessary to protect the public health, safety, and welfare, and such conditions may include a time limit for the use to exist or operate.

806.063 Site Plan Review.A Site Plan Review is a formal application to allow the City to determine if the proposed exterior improvements to a building or site complies with the standards and regulations set in this Code.

1. Applicability. A Site Plan Review process is required for the following:
	1. Any exterior modifications, improvements, or changes to property in the Mixed-Use Main Street (MU-MS) District.
	2. A Site Plan, as described herein, shall accompany any land use application including Conditional or Interim Use Permits, Zoning or Comprehensive Plan Map Amendments. The Site Plan Review shall be processed under the primary Land Use Application and no separate fee shall be required.
2. Procedure**.**
	1. The Applicant or Owner shall fill out the City’s official form and submit the application to the City Clerk, together with the fee as set by Ordinance.
	2. The City Clerk shall forward the application to the City’s Zoning Administrator and Planning Commission for review.
	3. The Zoning Administrator shall complete a review of the application and a Planning Commission meeting shall be set for consideration of the proposed Site Plan.
	4. The Applicant and/or Owner shall appear before the Planning Commission in order to answer questions concerning the proposed Site Plan.
	5. The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission.
	6. The City Council will review and take action on the Site Plan after receipt of the Planning Commission’s recommendations. If it approves the Site Plan, the City Council may impose conditions it considers necessary to protect the public health, safety and welfare.
3. Submission Requirements**.**
	1. *Site Plan.* A site plan drawn to-scale that is scalable shall be submitted that demonstrates all proposed improvements on the site. The Site Plan must clearly demonstrate the existing conditions and the proposed improvements. The Site Plan must include:
		1. Name and address of Applicant/Developer or Owner.
		2. Name of architect, designer or builder.
		3. Date of plan preparation.
		4. Name of project or development
		5. Scale of plan (typical 1” = 50’)
		6. North Arrow.
		7. Lot Dimensions and Lot Area.
		8. Required and proposed setbacks.
		9. Location, setback and dimensions of all buildings on the lot – both existing and proposed.
		10. Streets and utilities adjacent and serving the property.
		11. Proposed parking lot layout and configuration.
		12. Location, number and dimension of loading areas.
		13. Provisions for storage and disposal of waste, garbage and recyclables.
		14. Curb cuts and driveways.
		15. Circulation pattern for cars, trucks and deliveries.
		16. Sidewalks, walkways.
		17. Lighting Plan – showing all exterior lighting of buildings or parking area.
		18. Location of rooftop or ground equipment and proposed screening.
	2. *Grading/Stormwater Drainage Plan.* A grading and stormwater drainage plan may be required depending on the amount of land disturbance. The Applicant/Developer must coordinate with the City Engineer prior to submission to determine if this Plan is required. If it is determined that a Grading and/or Stormwater Drainage Plan is required, the plan must include the following, unless expressly omitted by the Zoning Administrator.
		1. Existing contours at 2-foot intervals.
		2. Proposed grad elevations, 2-foot maximum intervals.
		3. Drainage plan including configuration of drainage areas and calculations
		4. Storm sewer, catch basins, invert elevations, type of castings and type of materials.
		5. Spot elevations.
		6. Proposed driveway grades.
		7. Surface water ponding and treatment areas.
		8. Erosion control measures.
		9. Impervious surface areas.
		10. Description of significant changes to site vegetation and tree clearing.
	3. *Landscape Plan.* A Landscape Plan may be required depending on the proposed improvements. The Applicant/Developer must coordinate with the City’s Zoning Administrator prior to submission to determine if this Plan is required. If a Landscape Plan is required, the Plan must include the following unless expressly omitted by the Zoning Administrator.
		1. Existing landscaping: location, size and common name of all existing trees on areas that will be disturbed by the proposed Project.
		2. Planting Schedule (Tabular Form) which includes quantities, common names, botanical names, size of plant materials, root specification, and any special planting instruction.
		3. The Landscape Plan shall provide a planting deteail that shows all species to scale at full maturity.
		4. Details of any proposed fences, retaining walls, planter beds or any other landscape improvements.
		5. Restoration of disturbed areas must be identified such as sodded, native vegetation, etc.
	4. *Certificate of Survey.* A Certificate of Survey shall be required for all proposed projects that include a new building. A Certificate of Survey may be requested by the Zoning Administrator for any parking lot expansion or other impervious surface expansion that may encroach into any yard requirements. The Certificate of Survey must be prepared by a licensed surveyor.

**806.07 Subdivision Applications and Review Timelines.** Applications for subdivision are regulated by Minnesota State Statute 458.357 which incorporated by reference herein. The following requirements and process are established.

806.071 Minor Subdivision (lot line rearrangement and lot line consolidation). A minor subdivision shall include any proposed rearrangement or subdivision that results in no more than three newly created lots.

1. Type of Minor Subdivision.
	1. Rearrangement. A lot rearrangement does not create any additional lots but rearranges at least one lot line. An increase in density is not allowed and all newly configured lots must meet the standards and regulations established by the Base Zoning District and any applicable Overlay District.
	2. Exchange of lands. Applies to cases where adjoining contiguous property owners wish to exchange or otherwise divide land with the intent of enlarging one of the parcels. The resulting lots must comply with the standards and regulations of the Base Zoning District and any applicable Overlay District. The newly acquired land must be combined on the deed for recording purposes, and the new lot descriptions must be recorded with the Dakota County Recorder’s office.
	3. Subdivision. The subdivision of any property or parcel into not more than three (3) newly created lots shall be deemed a Minor Subdivision.
2. Procedure. The following process for Minor Subdivision shall be required.
	1. The Applicant or Owner applying for a minor subdivision shall fill out and submit to the City Clerk, an application, together with the fee as set by ordinance.
	2. The application shall be referred to the Planning Commission. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the City at least ten days prior to the day of the hearing. Property owners within 100 feet of the subject property shall be notified. Failure of any property owner to receive notification shall not invalidate the proceedings.
	3. The Planning Commission shall hold a public hearing on the proposal.
	4. The Applicant or Owner shall appear before the Planning Commission in order to answer questions concerning the proposed subdivision.
	5. The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission.
	6. The City Council will consider the recommendation of the Planning Commission, and if it approves of the subdivision may apply reasonable conditions that directly support the health, safety or welfare of the community.
3. Submission Requirements. The following materials must be submitted with an application for Minor Subdivision:
	1. Narrative. A description of the proposed Minor Subdivision shall state the reason for the subdivision and any characteristics of the minor subdivision that are important to consideration of the proposed request.
	2. Lot Configuration and Certificate of Survey. The proposed lot configuration or subdivision shall be prepared by a licensed surveyor and must include the legal description of the existing lots and proposed subdivision. The proposed configuration may be drawn on the Certificate of Survey or may accompany the survey.

806.072 Major Subdivision. A major subdivision shall be required for any proposed subdivision that results in four(4) or more lots. Any major subdivision shall be required to plat the proposed subdivision.

1. Applicability. A Major Subdivision shall be required for any subdivision of land that results in four (4) or more newly created lots. An application of Major Subdivision must prepare a Preliminary Plat and Final Plat. The Preliminary and Final Plat must be prepared by a licensed surveyor, civil engineer, or similar.
	1. *Preliminary Plat Procedure.*
	2. The Applicant or Owner applying for a Major Subdivision Preliminary Plat shall fill out and submit to the City Clerk, an application for Preliminary Plat, together with the fee as set by ordinance.
	3. The Preliminary Plat application shall be referred to the Planning Commission. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the City at least ten days prior to the day of the hearing. Property owners within 100 feet of the subject property shall be notified. Failure of any property owner to receive notification shall not invalidate the proceedings.
	4. The Planning Commission shall hold a public hearing on the Preliminary Plat.
	5. The Applicant or Owner shall appear before the Planning Commission in order to answer questions concerning the proposed subdivision.
	6. The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning Commission.
	7. The City Council will consider the recommendation of the Planning Commission, and if it approves of the subdivision may apply reasonable conditions that directly support the health, safety or welfare of the community.
	8. *Final Plat Procedure.*
2. The Applicant or Owner applying for a Major Subdivision Final Plat shall fill out and submit to the City Clerk, an application for Final Plat, together with the fee as set by ordinance.
3. The Final Plat shall conform with the Preliminary Plat and any conditions placed thereon. The application shall be referred to the City Council. If the proposed Final Plat does not conform to the Preliminary Plat, a new Preliminary Plat shall be prepared, and review conducted consistent with Section [806.721] and the review period shall restart.
4. The Applicant or Developer shall appear before the City Council to answer questions concerning the Final Plat.
5. Submission Requirements. The following materials must be submitted with an application for Major Subdivision:
	1. *Narrative.* A description of the proposed Major Subdivision shall state the reason for the subdivision and any characteristics of the subdivision that are important to consideration of the proposed request.
	2. Preliminary Plat prepared by a licensed surveyor or civil engineer. The Preliminary Plat must be to-scale and identify:
		1. Lot configurations include dimension of lot lines.
		2. Building envelope or buildable area.
		3. Site contours.
		4. Bluff line and OHWL if present.
		5. Setbacks.
		6. Stormwater features.
		7. Proposed roadways.
		8. Proposed sidewalks or trails.
	3. Landscape Plan.
	4. Grading and erosion control plan.
	5. Final Plat must be prepared after the approval of a Preliminary Plat. The Final Plat must be consistent with the Preliminary Plat and any conditions of approval.

**806.08 Building Permits**

1. Procedure. For the purposes of enforcing this Ordinance, a building permit shall be required of all persons intending to erect, alter, wreck or move any building exceeding eight (8) feet in height or 100 square feet of floor area. Any free-standing building and/or addition, deck or fence over five feet in height shall also need a permit.
	1. Persons requesting a building permit shall fill out a building permit form available from the City Clerk, or the Planning Commission.
	2. Completed building permit forms shall be returned to the City Clerk. The City Building Inspector, after review of the completed building permit form, shall establish a fee based upon building evaluation. The individual(s) requesting the building permit can obtain the building permit upon payment of the established fee when so notified by the City Clerk. The City Building Inspector or the City Clerk may request that the building permit request be placed on the agenda of the Planning Commission. If and when such request is made, the Planning Commission Secretary shall inform the person requesting a building permit regarding the date upon which his request will be reviewed by the Planning Commission. Said person shall be present at the Planning Commission meeting to answer questions regarding the permit. Amended 6/9/92
	3. The Planning Commission shall take action regarding the permit within 45 days of the date upon which the permit request was filed. If, however, the petitioner fails to appear before the Planning Commission, or if he or she fails to adequately answer their questions, the Planning Commission may delay action on the request for an additional0 30 days. At the end of this second 30-day period, the Planning Commission shall pass its recommendations to the City Council.
	4. The City Council within 30 days after the Planning Commission meeting must take action to either approve, reject, or refer the building permit request back to the Planning Commission for addition information or clarification.
	5. The Planning Commission shall provide any requested additional information to the City Council within 30 days.
	6. The City Council must take final action on the building Permit within 30 days of receiving the requested information from the Planning Commission.

**806.13 Fees.** The City Council maintains a schedule of fees and collection procedure for zoning permits, building permits, subdivision plats and conditional use permits as required by this Ordinance. The schedule of fees is available from the City Clerk, and may be altered or amended only by the City Council.

No building permit, or conditional use permit shall be issued unless or until such application fess have been paid in full by the City Clerk, no shall nay action be taken on proceedings before the City Council, unless or until all application fees have been paid in full.

**SECTION 807 REGULATIONS OF ADULT ENTERTAINMENT**

*No Changes proposed.*

**SECTION 2. SEVERABILITY.**

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

**SECTION 3. EFFECTIVE DATE.**

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member and seconded by Council member , the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this day of , 2022.

 Brian Mielke, Mayor

Attest: Kathy Krotter, City Clerk