

TITLE XV: LAND USAGE

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CHAPTER 150: GENERAL PROVISIONS

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GENERALLY

150.01 LIGHT STANDARDS.

(A) *Purpose.* The purpose of this section is to establish general performance standards for lighting to ensure compatibility of uses and to prevent nuisance problems that may detract from the health, safety and welfare of the residents. The regulations herein are intended to provide reasonable uses of lighting for nighttime safety, security, utility, commerce and enjoyment; while at the same time protecting the natural environment from the damaging effects of night lighting from man-made sources.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CERTIFIED LIGHTING PROFESSIONAL. Any person holding certification by the National Council of Qualifications for the Lighting Profession, International Association of Lighting Management Companies or the Association of Energy Engineers.

CUTOFF ANGLE. The angle formed by a line drawn from the direction of light rays at the light source.

FOOT-CANDLE. A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1-candle.

FULL CUTOFF LUMINARIES. A luminaire with elements such as shields, reflectors or refractor panels which direct and cut off light at a cutoff angle of less than 90 degrees.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

NIGHT LIGHTING. The brightening of the night sky attributed to man-made sources of light.

(C) *Method of measurement.*

(1) Maximum foot candles:

(a) No light source or combination thereof which casts light on a public street or an adjacent commercial, office or industrial zoned property shall exceed 1 foot candle as measured from the property line or right-of-way line.

(b) No light source or combination thereof which casts light on adjacent residential zoned property shall exceed 1/2 foot candle as measured at the property line.

(2) Illumination levels shall be determined by a photometric plan or other plan sets which enables the City Administrator to readily determine that the proposed work complies with this section. For non-residential sites, a targeted over-all minimum to maximum ratio for the site is desired to be no more than a 15:1 ratio, subject to neighboring uses and other specific conditions within the site.

(3) Verification of illumination levels, if required, shall be provided by the property owner by either submitting acceptable reports from a certified lighting professional or by light measurements in foot candles with a meter sensor at an approximate height of 5-feet above grade. Readings shall be taken after dark with the light source on, then with the light source off. The difference between the 2 readings will be identified as the light intensity to determine compliance.

(D) *General standards.* For lighting on private property: (residential and non-residential).

(1) All luminaries located on commercial, industrial or institutional property shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of an observer standing on an adjacent residentially owned property, or at any point within 5 feet of the property boundary.

(2) In all business and industrial districts, any lighting used to illuminate a structure or any portion of the property shall be designed to function as full cutoff luminaries.

(3) The use of exterior lighting for non-residential uses shall observe the same hours of operation as the use itself, except that a minimum level of lighting for security purposes may be left on beyond normal hours of operation. For multi-tenant businesses, parking lot lighting can remain on during the hours of operation of all businesses.

(4) Lighting intended for outdoor advertising which projects light into the sky shall be prohibited. All outdoor advertising lights shall be shielded and directional lighting shall not project above a 45 degree angle from the ground.

(5) No light source shall be located on any roof.

(6) All luminaries must comply with city design standards.

(7) In residential districts, all lighting shall be arranged to deflect light away from adjoining properties and light sources shall be shielded or controlled so as not to expose bare light bulbs of greater than 75 watts from adjoining property owners and public right-of way. Motion detection lights shall not be activated by movement beyond the lot line.

(8) Lighting intended to provide light for private recreational purposes (i.e., sport courts, hockey rinks or similar features) shall direct light downwards and shall not exceed 15 feet in height and shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.

(8) Service station canopy lighting shall be recessed lighting that utilizes a flat lens and is flush mounted with the canopy ceiling. Canopy lighting may have increased illumination under the canopy than typically allowed for a conventional site plan as deemed appropriate by the city.

(E) *Exceptions.* The following are exempt from the required lighting standards:

(1) Temporary emergency lighting used by public works, police, firefighters or other emergency services as well as all vehicular luminaries;

(2) Hazard warning luminaries which are required by federal regulatory agencies;

(3) Public street lights or lights in public rights-of-way;

(4) The use of decorative seasonal lighting during customary holiday seasons in accordance to division (D)(7) above and the city's nuisance ordinance;

(5) The use of temporary outdoor lighting used for civic celebrations and promotions;

(6) Light sources or fixtures that enhance the architectural features of a building and were approved as part of a site plan review for a property within any of the city's AMixed-Use Districts; and

(7) Because of their unique requirements for nighttime visibility and their limited hours of operations public, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section. Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto adjacent residential properties and should conform as closely to the requirements of this section as possible. In review of such facilities, the city may impose certain conditions when the proposed lighting may negatively impact the quality of life for surrounding residents.

(F) *Exterior lighting plan.*

(1) Lighting plan shall be required anytime exterior lighting is proposed or modified that is associated with a use of greater intensity than a 1 or 2-family dwelling. The lighting plan shall be

submitted with any city required applications or permits (e.g. site plan review, building permit, electrical permit and the like).

(2) The plan shall identify the location, size, type of luminaire, height of luminaire, a photometric plan of the site and fixture data sheets or other such documents acceptable to the city. The plan shall also contain a certification by the property owner or agent and the preparer of the plan that the exterior lighting depicted on the plan complies with the requirements of this section. Once the plan is approved, the exterior lighting of the property shall conform to the plan.

(G) *Nonconforming luminaries.*

(1) Exterior lighting luminaries in existence on the effective date of this section shall be exempt from the standards of this chapter and shall be considered legally nonconforming. Such fixtures may be repaired and maintained. However, if any legal nonconforming luminaire is moved or damaged by any means to an extent that its total replacement is necessary, the luminaire, or replacement, shall comply with this subdivision.

(2) Exterior lighting luminaries existing on the effective date of this section which are found to direct light or glare of more than 1/2 foot candle in a residential zoning district may be declared a public nuisance per ' 93.15 of the City Code.

(Ord. 242, passed 2-22-2010)

BUILDING CODES

' 150.10 CODES ADOPTED BY REFERENCE.

The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to M.S. ' 16B.59 through 16B.75, as they may be amended from time to time, including all of the amendments, rules, and regulations established, adopted, and published from time to time by the

Minnesota Commissioner of Administration, through the Building Codes and Standards Division, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this subchapter. The Minnesota State Building Code is hereby incorporated in this subchapter as if fully set out herein.

(Ord. 189, passed 5-13-2003)

▪ **150.11 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 M.S. ' 16B.62, Subdivision 1, as it may be amended from time to time, when so established by this subchapter. The code enforcement agency of this municipality is called the City Building Official and Metro West Inspection Services, Inc. This Code shall be enforced by the Minnesota Certified Building Official designated by this municipality to administer the Code (M.S. ' 16B.65, Subdivision 1, as it may be amended from time to time).

(Ord. 189, passed 5-13-2003)

▪ **150.12 PERMIT AND FEES.**

The issuance of permits and the collection of fees shall be as authorized in M.S. ' 16B.62, Subdivision 1, as it may be amended from time to time. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the municipality in this subchapter. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with M.S. ' 16B.70, as it may be amended from time to time.

(Ord. 189, passed 5-13-2003)

▪ **150.13 BUILDING CODE OPTIONAL CHAPTERS.**

In accordance with Minnesota State Building Code, Maple Plain hereby adopts by reference the following optional chapters of the Minnesota State Building Code: Chapter 1335, Flood proofing regulations, parts 1335.0600 to 1335.1200.

(Ord. 189, passed 5-13-2003; Am. Ord. 268, passed 7-23-2012)

150.14 EFFECTIVE DATE.

This subchapter shall have full force and effect upon its passage and publication.
(Ord. 189, passed 5-13-2003)

SIGNS**150.20 PURPOSE.**

(A) The purpose of this subchapter is to create a comprehensive and balanced system of signs which will facilitate communication.

(B) It is the intent of this subchapter to authorize the use of signs which:

- (1) Achieve the vision of the community.
- (2) Preserve and improve the appearance of the city as a desirable place to live, work, and visit.
- (3) Prevent confusing, distracting, or dangerous sign displays which interfere with vehicular traffic.
- (4) Promote commerce.
- (5) Provide for fair and equal treatment of sign users.
- (6) Promote efficient administration of the sign ordinance through a complete and understandable sign ordinance.

(Prior Code, ' 11.01) (Am. Ord. 260, passed 3-12-2012)

150.21 DEFINITIONS.

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

ADDRESS SIGN. A postal identification number only in numeric form.

BANNER. A temporary sign constructed of cloth, paper, plastic, or other material upon which copy is written and supported either between poles or fastened to buildings or other structures.

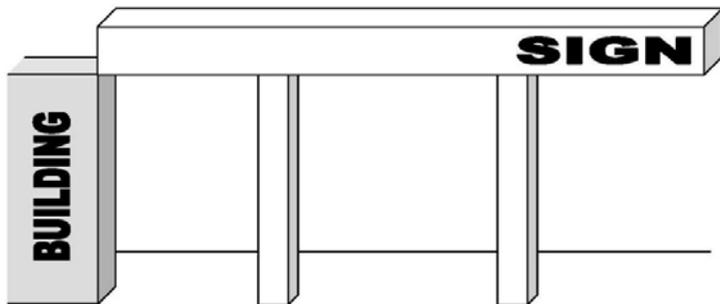
BILLBOARD. An outdoor advertising sign which is owned or leased for the purpose of selling advertising space, to advertise products, services, commodities, entertainment, or other activity not offered on the premises upon which the sign is located. **BILLBOARDS** are typically located adjacent to a freeway corridor and aimed at regional or national consumers.

BOX LIT SIGN. Four-sided sign in which the source of light illuminates a sign by shining through a translucent surface, through all sides of the sign, lit from an internal light source that emits a bright glowing effect.



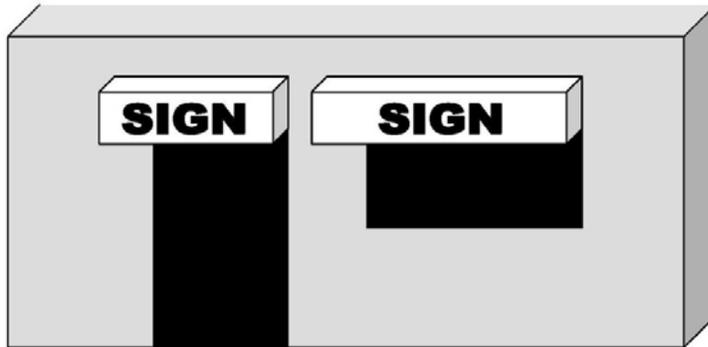
CAMPAIGN SIGN. A non-commercial speech sign erected by a candidate for public office or by a person or group promoting a candidate for public office or a political issue.

CANOPY: AUXILIARY. A roof-like structure projecting over, including but not limited to, gasoline pump islands, drive-through banking, or any canopy with a drive-through lane. An **AUXILIARY CANOPY** provides weather protection for more than the building entrance or windows. **AUXILIARY CANOPIES** may be attached or detached from the principal building. For sign purposes **AUXILIARY CANOPIES** shall be considered a separate structure.



CANOPY: AWNING. A roof-like structure projecting from the building over an entrance or window that provides weather protection for the entry or window and may include the immediately

adjacent area. Building canopies shall be considered part of the wall area and thus shall not warrant additional sign area.



CONSTRUCTION SIGN. 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 or property or announcing the character of the building enterprise or purpose for which the building is intended but not including the advertisement of any product.

DEVELOPMENT AREA SIGN. A free standing sign which identifies the name of, including but not limited to, a residential development, a multiple residential complex, a shopping center or shopping area, a business park, an industrial park, a building complex, or any combination thereof.

DIRECTIONAL SIGN. A sign internal to a site to direct patrons to a firm, business use, or services.

ELECTRONIC MESSAGE SIGN. A sign that is electronically or electrically controlled and displays time, temperature, or informational messages.

FLAGS. A piece of cloth or bunting varying in color and design, attached to a pole, used as a symbol, standard, emblem, or insignia, or containing text other than that associated with a commercial, business, or economic interest or activity.

FLASHING SIGN. An illuminated sign on which the illumination is not kept stationary or constant in intensity.

FREE STANDING SIGN. A sign which is placed in the ground and not affixed to any part of any structure.

GOVERNMENTAL SIGN. A sign which is erected by a governmental unit for the purpose of directing or guiding the public.

HOME OCCUPATION SIGN. A sign located at a residence advertising a business conducted in the residence or by persons residing in the residence.

ILLUMINATED SIGN. A sign which is illuminated by an artificial light source.

INSTITUTIONAL SIGN. A sign or bulletin board which identifies the name and other characteristics of a public or private institution, church, or recreational area on the site where the sign is located.

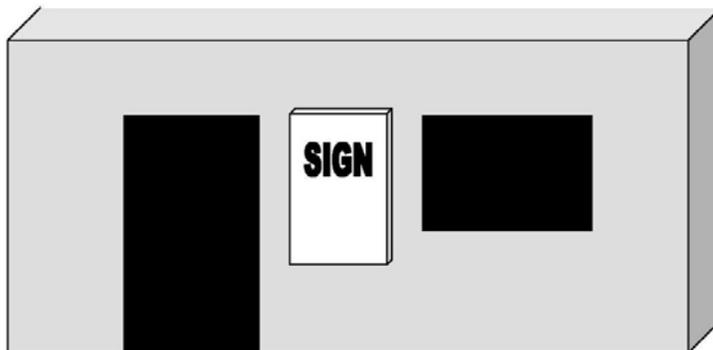
INTERNAL LIT SIGN. A direct source of light which illuminates a sign by shining from the back of the sign through a translucent surface of a sign, including plastic signs.

MOBILE SIGN. Signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business.

MONUMENT SIGN. A sign not supported by exposed posts or poles which is architecturally designed and located directly at grade.

MOTION SIGN. A sign which revolves, rotates, or has any moving parts which attract attention.

NAME PLATE OR IDENTIFICATION SIGN. A sign which bears the name and address of the business or the occupants of the building.



NONCONFORMING SIGN. A sign which existed prior to adoption of this subchapter but does not conform to the newly enacted requirements of this subchapter.

OFF-SITE SIGN. A sign which advertises any business, product, person, event, or service conducted, sold, manufactured, or located off the premises where the sign is located but within the corporate limits of the city.

PAINTED SIGN. A sign painted directly on the outside wall or roof of a building or on a fence, rock, or similar structure or feature in any zoning district.

PERMANENT SIGN. Any sign which is displayed or intended for display for an indefinite period of time.

POLE SIGN. A sign that is less than 20 feet in height and mounted at or near the top of a single or double pole. Height is measured from the ground to the top of the sign.

PORTABLE SIGN. A sign so designed as to be movable from 1 location to another and which is not permanently attached to the ground or any structure.

PROJECTING SIGN. A sign, all or any part of which extends laterally from the building more than 12 inches.

PYLON SIGN. A free standing structure which is in excess of 20 feet in height with a sign mounted thereon. Height is measured from the ground to the top of the sign.

READERBOARD SIGN. A non-electric sign where the message is manually changeable with letters or numbers.

REAL ESTATE SIGN. Any sign pertaining to the sale, lease, or rental of land or buildings.

REVERSE LIT SIGN. A direct source of light which illuminates a sign by shining off an opaque surface of a sign thereby casting the light off the wall behind the sign creating a halo effect.



ROOF SIGN. Any sign placed upon or projecting above the roofline of a structure to which it is attached. For purposes of this code, the **ROOFLINE** shall be considered the top of the cornice of a flat roof, the eave line of a pitched roof, and the bottom edge of any sloping section of a mansard roof.

SANDWICH BOARD. Self-supporting, free standing signs with 2 visible sides that are situated adjacent to a business, typically on a sidewalk, and containing commercial speech.

SIGN. A name, identification, description, display, illustration, or device which is affixed to, painted, or represented directly or indirectly upon the outside of a building or other surface other than a flag as defined in this section and which directs attention to an object, product, place, activity, person, institution, organization, or business.

SIGN AREA. The framed area that bears the advertisement, or in the case of messages, figures, or symbols attached directly to any part of a building, that area which is included in the smallest rectangle which can be made to circumscribe the message, figures, or symbol displayed thereon. The maximum **SIGN AREA** for a free standing or pylon sign refers to a single surface.

SIGN PACKAGE. Written document describing all proposed signs regarding a specific site, development, or complex, submitted by owner/manager including all types of signs/signage desired, reviewed and approved by the city, and shall at a minimum include sign type, location, size illustrations.

SPECIAL EVENT DEVICE. Any sign, searchlight, laser display, or other attention-getting device used in conjunction with a special event.

TEMPORARY SIGN. Any sign designed or intended to be displayed for limited periods of time. Typically portable or intended to be moved or transported.

WALL SIGN. A sign affixed to the wall of a building.

WINDOW SIGN. Any permanent or temporary sign placed on the interior of a window, or painted on a window such that it can be read from the outside of the building.
(Prior Code, ' 11.02) (Am. Ord. 260, passed 3-12-2012)

• **150.22 GENERAL PROVISIONS.**

(A) *Diagrams.* The inclusion of diagrams is for illustrative purposes only. Where a diagram conflicts with text, the text shall control.

(B) *Construction.* All signs shall be constructed in the manner and of the material that they shall be safe and substantial, shall be properly secured, supported, and braced, and shall be kept in good repair.

(C) *Offensive material.* No sign shall contain any indecent or offensive pictures or written matter.

(D) *Location.* No sign other than a governmental sign shall be erected or temporarily placed within any street rights-of-way or upon any public easement.

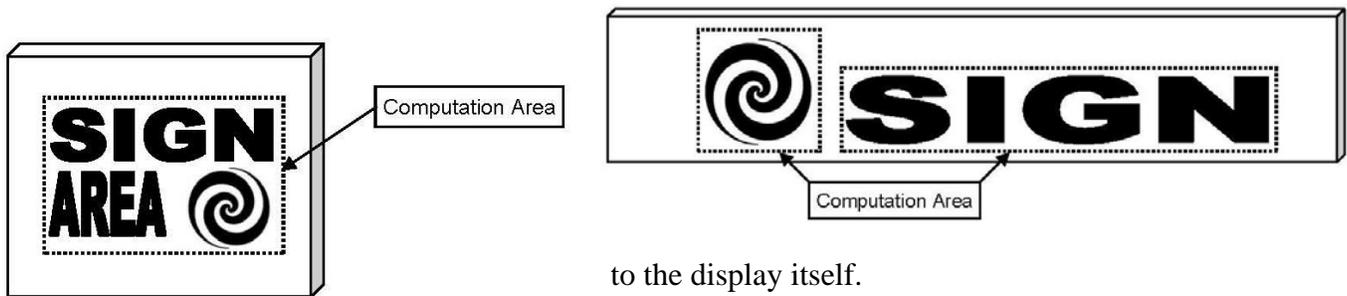
(E) *Interference with traffic.* No sign shall be erected that, by reason of position, shape, or color, would interfere in any way with the proper functioning or purpose of a traffic sign or signal. All displays shall be shielded to prevent light from being directed at oncoming traffic in such brilliance as to impair the vision of any driver. This includes indoor signs which are visible from public streets.

(F) *Illumination.* Illuminated signs shall be subject to the electrical requirements of the State Electrical Code and city lighting standards in ' 150.01. Illuminated signs shall be shielded to prevent any light to be directed at oncoming traffic in the brilliance as to impair the vision of any driver. Where the sign is illuminated the source of light shall not be directed upon any part of a residence or into any area zoned for residential use. The illumination must be indirect or diffused.

(G) *Electronic message signs.* Electronic message signs shall be limited to digital text and graphics; video messages are prohibited. Text messages shall contain a limited number of words to allow passing motorists to read the message with minimal distraction. Graphic images and static text shall have a minimum duration of 5 seconds before changing to another display. Message duration adjacent to state or county roadways shall comply with state and county requirements. Electronic message signs shall be calculated within the required sign allotment of the zoning district they are placed in, unless approved as part of a sign package. Electronic message signs shall occupy no more than 25% of the total sign area. (Prior Code ' 11.03) (Am. Ord. 260, passed 3-12-2012) Penalty, see ' 10.99

' 150.23 SIGN AREA COMPUTATION.

(A) *Individual cabinet or panel sign.* To compute the area for a cabinet or panel sign face: Compute by means of the smallest square, rectangle, circle, triangle, or combination thereof that will encompass the extreme limit of the copy, representation, logo, emblem, or other display, but not including any support framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the pertinent zoning regulations and is clearly incidental



(B) *Individual signs mounted letters or symbols.* When a sign is composed of individual mounted letters or symbols, the sign surface area shall be determined by means of the total or the smallest contiguous square, rectangle, circle, triangle, or combination thereof that will encompass each letter, representation, logo, emblem, or other display. (Ord. 260, passed 3-12-2012)

' 150.24 PROHIBITED SIGN.

(A) *Flashing signs.* Flashing signs and motion signs are prohibited in all districts.

(B) *Billboards*. Billboards are prohibited in all districts.

(C) *Painted signs*. Signs painted directly on walls or roofs of buildings are prohibited in all districts. Public art on public buildings is exempt.

(D) *Roof signs*. Signs placed on the roof, or in the air space over the roof of any structure are prohibited in all districts.

(E) *Window signs*. Window signs, neon, or other illuminated signs in excess of 6 square feet and/or occupying more than 30% of the window area are not permitted.

(F) *Public trees*. It shall be unlawful for any person, firm, or public utility to attach any sign, advertisement, political endorsement, or notice on any public tree according to ' 153.162(D). (Prior Code, ' 11.04) (Am. Ord. 239, passed 1-25-2010; Am. Ord. 260, passed 3-12-2012) Penalty, see ' 10.99

• **150.25 DISTRICT REGULATIONS.**

The following signs are permitted in the district indicated, and shall be regulated as to size, location, and character according to the requirements set forth herein.

(A) *Residential Districts, R-1, R-2, R-3.*

(1) *Address sign.*

(2) *Name plate, single-family dwelling.* One name plate is permitted for each single-family dwelling unit provided that it shall be no greater than 2 square feet in area per surface and shall have no more than 2 surfaces. The signs may include the names of home occupations that operate under approval of the City Council, but may not contain further advertising. The size and design of home occupation signs shall be established during the conditional use permit process.

(3) *Name plate, multiple dwelling (less than 8 units).* One name plate is permitted for each multiple dwelling, provided that it shall be no greater than 4 square feet in area per surface, shall have no more than 2 surfaces, and shall contain the name and address of the building and/or occupants only.

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

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

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(6) *Name plate, institutions.* One name plate and/or bulletin board is permitted for each institutional building occupying a single lot, provided that no name plate, institutional signs, bulletin board, or combination thereof, shall exceed 20 square feet in area per surface, and shall have no more than 2 surfaces. Two signs are permitted for institutional buildings occupying corner lots, 1 sign facing each street, provided that the combined sign area does not exceed 20 square feet.

(7) *Height and setback limitations.* No signs shall exceed 6 feet in height from the ground to the top of the sign, nor shall any sign be placed within any public rights-of-way.

(B) *Mixed Use and Office Districts.*

(1) *Residential regulations.* The regulations for uses set forth in ' 150.25(A) shall apply to the uses if established in the Mixed Use and Office Districts.

(2) *Design guidelines.* Signs located for permitted uses in these districts shall conform to the city=s Design Guidelines.

(3) *Business signs.* One or more signs for a business are permitted for each lot which is used for business purposes, provided that the signs shall be accessory to the premises on which they are erected, shall contain no more than 2 surfaces per sign, and shall not exceed the provisions listed below.

(a) *Wall signs.* The total area of any wall sign affixed to a building wall shall not exceed 15% of the total area of the wall it occupies. Wall sign area shall be permitted for each business space in a multi-tenant building.

(b) *Free standing signs.* No more than 1 free standing sign is permitted for each lot which is used for business purposes, provided that the free standing sign be no more than 80 square feet in area per surface, shall contain no more than 2 surfaces, shall have a maximum height of 20 feet, and shall have a minimum setback from the public rights-of-way of 10 feet.

(c) *Projecting signs.* No projecting sign may exceed 10 square feet in area per surface, and is included in the total maximum area of wall sign permitted.

(d) *Pylon signs.* Pylon signs shall only be permitted when used with shopping centers, major commercial development centers, industrial areas, and gasoline stations, and may be used in addition to the other signs listed above. No property may have both a pylon sign and pole sign.

1. *Shopping centers, major commercial development centers, and industrial areas.* Pylon signs shall not exceed 100 square feet in area per surface, shall contain no more than 2 surfaces, shall not exceed 36 feet in height, and shall be limited to 1 pylon sign per major thoroughfare which approaches the shopping center, commercial, or industrial area. No pylon sign or free standing sign will be permitted to individual businesses within the center.

2. *Gasoline service stations.* One pylon sign is permitted for each gasoline service station, provided that the sign does not exceed 30 feet in height, shall be no more than 64 square feet in area per surface, shall contain no more than 2 surfaces, and shall maintain a minimum setback of 10 feet from any public rights-of-way.

(C) *Industrial Districts.* General regulations: The regulations for uses set forth in ' 150.25(B) shall apply to the uses if established in an Industrial District, except that the total area of any wall sign affixed to a building wall shall not exceed 10% of the total area of the wall it occupies.

(D) *Signs allowed by a conditional use permit.*

(1) A conditional use permit for the adjustment to the height, area, or location of a sign or signs within any district may be approved by the City Council if the following criteria are met:

(a) There are site conditions that require a sign deviation from the district standards to allow the sign to be reasonably visible from a street;

(b) The sign deviation will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site; or

(c) The sign deviation will not result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.

(2) In addition to the criteria for approval as specified within the procedures for conditional use permits by ' 153.140, the following standards shall also be taken into account.

(a) Placement of any electronic message signs could be considered within residential zoning districts where appropriate to surrounding land uses.

(b) The sign placement, height, or design does not create a safety hazard with regards to, from, or on a public street or roadway.

(c) The sign placement, height, or design does not create a safety problem or negatively affect adjoining properties or use.

(d) Considerations shall be given to the possible adverse affects of the proposed conditional use permit and satisfactorily address any additional requirements that may be necessary to reduce such adverse effects. The city=s judgment shall be based upon (but not limited to) the following factors:

1. The geographical area involved.
2. The character of the surrounding area.

3. The demonstrated need for such conditional use permit.

(E) *Signs allowed by an interim use permit.*

(1) Off-site signs are only allowed by an interim use permit within any district and may be approved by the City Council if the following criteria are met:

(a) There are site conditions that require a sign deviation from the district standards to allow the sign to be reasonably located away from the principal use.

(b) The sign conforms to all design and sign standards for the district where it is located.

(2) In addition to the criteria for approval as specified within the procedures for interim use permits by ' ' 153.170 *et seq.*, the following standards shall also be taken into account:

(a) The sign placement, height, or design does not create a safety hazard with regards to, from, or on a public street or roadway.

(b) The sign placement, height, or design does not create a safety problem or negatively affect adjoining properties or use.

(c) The city shall allow only 1 sign for each interim use permit for an off-site sign in a geographical area; interim use permits shall not be permitted for individual businesses.

(d) Considerations shall be given to the possible adverse affects of the proposed interim use permit and satisfactorily address any additional requirements that may be necessary to reduce such adverse effects. The city=s judgment shall be based upon (but not limited to) the following factors:

1. The geographical area involved.

2. The character of the surrounding area.

3. The demonstrated need for such interim use permit.

(Prior Code, ' 11.05) (Ord. 211, passed 6-12-2006; Am. Ord. 260, passed 3-12-2012) Penalty, see ' 10.99

' 150.26 PERMANENT SIGNS; PERMITS AND ENFORCEMENT.

(A) *Permits required.* The owner or occupant of the premises on which a sign is to be erected, or the owner or installer of the sign, shall file application with the city for a permit to erect the sign. Permits must be acquired for all new, relocated, modified, or redesigned signs except those specifically

exempted below. The applicant shall submit with the application a complete description of the sign and a scale drawing showing its size, location, manner of construction, and the other information as shall be required by the city. If a sign authorized by permit has not been installed within 12 months after the date of issuance of the permit, the permit shall become null and void.

(B) *Site plans required.* All development projects requiring approval by the City Council shall be accompanied by a sign plan showing the size, type, and location of proposed signs. Approval of the development project shall include approval of the general location, size, and type of proposed signs, provided, however, that the specific provisions of this sign code shall be controlling. Any major change in location, size, or type of the proposed signs shall require the approval of the City Council.

(C) *Types.* Permanent signs shall include, but are not limited to, the following: box lit, canopy: auxiliary, canopy: awning, directional, electronic message, free standing, governmental, institutional, internal lit, monument, pole, projecting, pylon, readerboard, and reverse lit.

(D) *Fees.* Sign fees for permanent signs are based on State Building Code fees and are determined by the Building Official.

(E) *Exemptions.* The exemptions permitted by this section shall apply only to the requirement of a permit and shall not be construed as excusing the installer of the sign or the owner of the property upon which the sign is located from conforming with the other provisions of this subchapter. No permit is required under this section for the following signs:

(1) Signs having an area of 4 square feet or less.

(2) Name plate signs.

(3) Signs erected by a governmental unit.

(4) Window signs, neon, or other illuminated signs less than 6 square feet and/or occupying less than 30% of the window area; electrical permits may apply.

(5) Memorial signs or tablets containing the name of the building, its use, and date of erection when cut or built into the walls of the building and constructed of bronze, brass, stone, marble, or similar material.

(F) *Variances.* The Planning Commission may recommend and the City Council may grant variances from the literal provisions of this subchapter in instances where the applicant for a variance has demonstrated that it meets all of the standards outlined in ' 153.110 of this code.

(Prior Code, ' 11.07) (Am. Ord. 260, passed 3-12-2012) Penalty, see ' 10.99

150.27 TEMPORARY SIGNS; PERMITS AND ENFORCEMENT.

(A) Temporary signs shall be non-illuminated and shall be erected or displayed for a limited period of time, or signs that are portable, that is movable from 1 location to another; signs that are not permanently attached to the ground or any immobile structure.

(B) A temporary sign shall include, but is not limited to, the following: banners, campaign, flags, mobile or portable, real estate, motion, sandwich board, special event device, or other signs intended for a limited period of time.

(C) Temporary signs shall be regulated as follows.

(1) *Application.* A sign application must be submitted for all temporary signs.

(2) *Permits.* Permits for temporary signs, including, but not limited to, signs for grand openings, special events, and other attention getting devices may be issued.

(3) *Materials.* Temporary signs shall be comprised/constructed of durable all-weather materials and may be mounted to a building wall or be free standing.

(4) *Duration.* Temporary sign permits shall expire at the end of 15 days and no temporary sign may receive more than 6 permits per calendar year.

(5) *Cost.* Permit costs for temporary signs are based on the city fee schedule.

(6) *Size.* The surface area of any temporary sign shall not exceed 32 square feet. This area shall be in addition to permanent, window, or other signage allowed elsewhere in this chapter.

(7) *Location.* Free standing temporary signs shall be set back a minimum of 10 feet from a property line, and may not be located on public property or easement, or in a public right-of-way.

(8) *Exempt.* Temporary signs exempt from permitting and fee requirements are as follows. These signs must follow all other requirements for temporary signs.

(a) Garage and yard sale signs.

(b) Government units, schools, and churches.

(c) Sandwich board signs. Only 1 sandwich board sign per business per street frontage. Signage shall be located directly in front of or adjacent to the building that contains the business that is being advertised. Off-site sandwich board signs may be permitted if the business has written

authorization from another business and/or its property owner; off-site signs may not be located within public rights-of-way. The signs shall only be placed outdoors during business hours and not left outdoors overnight. The city reserves the right to remove signs left outdoors repeatedly and/or require a permit.

(d) Window signs, neon, or other illuminated signs less than 6 square feet and/or occupying less than 30% of the window area; electrical permits may apply.

(e) Real estate signs; sale of individual parcels. For the purposes of selling or leasing individual lots or homes, the signs shall not exceed 4 square feet per surface and shall be removed within 7 days following the lease or sale.

(f) Real estate signs; sale of acreage or tract. One temporary real estate sign is permitted for the purpose of selling an acreage, promoting a residential project of 10 or more dwelling units, or promoting any nonresidential project, provided that the sign shall not exceed 32 square feet in area per surface, and shall be limited to a single surface, and is located no less than 100 feet from any pre-existing residence. The sign shall be removed upon completion, sale, lease, or other disposition of the project. One additional such temporary real estate sign shall be permitted for each additional street upon which the property abuts.

(g) Construction signs. One temporary identification sign shall be permitted upon a construction site in any district, the sign setting forth the name of the architect, engineer, contractor, or other principal. The sign shall not exceed 64 square feet in area per surface, and shall be limited to a single surface, shall be located upon the subject construction site, and shall be removed upon completion of the project.

(h) Campaign signs. All political or non-commercial signs in compliance with the standards of M.S. ' 211B.045, as it may be amended from time to time, shall be exempt from the regulations of this chapter.

(9) *Off-site temporary sign use.* Temporary sign permits for businesses not located along a major thoroughfare may be issued provided written permission is obtained from the property owner where the sign is to be located and submitted to the city with application. Off-site temporary signs must follow all other requirements for temporary signs, including Minnesota Department of Transportation rules.

(10) *Enforcement.* The city reserves the right to remove any temporary signs, without notice, that are erected without permit or upon expiration of a permit, and may charge the property owner or applicant any applicable fees for removal.

(Prior Code, ' 11.06) (Am. Ord. 260, passed 3-12-2012) Penalty, see ' 10.99

150.28 SIGN PACKAGE.

(A) *Purpose.* The sign package is intended to establish fair and equitable criteria for complex signage situations that accommodate the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification.

(B) *Additions or modifications.* Upon approval of a sign package, all future signs shall conform to the sign package. Modifications to the provisions of the sign package may be granted only with the approval of a new sign package application.

(C) *Requirements.* A sign package can be requested by the applicant or required by the city for any developments within the mixed use zoning districts for projects that include, but are not limited to, the uses listed below.

- (1) Office building complexes.
- (2) Multi-tenant structures.
- (3) Shopping malls, shopping centers, or strip malls.
- (4) Planned unit developments.
- (5) Churches/places of worship/institutions/schools.
- (6) Mixed use developments with multiple tenants and uses.

(D) *Criteria.* Sign packages shall follow criteria identified in the Design Guidelines and district provisions as outlined in ' ' 150.20 - 150.27. The size of all signage, excluding pylon and pole signs, if permitted, shall be limited to 1.5 times the maximum allowed under ' 150.25. The number of free standing signs shall be reasonably related to the number of access points to public streets and/or the number of tenants within the multi-tenant structure.

(E) *Application.* Submittal of a sign package application, including site plan showing the location of all free standing signs and signs to be placed on buildings, building elevations with wall dimensions, sign dimensions and total square foot, and color renderings. All applicable fees shall be submitted with the sign package application. The sign package shall be submitted according to the timelines identified on the application. The Planning Commission shall conduct an administrative review and shall make recommendations to the City Council for further consideration and action. The applicant and adjacent property owners shall be notified a minimum of 10 days prior to the review.

(F) *Appeal.* The applicant or adjacent property owner(s) may appeal the decision of the City Council regarding the sign package. An appeal shall be filed in writing within 10 days following the

City Council decision. The City Council shall take up the appeal at a regular meeting within 45 days of the appeal. The sign package appeal shall follow notice requirements and other procedures identified above. (Ord. 260, passed 3-12-2012)

• **150.29 NONCONFORMING SIGNS.**

(A) *Temporary or portable signs.* Any nonconforming temporary or portable signs existing at the time of adoption of this subchapter shall be made to comply with the requirements set forth herein or shall be removed within 60 days after the adoption of this subchapter.

(B) *Permanent on-premise signs.* Nonconforming permanent signs which are accessory to the premises on which they are erected and which were lawfully existing at the time of adoption of this subchapter shall be allowed to continue in use, but shall not be rebuilt, altered other than to change the message, or relocated without being brought into compliance with the requirements of this subchapter. After a nonconforming sign has been removed, it shall not be replaced by another nonconforming sign.

(C) *Discontinued use of nonconforming signs.* Whenever use of a nonconforming sign has been discontinued for a period of 3 months, the use shall not thereafter be resumed unless in conformance with the provisions of this subchapter.

(D) *Dilapidated signs.* A nonconforming sign or sign structure shall be removed within 10 days after notice in writing to the owner that the sign or sign structure is unsound, damaged, in disrepair, or hazardous. Failure of notification on the part of the city shall not place any liability on the part of the city nor absolve or mitigate any liability on the part of the owner of the sign or sign structure.

(E) *Nonconforming off-premise signs.* Nonconforming permanent signs, including billboards, which are not accessory to the premises on which they are erected shall be removed within 3 years of their erection and 120 days after notice in writing to the owner that the signs are unlawful. (Prior Code, ' 11.08) (Am. Ord. 260, passed 3-12-2012) Penalty, see ' 10.99

• **150.30 SUPREMACY CLAUSE.**

When any condition imposed by any provision of this subchapter is in conflict with or more restrictive than similar conditions imposed by provisions of other city codes, or state statutes, the provisions of this subchapter shall control to the extent allowable by law. (Prior Code, ' 11.10) (Am. Ord. 260, passed 3-12-2012)

MOVING OF BUILDING OR STRUCTURE**150.40 PERMIT REQUIRED.**

No person shall move a building into or within the City of Maple Plain, Minnesota, without first having obtained a permit therefor except that the moving through the city may be permitted where the mover has obtained a permit for that purpose from the state or county government. Where a permit has been issued by the state or the counties aforesaid, the mover shall not halt or place the building within the City of Maple Plain except as the permit may allow halting or stopping upon the state or county right-of-way. A permit as required by this section may be issued by the Building Inspector, provided the applicant therefor shall meet all requirements of this subchapter.

(Prior Code, ' 12.01) Penalty, see ' 10.99

150.41 DEFINITIONS.

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

BUILDING. A structure designed, built, or occupied as a shelter or roofed enclosure for person, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes.

BUILDING INSPECTOR. The Building Inspector of the City of Maple Plain, Minnesota.

CITY. The City of Maple Plain, Minnesota.

PERSON. Any person, firm, partnership, association, corporation, company, or organization of any kind.

(Prior Code, ' 12.02)

150.42 APPLICATION.

(A) *Generally.* A person seeking issuance of a permit hereunder shall file an application for the permit with the Building Inspector.

(B) *Form.* The application shall be made in writing, upon forms provided by the Building Inspector, and shall be filed in the office of the City Administrator/Clerk of Maple Plain.

(C) *Contents.* The application shall set forth:

(1) A description of the building proposed to be moved, giving street number, construction, materials, dimensions, number of rooms, and condition of exterior and interior, together with a photograph thereof that fairly portrays the building;

(2) A legal description of the lot from which the building is to be moved, giving the lot, block, and tract number;

(3) A legal description of the lot to which it is proposed the building be moved to, giving lot, block, and tract number;

(4) The portion of the lot to be occupied by the building when moved;

(5) The highways, streets, and alleys over, along, or across which the building is proposed to be moved;

(6) Proposed moving date and hours; and

(7) Any additional information which the Building Inspector shall find necessary to a fair determination of whether a permit should issue.

(Prior Code, ' 12.03)

' 150.43 ACCOMPANYING PAPERS.

(A) *Tax certificate.* The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and charges against the same are paid in full.

(B) *Certificate of ownership or entitlement.* The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he or she is entitled to move the building.

(C) *Fee.* The application shall be accompanied by a permit fee in the amount of \$25. If the building to be moved is located outside the city, the fee shall be augmented by a charge of \$.10 per mile beyond the city limits.

(Prior Code, ' 12.04)

▪ **150.44 DEPOSIT FOR EXPENSE TO CITY.**

Upon receipt of any application it shall be the duty of the Building Inspector to estimate the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making the removals and replacements. Prior to issuance of the permit, the Building Inspector shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense.

(Prior Code, ' 12.05)

▪ **150.45 GENERAL DEPOSIT.**

An application hereunder shall be accompanied by a cash deposit in the sum of \$2,500 as an indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street or alley or sidewalk, fire hydrant, or other property of the city, which may be caused by or be incidental to the removal of any building over, along, or across any street in the city and to indemnify the city against any claim of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by or incidental to the moving of any building over, along, or across any street in the city.

(Prior Code, ' 12.06)

▪ **150.46 BOND IN LIEU OF DEPOSIT.**

Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the City Administrator/Clerk a bond, approved as to form by the City Attorney, executed by a bonding or surety company authorized to do business in the State of Minnesota in the amount of \$2,500, conditioned upon the assurance that this and other applicable codes and laws will be complied with. The bond shall run to the city for the use and benefit of any person or persons intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, or nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

(Prior Code, ' 12.07)

150.47 DUTIES OF THE BUILDING INSPECTOR.

(A) *Inspection.* The Building Inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.

(B) *Standards for issuance.* The Building Inspector shall refuse to issue a permit if he or she finds:

(1) That any application requirement or any fee or deposit requirement has not been complied with;

(2) That the building is too large to move without endangering persons or property in the city;

(3) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;

(4) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

(5) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;

(6) That zoning or other codes would be violated by the building in its new location;

(7) That for any other reason persons or property in the city would be endangered by the moving of the building;

(8) That the building would for any reason be not equal to the standards provided for in the building code of the city; and/or

(9) That the building does not conform to the general design or architecture of other buildings within 250 feet of the new location.

(C) *Fees and deposits.*

(1) *Deposit.* The Building Inspector shall deposit all fees and deposits and all bonds, with the City Administrator/Clerk.

(2) *Return upon non-issuance.* Upon his or her refusal to issue a permit, the Building Inspector shall return to the applicant all deposits, bonds, and insurance policies. Permit fees filed with the application shall not be returned.

(3) *Refund upon allowance for expense.* After the building has been moved, the Building Inspector shall furnish the City Administrator/Clerk with a written statement of all expenses incurred in returning and replacing all property belonging to the city, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property

belonging to the city. Provided, however, that if any wires, poles, lamps, or other property are not located in conformity with governing codes, the permittee shall not be liable for the cost of removing the same. The City Council shall authorize the Building Inspector to return to the applicant all deposits after the City Administrator/Clerk deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

(D) *Designate streets for removal.* The Building Inspector shall designate streets over which the building may be moved. The Building Inspector shall have the list approved by the City Administrator/Clerk and shall reproduce the list upon the permit in writing. In making their determinations, the Building Inspector and City Administrator/Clerk shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets. (Prior Code, ' 12.08)

• 150.48 DUTIES OF PERMITTEE.

Every permittee under this subchapter shall:

(A) *Use designated streets.* Move a building only over streets designated for the use in the written permit;

(B) *Notify of revised moving time.* Notify the Building Inspector in writing of a desired change in moving date and hours as proposed in the application;

(C) *Notify of damage.* Notify the Building Inspector in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred;

(D) *Display lights.* Cause red lights to be displayed during the night time on every side of the building while standing on a street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in the manner as to protect the public from damage or injury by reason of the removal of the building;

(E) *Street occupancy period.* Remove the building from the city streets after 1 day of the occupancy unless an extension is granted by the Building Inspector;

(F) *Comply with governing law.* Comply with the building code, the fire zone, and zoning code and all other applicable codes and laws upon relocating the building in the city;

(G) *Pay expense of officer.* Pay the expense of a traffic officer ordered by the Building Inspector to accompany the movement of the building to protect the public from injury;

(H) *Clear old premises.* Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition; and

(I) *Remove service connection.* Permittee shall notify the gas and electric service companies and the City Utilities Department to remove their services.

(Prior Code, ' 12.09) Penalty, see ' 10.99

' 150.49 ENFORCEMENT.

(A) *Enforcing officers.* The Building Inspector and the Police Department shall enforce and carry out the requirements of this subchapter.

(B) *Permittee liable for expenses exceeding deposit.* The permittee shall be liable for any expenses, damages, or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of the excessive amounts.

(C) *Original premises left unsafe.* The city shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this subchapter, and the cost thereof shall be charged against the general deposit.

(Prior Code, ' 12.10)

EXCAVATION PERMITS

' 150.60 SPECIAL USE PERMIT REQUIRED.

(A) No person shall, without first obtaining a special use permit, grade, fill, or excavate property within the City of Maple Plain which would result in substantial alteration of the existing ground contour of which would change the existing drainage; or which would cause flooding or erosion or which would deprive an adjoining property owner of his or her lateral support; or which would remove or destroy present ground cover. Fill shall not alter the contour of the land or the drainage.

(B) Substantial alteration of the existing ground contour shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of 25 cubic yards or to a height of 2 or more feet.

(C) For substantial alterations, a grading plan, or an erosion and sedimentation control plan consistent with the methods and best management practices described in the Minnesota Pollution Control Agency=s Best Management Practices Handbook must be submitted to the Planning Commission for review and approval by the city prior to the issuance of a building or special use permit.

(D) A special use permit for grading, filling, or excavating shall be limited to a period of 6 months after issuance, with the possibility for an extension of up to 3 months.

(E) All fill shall be clean fill as defined in the Uniform Building Code and ' ' 150.10 *et seq.*

(F) No persons shall divert surface water or sump pump discharge from his or her property in such a manner as to cause it to flow onto adjacent property.

(G) Construction or work within the city that is performed in conjunction with the issuance of a valid building permit shall conform to the requirements of construction as outlined in ' ' 150.10 *et seq.*

(H) Any person having been found to be in violation of the above provisions shall be required to perform whatever work is necessary to remedy the violation under the direction of the appropriate city staff person.

(I) All costs, including any administration or professional costs required by the city, relating to any of the above provisions, shall be borne by the applicant or the person found to be in violation.
(Prior Code, ' 13.01) (Ord. 206, passed 2-13-2006) Penalty, see ' 10.99

' 150.61 CORRECTION OF DRAINAGE.

In residential areas where drainage problems exist, a majority of the affected property owners may petition the City Council for corrective action. Upon receipt of the petition, the City Engineer shall make a survey and prepare a plan and cost estimate and submit it to the Council. If the Council determines that the plan is feasible and necessary, it shall order the project completed and the entire cost, including engineering and administrative costs and the entire cost, including engineering and administrative costs assessed against the benefitted property in accordance with Minnesota state statutes and the codes and the regulations of the City of Maple Plain.

(Prior Code, ' 13.02)

' 150.62 CODE REQUIREMENTS.

All new residential construction shall conform to the requirements outlined in this subchapter and shall conform to the requirements of ' ' 150.10 *et seq.*

(Prior Code, ' 13.03)

CHAPTER 151: FLOOD PLAIN MANAGEMENT

Section

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GENERAL PROVISIONS**• 151.001 STATUTORY AUTHORIZATION.**

The legislature of the State of Minnesota has, in M.S. Chapters 103F and 462, as they may be amended from time to time, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City of Maple Plain, Minnesota, does ordain as follows. (Ord. 196A, passed 8-24-2004)

▪ **151.002 FINDINGS OF FACT.**

(A) *Generally.* The flood hazard areas of Maple Plain, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) *Methods used to analyze flood hazards.* This chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

(C) *National Flood Insurance Program compliance.* This chapter is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 C.F.R. pt. 59 -78, as they may be amended from time to time, so as to maintain the community=s eligibility in the National Flood Insurance Program.

(Ord. 196A, passed 8-24-2004)

▪ **151.003 STATEMENT OF PURPOSE.**

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize those losses described in ' 151.002(A) by provisions contained herein.

(Ord. 196A, passed 8-24-2004)

▪ **151.004 LANDS TO WHICH THIS CHAPTER APPLIES.**

This chapter shall apply to all lands within the jurisdiction of City of Maple Plain shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway and Flood Fringe Districts.

(Ord. 196A, passed 8-24-2004)

▪ **151.005 ESTABLISHMENT OF OFFICIAL ZONING MAP.**

The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this chapter. The attached material shall include the Flood Insurance Study, Volume 1 of 2 and Volume 2 of 2, Hennepin County, Minnesota, All Jurisdictions and the Flood Insurance Rate Map panels numbered: 270530143 E and 270530144 E for the City of Maple Plain, MN dated 9-2-2004, as developed by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the office of City Administrator/Clerk.

(Ord. 196A, passed 8-24-2004)

▪ 151.006 REGULATORY FLOOD PROTECTION ELEVATION.

The regulatory flood protection elevation shall be an elevation no lower than 1 foot above the elevation of the regional flood plus any in creases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

(Ord. 196A, passed 8-24-2004)

▪ 151.007 INTERPRETATION.

(A) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(B) The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the community adopted its initial flood plain ordinance, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

(Ord. 196A, passed 8-24-2004)

▪ 151.008 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(Ord. 196A, passed 8-24-2004)

▪ 151.009 WARNING AND DISCLAIMER OF LIABILITY.

This chapter does not imply that areas outside the flood plain districts or land uses permitted within the districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Maple Plain or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 196A, passed 8-24-2004)

151.010 DEFINITIONS.

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

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

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

CONDITIONAL USE. A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

(1) Certain conditions as detailed in the zoning ordinance exist; and

(2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

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

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

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

FLOOD FRINGE. The portion of the flood plain outside of the floodway. **FLOOD FRINGE** is synonymous with the term floodway fringe used in the Flood Insurance Study.

FLOOD PLAIN. The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

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

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

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

MANUFACTURED HOME. A structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include the term Recreational vehicle.

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

PRINCIPAL USE OR STRUCTURE. All uses or structures that are not accessory uses or structures.

REACH. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between 2 consecutive bridge crossings would most typically constitute a reach.

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

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term Base flood used in a flood insurance study.

REGULATORY FLOOD PROTECTION ELEVATION. The regulatory flood protection elevation shall be an elevation no lower than 1 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in ' 151.102 and other similar items.

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

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other

improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure. For the purpose of this chapter, historic structure shall be as defined in C.F.R. pt. 59.1, as it may be amended from time to time.

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

(Ord. 196A, passed 8-24-2004)

• **151.011 VIOLATIONS.**

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

(B) Nothing herein contained shall prevent the City Council from taking the other lawful action as is necessary to prevent or remedy any violation. These actions may include but are not limited to:

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

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

(3) The Zoning Administrator shall notify the suspected party of the requirements of this chapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either:

(a) Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or

(b) Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

(4) If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this chapter and shall be prosecuted accordingly. The Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition which existed prior to the violation of this chapter.

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

' 151.012 AMENDMENTS.

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he or she determines that, through other measures, lands are adequately protected for the intended use. All amendments to this chapter, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency=s (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this chapter and the notice shall include a draft of the chapter amendment or technical study under consideration.

(Ord. 196A, passed 8-24-2004)

' 151.013 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

(Ord. 196A, passed 8-24-2004)

ESTABLISHMENT OF ZONING DISTRICTS

151.025 DISTRICTS.

(A) *Floodway District.* The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in ' 151.005.

(B) *Flood Fringe District.* The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in ' 151.005 as being within Zone AE, Zone AO, or Zone AH but being located outside of the floodway.

(Ord. 196A, passed 8-24-2004)

151.026 COMPLIANCE.

(A) (1) No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

(2) Within the Floodway and Flood Fringe Districts, all uses not listed as permitted uses or conditional uses in ' ' 151.040 *et seq.* and 151.055 *et seq.* that follow, respectively, shall be prohibited.

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

(1) New manufactured homes, replacement manufactured homes, and certain travel trailers and travel vehicles are subject to the general provisions of this chapter and, specifically, ' ' 151.100 *et seq.*;

(2) Modifications, additions, structural alterations, normal maintenance and repair or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this chapter and, specifically, ' 151.130; and

(3) As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this chapter and specifically as stated in ' ' 151.115 *et seq.*

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

FLOODWAY DISTRICT (FW)**' 151.040 PERMITTED USES.**

(A) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;

(B) Industrial-commercial loading areas, parking areas, and airport landing strips;

(C) Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails; and

(D) Residential lawns, gardens, parking areas, and play areas.

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

' 151.041 STANDARDS FOR FLOODWAY PERMITTED USES.

(A) The use shall have a low flood damage potential.

(B) The use shall be permissible in the underlying zoning district if one exists.

(C) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations, or storage of materials or equipment.

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

' 151.042 CONDITIONAL USES.

(A) Structures accessory to the uses listed in ' 151.040 and the uses listed in this section below;

(B) Extraction and storage of sand, gravel, and other materials;

(C) Marinas, boat rentals, docks, piers, wharves, and water control structures;

(D) Railroads, streets, bridges, utility transmission lines, and pipelines;

(E) Storage yards for equipment, machinery, or materials;

(F) Placement of fill or construction of fences;

(G) Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of ' 151.102; and

(H) Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event. (Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

' 151.043 STANDARDS FOR FLOODWAY CONDITIONAL USES.

(A) *All uses.* No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

(B) *Conditional uses.* All floodway conditional uses shall be subject to the procedures and standards contained in ' 151.118.

(C) *Permissible.* The conditional use shall be permissible in the underlying zoning district if 1 exists.

(D) *Fill.*

(1) Fill, dredge spoil, and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.

(2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

(3) As an alternative, and consistent with division (D)(2) above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the County Recorder.

(E) *Accessory structures.*

(1) Accessory structures shall not be designed for human habitation.

(2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

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(a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

(b) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(3) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

(a) The structure must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(b) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and

(c) To allow for the equalization of hydrostatic pressure, there must be a minimum of 2 automatic openings in the outside walls of the structure having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding. There must be openings on at least 2 sides of the structure and the bottom of all openings must be no higher than 1 foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(F) *Storage of materials and equipment.*

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

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

(G) *Structural works.* Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of M.S. Chapter 103G, as it may be amended from time to time. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

(H) *Levee.* A levee, dike, or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

FLOOD FRINGE DISTRICT (FF)

151.055 PERMITTED USES.

Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided the use does not constitute a public nuisance. All permitted uses shall comply with the standards in ' ' 151.056 and 151.059.

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

151.056 STANDARDS FOR FLOOD FRINGE PERMITTED USES.

(A) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than 1 foot below the regulatory flood protection elevation and the fill shall extend at the elevation at least 15 feet beyond the outside limits of the structure erected thereon.

(B) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with ' 151.043(E).

(C) The cumulative placement of fill where at any 1 time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless the fill is specifically intended to elevate a structure in accordance with division (A) above.

(D) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

(E) The provisions of ' 151.059 shall apply.

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

151.057 CONDITIONAL USES.

Any structure that is not elevated on fill or flood proofed in accordance with ' ' 151.055 and 151.056 and/or any use of land that does not comply with the standards in ' 151.056 shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in ' ' 151.058 and 151.059.

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

' 151.058 STANDARDS FOR FLOOD FRINGE CONDITIONAL USES.

(A) Alternative elevation methods other than the use of fill may be utilized to elevate a structure=s lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, and the like, or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure=s basement or lowest floor if the enclosed area is above-grade on at least 1 side of the structure; it is designed to internally flood and is constructed with flood resistant materials; and it is used solely for parking of vehicles, building access, or storage. The above-noted alternative elevation methods are subject to the following additional standards.

(1) *Design and certification.* The structure=s design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(2) *Specific standards for above-grade, enclosed areas.* Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

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

(b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles, or storage.

(B) Basements, as defined by ' 151.010, shall be subject to the following.

(1) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

(2) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with division (C) below.

(C) All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing

classifications in the State Building Code. Structurally dry flood proofing must meet the FP -1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

(D) When at any 1 time more than 1,000 cubic yards of fill or other similar material is located on a parcel for the activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

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

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

(F) The provisions of ' 151.059 shall also apply.
(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

' 151.059 STANDARDS FOR ALL FLOOD FRINGE USES.

(A) All new principal structures must have vehicular access at or above an elevation not more than 2 feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

(B) For commercial uses, accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for the facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds 4 upon occurrence of the regional flood.

(C) For manufacturing and industrial uses, measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory

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land uses such as yards and parking lots may be at lower elevations subject to requirements set out in division (B) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

(D) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover, or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA=s requirements incorporate specific fill compaction and side slope protection standards for multi -structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(E) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

(F) Standards for recreational vehicles are contained in ' 151.102.

(G) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces. (Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

SUBDIVISIONS**' 151.070 REVIEW CRITERIA.**

No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply, or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than 2 feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents. (Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

151.071 REMOVAL OF SPECIAL FLOOD HAZARD AREA DESIGNATION.

The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested. (Ord. 196A, passed 8-24-2004)

PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES**151.085 PUBLIC UTILITIES.**

All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation. (Ord. 196A, passed 8-24-2004)

151.086 PUBLIC TRANSPORTATION FACILITIES.

Railroad tracks, roads, and bridges to be located within the flood plain shall comply with ' ' 151.040 *et seq.* and 151.055 *et seq.* Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where the facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. (Ord. 196A, passed 8-24-2004)

151.087 ON-SITE SEWAGE TREATMENT AND WATER SUPPLY SYSTEMS.

(A) Where public utilities are not provided:

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

(2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding.

(B) Any sewage treatment system designed in accordance with the state=s current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.
(Ord. 196A, passed 8-24-2004)

***MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND
PLACEMENT OF RECREATIONAL VEHICLES***

▸ **151.100 NEW MANUFACTURED HOME PARKS.**

New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by ' ' 151.070 *et seq.*
(Ord. 196A, passed 8-24-2004)

▸ **151.101 REPLACEMENT MANUFACTURED HOMES; EXISTING PARKS.**

(A) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with ' ' 151.055 *et seq.* If vehicular road access for pre-existing manufactured home parks is not provided in accordance with ' 151.059(A), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the governing body.

(B) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

▸ **151.102 RECREATIONAL VEHICLES.**

(A) *Generally.* Recreational vehicles that do not meet the exemption criteria specified in division (B) below shall be subject to the provisions of this chapter and as specifically spelled out in divisions (D) and (E) below.

(B) *Exemption.* Recreational vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in division (C) below and further they meet the following criteria:

- (1) Have current licenses required for highway use;

(2) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks, and the recreational vehicle has no permanent structural type additions attached to it; and

(3) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

(C) *Areas exempted for placement of recreational vehicles.*

- (1) Individual lots or parcels of record;
- (2) Existing commercial recreational vehicle parks or campgrounds; and
- (3) Existing condominium type associations.

(D) *Loss of exemption.* Recreational vehicles exempted in division (B) above lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in ' ' 151.040 *et seq.* and 151.055 *et seq.* There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

(E) *New parks.* New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding 5 units or dwelling sites shall be subject to the following.

(1) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided the recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with ' 151.059(A). No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood.

(2) All new or replacement recreational vehicles not meeting the criteria of division (E)(1) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of ' 151.118. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. The plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of division (B) above will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with ' 151.087.

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

ADMINISTRATION**151.115 ZONING ADMINISTRATOR.**

A Zoning Administrator or other official designated by the governing body shall administer and enforce this chapter. If the Zoning Administrator finds a violation of the provisions of this chapter, the Zoning Administrator shall notify the person responsible for the violation in accordance with the procedures stated in ' 151.011.

(Ord. 196A, passed 8-24-2004)

151.116 PERMIT REQUIREMENTS.

(A) *Permit required.* A permit issued by the Zoning Administrator in conformity with the provisions of this chapter shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

(B) *Application for permit.* Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

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

(D) *Certificate of zoning compliance for a new, altered, or nonconforming use.* It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this chapter.

(E) *Construction and use to be as provided on applications, plans, permits, variances, and certificates of zoning compliance.* Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter, and punishable as provided by ' 151.011.

(F) *Certification.* The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this chapter. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

(G) *Record of first floor elevation.* The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

(H) *Notifications for watercourse alterations.* The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to M.S. Chapter 103G, as it may be amended from time to time, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of the notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

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

(Ord. 196A, passed 8-24-2004)

▪ **151.117 BOARD OF ADJUSTMENT.**

(A) *Rules.* The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on the boards by state law.

(B) *Administrative review.* The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this chapter.

(C) *Variances.* The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this chapter as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties, or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of the variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this chapter, any other zoning regulations in the community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied.

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(1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2) Variances shall only be issued by a community upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

(D) *Hearings.* Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least 10-days notice of the hearing.

(E) *Decisions.* The Board of Adjustment shall arrive at a decision on the appeal or variance within 60 days. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination of the Zoning Administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in ' 151.118(G), which are in conformity with the purposes of this chapter. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter punishable under ' 151.011. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within 10 days of the action.

(F) *Appeals.* Appeals from any decision of the Board of Adjustment may be made, and as specified in this community=s official controls and also by Minnesota Statutes.

(G) *Flood insurance notice and record keeping.*

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

(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(b) The construction below the 100-year or regional flood level increases risks to life and property.

(2) The notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report the variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

(Ord. 196A, passed 8-24-2004)

' 151.118 CONDITIONAL USES.

(A) *Generally.* The Planning Commission shall hear and decide applications for conditional uses permissible under this chapter. Applications shall be submitted to the Zoning Administrator who shall forward the application to the City Council for consideration.

(B) *Hearings.* Upon filing with the Planning Commission an application for a conditional use permit, the Planning Commission shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least 10-days notice of the hearing.

(C) *Decisions.* The City Council shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in division (G) below, which are in conformity with the purposes of this chapter. Violations of the conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this chapter punishable under ' 151.011. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within 10 days of the action.

(D) *Procedures to be followed by the Planning Commission in passing on conditional use permit applications within all flood plain districts.*

(1) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:

(a) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and

(b) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(2) Transmit 1 copy of the information described in division (D)(1) above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(3) Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

(E) *Factors upon which the decision of the Planning Commission shall be based.* In passing upon conditional use applications, the Planning Commission shall consider all relevant factors specified in other sections of this chapter, and:

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

(2) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts, or other hydraulic structures;

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

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

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

(6) The requirements of the facility for a waterfront location;

(7) The availability of alternative locations not subject to flooding for the proposed use;

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area;

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

(12) Any other factors which are relevant to the purposes of this chapter.

(F) *Time for acting on application.* The City Council shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to division (E) above. The City Council shall render a written decision within 60 days from the receipt of the additional information.

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

- (1) Modification of waste treatment and water supply facilities;
- (2) Limitations on period of use, occupancy, and operation;
- (3) Imposition of operational controls, sureties, and deed restrictions;

(4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures; and

(5) Flood proofing measures, in accordance with the State Building Code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(Ord. 196A, passed 8-24-2004)

NONCONFORMING USES

' 151.130 GENERALLY.

(A) A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions. Historic structures, as defined in ' 151.010, shall be subject to the provisions of divisions (B) through (F) below.

(B) No use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

(C) Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing

techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in divisions (D) and (G) below.

(D) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of ' ' 151.040 *et seq.* and 151.055 *et seq.* for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

(E) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

(F) If any nonconforming use or structure is substantially damaged, as defined in ' 151.010, it shall not be reconstructed except in conformity with the provisions of this chapter. The applicable provisions for establishing new uses or new structures in ' ' 151.040 *et seq.* and 151.055 *et seq.* will apply depending upon whether the use or structure is in the Floodway or Flood Fringe District, respectively.

(G) If a substantial improvement occurs, as defined in ' 151.010, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition (as required by division (C) above) and the existing nonconforming building must meet the requirements of ' ' 151.040 *et seq.* and 151.055 *et seq.* for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

(Ord. 196A, passed 8-24-2004) Penalty, see ' 10.99

CHAPTER 152: SUBDIVISION REGULATIONS

Section

- 152.01 Purpose
- 152.02 Compliance
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• 152.01 PURPOSE.

Pursuant to the authority contained in M.S. ' 462.358, as it may be amended from time to time, this chapter is adopted for the following purposes:

- (A) Assure that new additions will harmonize with overall development objectives of the community;
- (B) Encourage well planned subdivisions by establishing optimum development standards;
- (C) Secure the rights of the general public with respect to public land and water;
- (D) Improve land records by establishing standards for surveys and plats;
- (E) Place the cost of improvements against those benefitting therefrom;

(F) Assure that public improvements such as streets, utilities, and drainage are constructed to satisfactory standards; and

(G) Provide common grounds of understanding between prospective subdividers and municipal officials.

(Prior Code, ' 26.01)

152.02 COMPLIANCE.

All subdivision of land within the corporate limits of the City of Maple Plain hereafter submitted for approval shall fully comply in all respects with the regulations set forth herein. Plans of group developments for housing, commercial, industrial, or other use or for any combination of uses designed for sale or rental purposes shall be presented in the same manner as subdivisions for the review of the Planning Commission and the approval of the City Council.

(Prior Code, ' 26.02) Penalty, see ' 10.99

152.03 GENERAL REQUIREMENTS; DEFINITIONS.

(A) *General requirements.* Subdivision approval shall be required for the separation of an area, parcel, or tract of land under single ownership into 2 or more parcels, lots, tracts, or long-term leasehold interests where the division necessitates the creation of streets, roads, or alleys for residential, commercial, industrial, or other use or any combination thereof, or any change in the lot line or lines of a parcel, lot, or tract; or the establishment of the lot lines of a parcel, lot, or tract not previously platted.

(1) *Preservation of natural features.* The Planning Commission may establish any existing natural features in order to preserve any trees, groves, water courses, and falls, beaches, historic sites, vistas, and similar irreplaceable assists which add value to all developments and to the community as a whole.

(2) *Land subject to flooding.* No plat shall be approved for any subdivision which covers an area subject to periodic flooding or which is otherwise poorly drained unless the subdivider agrees to make improvements which will, in the opinion of the City Engineer, make the area completely safe for occupancy, and provide adequate street and lot drainage and conform to applicable regulations of other agencies such as the U.S. Corps of Engineers and the Department of Natural Resources. In addition, the plats may not be approved if the cost of providing municipal services to protect the flood plain area would impose an unreasonable economic burden upon the city.

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

ALLEY. A public right-of-way usually 20 feet or less in width which normally affords a secondary means of vehicular access to abutting property.

ARTERIAL STREET. Provides for traffic movement to and from municipalities and their surrounding rural areas, to and from regional highways and collector streets, and between major parts of an urban area. Intersections are at grade and direct access to abutting property is secondary to traffic movement.

BLOCK. An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

COLLECTOR STREET. Distributes the internal traffic within an area of a community, such as a residential neighborhood or industrial district, between the arterials and local streets, provides access to abutting land. Continuity should be sufficient to accommodate short trips, but discourage through movement.

COMPREHENSIVE PLAN. The document or series of documents that represent adopted policy of the City of Maple Plain and which serve as official guides to the orderly development of the city and its environs.

CUL-DE-SAC. A short street having but 1 end open to traffic and the other end being permanently terminated to a vehicular turn-around.

EASEMENT. A grant by the owner of land to a person or persons or to the general public for a specific use of the land.

ENGINEER. The City Engineer or a duly authorized consultant.

FLOOD FRINGE AREA. The portion of the flood plain outside of the floodway.

FLOOD PLAIN. The area adjoining a watercourse which has been or hereafter may be covered by the regional flood.

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

FRONTAGE/LOCAL SERVICE ROAD. A road intended primarily to provide access to abutting property and located adjacent and generally parallel to a thoroughfare to which access is prohibited or restricted.

HALF STREET. A street having only 2 of its intended right-of-way width developed to accommodate traffic.

IMPROVEMENTS. Pavement, curb, gutters, sidewalks, sewer and water facilities, grading, street signs, street lighting, plantings, and other items for the welfare of property owners and/or the general public.

LOCAL STREET. Provides for direct access to residential, commercial, industrial, or other abutting property. Continuity is not imperative; all through traffic movement should be discouraged.

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

PARKWAY. Provides for pleasure driving within an urban area along a specifically landscaped and protected roadway. **PARKWAYS** connect major points of interest such as major parks, lakes, institutions, and other scenic and recreational areas. In many cases, parkways serve the function of collector streets and occasionally serve as arterial streets.

PEDESTRIAN WAY. The right-of-way across or within a block for use by pedestrian traffic whether designated as a pedestrian way, greenway, crosswalk, or however otherwise designated.

PLAT. A map, drawing, or chart on which the subdivider=s plan of subdivision is presented to the Planning Commission and City Council for approval, and is ultimately recorded in the office of the County Recorder.

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

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred and reasonably characteristic of what can be expected to occur with an average frequency in the magnitude of the 100-year recurrence interval.

REGIONAL HIGHWAY. Provides for through traffic movement at relatively high speeds between municipalities. With few exceptions, intersections are at grade and direct access to abutting property is discouraged.

SITE MAP. A map showing existing conditions including all platted parcels, streets, rights-of-way, easements, and any predominant topography or natural features such as lakes, wooded areas, and the like.

SUBDIVIDER-DEVELOPER. A person, firm, or corporation undertaking the subdivision or re-subdivision of a tract or parcel of land according to the requirements of this chapter.

SUBDIVISION. The division or redivision of a lot-tract or parcel of land by plat, registered land survey, or by metes and bounds description, regardless of how it is to be used; provided, however, the following classes shall be exempt:

(a) The division of land for agricultural purposes into parcels greater than 5 acres where no new streets, roads, or other rights-of-way are involved; and

(b) The division of a lot of record for the purpose of attachment to contiguous lots provided no residual plot is left.

(C) *Minor subdivision (conveyance by metes and bounds).*

(1) A **MINOR SUBDIVISION** is a lot division, rearrangement, or consolidation that shall not require a plat or replat, provided all the following conditions are met:

- (a) The subdivision shall be in compliance with the Comprehensive Plan and the purpose and intent of this chapter;
- (b) The subdivision shall not result in or affect more than 2 parcels;
- (c) The subdivision shall be part of a previously recorded plat or Registered Land Survey;
- (d) All parcels resulting from the subdivision shall have frontage and access on an existing improved street;
- (e) Any such subdivision shall not require any public improvements or the dedication of right-of-way;
- (f) The subdivider shall provide easements, as required by this chapter; and
- (g) The subdivider shall comply with the park dedication, tree preservation, and wetland buffer regulations, as required for a major subdivision.

(2) *Pre-application meeting.* Prior to the submission of a subdivision for consideration by the Planning Commission, the subdivider shall meet with the City Administrator and Planner and other staff as necessary to introduce himself or herself as to a potential subdivider and learn what shall be expected of him or her in such a capacity and to determine the relationship of his or her proposed subdivision with the Comprehensive Plan and applicable zoning ordinances for the affected area. At this time, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for sewer and water connections. The sketch plan may be presented in simple form showing any zoning change which would be required, and showing that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and development, to the topography of the site, and to the Comprehensive Plan for the area.

(3) *Application requirements.* A request for a minor subdivision shall be filed with the City Administrator or Planner on an official application form. The application shall be accompanied by a fee established by resolution of the City Council. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner fully explaining the purpose of the proposal, and including any proposed development and use.

(4) *Staff analysis.* Upon receiving a complete application, as determined by the City Planner, copies of the preliminary plat shall be submitted to city staff and other applicable public agencies as needed in order to receive written comments. Minor subdivisions including land abutting an existing or

proposed trunk highway and/or highway under county jurisdiction shall also be submitted to the Minnesota Commissioner of Transportation and/or the Hennepin County Transportation Planning Division as required by state law, at least 30 days prior to city action on the preliminary plat. The City Planner shall instruct the appropriate staff person to:

- (a) Coordinate an analysis of the application;
- (b) Prepare technical reports; and
- (c) Assist in preparing a recommendation to the Planning Commission and City Council.

(5) *Review and approval.* The City Council shall review the minor subdivision for conformance with City Code and the Comprehensive Plan. Pursuant to M.S. Chapter 462.358, as amended from time to time, an application for a minor subdivision shall be approved or denied within 120 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the subdivider. The minor subdivision shall be recorded within 1 year following minor subdivision approval, otherwise it will be deemed null and void.

(Prior Code, ' 26.04) (Am. Ord. 215, passed 7-23-2007)

• 152.04 PLATTING PROCEDURES.

(A) *Preliminary plat.* A plat is a lot division, rearrangement, subdivision, or consolidation that requires a preliminary and final plat which are separate procedures. A preliminary plat submittal includes a survey of the existing conditions and a preliminary plat showing the proposed conditions and improvements.

(1) *Pre-application meeting.* Prior to the submission of a preliminary plat for consideration by the Planning Commission, the subdivider shall meet with the City Administrator and Planner and other staff as necessary to introduce himself or herself as to a potential subdivider and learn what shall be expected of him or her in such a capacity and to determine the relationship of his or her proposed subdivision with the Comprehensive Plan and applicable zoning ordinances for the affected area. At this time, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for sewer and water connections. The sketch plan may be presented in simple form showing any zoning change which would be required, and showing that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and development, to the topography of the site, and to the Comprehensive Plan for the area.

(2) *Application requirements.* A preliminary plat application shall be filed with the City Administrator or Planner on an official application form. The application shall be accompanied by a fee established by resolution by the City Council. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner, fully describing

the proposed plat, together with a set of mailing labels of all property owners located within 350 feet of the site in a format prescribed by the City Planner. The application shall be considered as being officially submitted and complete when the subdivider has complied with all the specified submittal requirements, as described in this section.

(3) *Staff analysis.* Upon receiving a complete application, as determined by the City Planner, copies of the preliminary plat shall be submitted to city staff and other applicable public agencies as needed in order to receive written comments. Preliminary plats including land abutting an existing or proposed trunk highway and/or highway under county jurisdiction shall also be submitted to the Minnesota Commissioner of Transportation and/or the Hennepin County Transportation Planning Division as required by state law, at least 30 days prior to city action the preliminary plat. The City Planner shall instruct the appropriate staff person to:

- (a) Coordinate an analysis of the application;
- (b) Prepare technical reports; and
- (c) Assist in preparing a recommendation to the Planning Commission and City Council.

(4) *Public hearing notice.* Upon completion of staff=s analysis of the application, the City Administrator, when appropriate, shall set a public hearing date for an upcoming Planning Commission meeting. Notice of the hearing, including a description of the request and the legal description of the property shall be published in the city=s official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall also be mailed to all property owners located within 350 feet of the site at least 10 days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate the proceedings.

(5) *Review and approval.* The City Council shall review the preliminary plat for conformance with City Code and the Comprehensive Plan. Pursuant to Minnesota Statutes, an application for a preliminary plat shall be approved or denied within 120 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the subdivider.

(6) *Planning Commission consideration.* The Planning Commission shall consider a preliminary plat application and hold a public hearing. The subdivider or representatives thereof may appear before the Planning Commission to present information and answer questions concerning the proposal. The Planning Commission and staff shall have the authority to request additional information from the subdivider concerning the proposal, as deemed necessary to formulate a recommendation on the proposal. The Planning Commission shall recommend approval of the preliminary plat if it, in all ways, conforms with the city=s Comprehensive Plan, zoning ordinance, this chapter, and all chapters of the City Code.

(7) *City Council consideration.* The City Council shall consider the preliminary plat and recommendations of the Planning Commission and staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The Council shall either approve or deny the application and approval of a preliminary plat shall require passage by a majority vote of the entire City Council. The approval shall constitute general acceptance of the layout, but shall not constitute final acceptance of the subdivision. Subsequent approval of a final plat will be required before recording of the plat. The Council may require plan revisions and may impose conditions upon approval, as deemed necessary to protect the health, safety, and general welfare of the city. If a preliminary plat is denied by the City Council, the reasons for the action shall be recorded in the Council proceedings and transmitted to the applicant.

(8) *Expiration of preliminary plat approval.* Unless the City Council specifically approves a different time period, the approval of a preliminary plat shall expire 180 days from the date it was approved, unless the applicant has filed, and the City Council has approved, a written extension.

(9) *Preliminary plat requirements.* In order for a preliminary plat application to be deemed complete, it shall include or have attached thereto all materials, information, and drawings listed in this section unless the City Administrator or Planner waives the requirement:

(a) An official application form signed by all parties with a fee interest in the parcel(s) and fee, as provided by the city;

(b) Location, address (if assigned), legal description, and Hennepin County property identification number (P.I.N) of all parcels included within the proposed plat;

(c) Written description that provides information about the proposed plat including, but not limited to, number of lots, development type, and anticipated completion date. The description may be provided on a separate sheet of paper that is attached to the application form;

(d) A wetland report by a Certified Wetland Specialist;

(e) Mailing labels with the names and addresses of all property owners located within 350 feet of the boundaries of the proposed plat; and

(f) Anything else that may be necessary to determine compliance with this chapter or with the city's Comprehensive Plan, including, but not limited to, planning, engineering, or traffic studies.

(10) *Drawings; general requirements.* Drawings must include a title, north point indication, the name and address of the subdivider, name and address of the designer of the drawing, and signature of the person who prepared the drawing, together with any registration number or other professional certification number or title. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner, fully explaining the purpose of the proposal, and including any proposed development and use.

(11) *Drawings; existing conditions.* The application form shall be accompanied by drawings and information indicating all of the following unless waived by the City Administrator or Planner:

(a) An accurate certified survey of the proposed plat, current within 1 year, showing existing conditions, and providing the current legal descriptions of all parcels within the proposed plat;

(b) Floodplain and Shoreland District boundaries within the proposed plat;

(c) Gross acreage and net acreage of the proposed plat, computed to 1/10 of an acre. Gross acreage means the total site area, and net acreage means gross acreage minus all wetland areas and areas below the 100-year ordinary high water level;

(d) Location, width, and name of all existing streets, public ways, parks, and other public lands (including permanent structures), railroads, utility rights-of-way, corporate lines, and easements within the proposed plat, and to a distance of 100 feet beyond the boundary lines of the plat;

(e) Location and size of all existing buildings, as well as all sewers, watermains, culverts, and other underground facilities (public and private) within the proposed plat, and to a distance of 100 feet beyond the boundary lines of the plat. Data such as grades, rim, and invert elevations, locations of catch basins and manholes, and fire hydrants shall also be provided;

(f) Topography in 2-foot contour intervals within the proposed plat and to a distance of 100 feet beyond the boundary lines of the plat;

(g) Water courses, wetlands, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features within the proposed plat, and to a distance of 100 feet beyond the boundary lines of the plat;

(h) Boundary lines and ownership of all adjoining land within 100 feet;

(i) Existing guiding and zoning classifications for land within and abutting the proposed plat;

(j) Tree inventory indicating the location, size, and species of all trees and significant trees as defined in the city=s tree preservation ordinance section which are located within the proposed plat, and to a distance of 25 feet beyond the boundary lines of the plat. The inventory shall also include a tabular listing of all the trees and the total number and caliper inches to be saved and removed per the city=s tree preservation ordinance; and

(k) Soil borings and percolation tests, as may be required by the Building Official or City Engineer.

(12) *Drawings; preliminary plats.* The drawings shall include all of the information indicating the following unless waived by the City Administrator or Planner:

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- (a) Name of the proposed plat;
- (b) Layout of all proposed lot lines, together with the number, size, and preliminary dimensions;
- (c) Layout of all proposed streets, including those required in accordance with the city's Comprehensive Plan, showing right-of-way widths, pavement widths, center line gradients, typical cross sections, street drainage systems, and proposed street names;
- (d) Location and width of all proposed sidewalks, trails, pedestrian ways, and fire lanes;
- (e) Location, dimensions, and purpose of all easements;
- (f) Minimum building setback lines;
- (g) Floodplain and Shoreland District boundaries within the proposed plat;
- (h) Proposed guiding and zoning classifications if the plat application includes a reguiding and/or rezoning request;
- (i) A tentative plan for future platting, if the proposed plat includes any areas intended for future re-subdivision;
- (j) Preliminary grading and erosion control plan for the proposed plat, showing all of the following:
 - 1. Existing and proposed topography in 2-foot contour intervals and extending 100 feet beyond the borders of the proposed plat;
 - 2. The location of all existing natural features on the tract including, but not limited to, tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, and the like;
 - 3. The location of all existing and proposed storm sewer facilities, including pipes, manholes, catch basins, ponds, swales, and drainage channels within 100 feet of the proposed plat;
 - 4. The proposed storm water improvements such as pipe type and size, pipe grades, rim, invert elevations, and normal high water elevations;
 - 5. The flood elevations and locations if the plat is located within, or adjacent to, a 100-year flood plain;
 - 6. The spot elevations at drainage break points and directional arrows indicating site and swale drainage, locations, grades, and rim invert elevations of all storm sewer facilities, including ponds proposed to serve the plat;

7. The locations and elevations of all street high and low points as well as the location of all easements, including oversize or non-typical easements; and

8. An erosion control plan including a SWPPP if required.

(k) Preliminary utility plan showing the location, dimensions, and purpose of all easements as well as the location, type, size, grades, rim and invert elevations of existing and proposed sanitary sewer, storm sewer, water mains, culverts, catch basins, manholes, hydrants, and other similar facilities; and

(l) Landscaping plan showing the tree inventory and new plantings, berms, fences, walls, sidewalks and trails, and any subdivision signage.

(B) *Final plat.* Upon preliminary plat approval, a final plat must be submitted within 180 days of approval; otherwise, it will be deemed null and void unless the subdivider provides a written request for an extension to the city no later than 30 days prior to the deadline. Pursuant to Minnesota Statutes, an application for a final plat shall be approved or denied within 60 days of the date from the date of its official and complete submission unless a time waiver is granted by the subdivider. A final plat application shall be in substantial compliance with the approved preliminary plat, including any required modifications thereto.

(1) *Pre-application meeting.* Prior to the submission of a final plat for consideration by the City Council, the subdivider shall meet with the City Administrator and Planner and review the preliminary plat document and resolution conditions for compliance.

(2) *Application requirements.* A final plat application shall be filed with the City Administrator on an official application form. The application shall be accompanied by a fee established by resolution of the City Council. The application shall be considered as being officially submitted and complete when the subdivider has complied with all the specified submittal requirements as described in this section as well as the preliminary plat resolution conditions.

(3) *Staff analysis.* Upon receiving a complete application, as determined by the City Planner, copies of the final plat shall be submitted to city staff and other applicable public agencies as needed. The City Planner shall instruct the appropriate staff person to:

- (a) Coordinate an analysis of the application;
- (b) Prepare technical reports; and
- (c) Assist in preparing a recommendation to the City Council.

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(4) *City Council consideration.* The City Council shall consider a final plat upon receiving the reports and recommendations of the staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The City Council shall then either approve or deny the application. Approval of a final plat and any related development contract shall require passage by a majority vote of the entire City Council. The Council may require the revisions in the final plat as it deems necessary for the health, safety, general welfare, and convenience of the city.

(5) *Recording of final plat.* If the final plat is approved and signed by the Mayor and city officials, the subdivider shall record the final plat with the County Recorder or the Registrar of Titles within 6 months of approval. No changes, erasures, modifications, or revisions shall be made in any final plat after approval has been given by the City Council and endorsed in writing on the plat.

(6) *Expiration of final plat approval.* Unless the City Council specifically approves a different time period, the approval of a final plat that has not been recorded with the County Recorder shall expire 6 months from the date it was approved, unless the applicant has filed, and the City Council has approved, a written extension.

(7) *Final plat requirements.* The subdivider shall provide the updated sets of the drawings with all of the following information, the number of which shall be determined by the City Planner:

- (a) Name of the proposed plat;
- (b) Layout of all proposed lot lines and lot and block numbers;
- (c) Layout of all proposed streets, showing right-of-way widths;
- (d) Location, dimensions, and purpose of all easements;
- (e) Space for signatures of all owners of any interest in the land and holders of a mortgage thereon, in the format prescribed by Hennepin County;
- (f) Space for certificates of approval to be filled in by the signatures of the Mayor and City Engineer, together with space for the attestation of the signatures by the City Clerk;
- (g) Space for certificates of approval and review, in the format prescribed by Hennepin County;
- (h) Final development plans including grading, drainage, erosion, utility, and landscape plans for the proposed plat;
- (i) Title evidence in a form satisfactory to the City Attorney; and
- (j) Legal descriptions for all easements and agreements that will be recorded with the final plat.

(Prior Code, ' 26.14) (Am. Ord. 215, passed 7-23-2007; Am. Ord. 239, passed 1-25-2010)

152.05 DESIGN STANDARDS.

(A) *Generally.* Generally design standards shall assure that the layout of the subdivision harmonizes with existing plans affecting the development or its surroundings and shall be in conformity with the city's development objectives for the entire area. No subdivision development shall so change the pattern of water drainage as to cause water drainage problems in the area outside the subdivision under construction.

(B) *General street design.*

(1) The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to run-off of storm water and to the proposed uses of the area to be served.

(2) Where new streets extend existing adjoining streets their projection shall be at the same or greater width, but in no case less than the minimum required width.

(3) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the unsubdivided land.

(4) The following standards of street design shall be observed by the subdivider:

| <i>Street Drainage Category Grade</i> | <i>Width R.O.W.</i> | <i>Min. Width Pavement</i> | <i>Min.** Max. Grade*</i> |
|---------------------------------------|---------------------|----------------------------|---------------------------|
| Principal arterial 0.5% | 100 feet | 44 feet | 5% |
| Minor Arterial 0.5% | 80 feet | 44 feet | 4% |
| Collector 0.5% | 70 feet | 44 feet | 5% |
| Local 0.5% | 60 feet | 24 feet | 7% |
| Cul-De-Sac Radius 0.5% | 60 feet | 24 feet | 7% |

NOTES TO TABLE:

* - To assure a safe and reasonable sight distance at intersections a lesser maximum grade may be required.

** - Face of curb to face of curb.

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(5) Turnarounds shall have a minimum outside roadway diameter of 100 feet, and a minimum street property line diameter of 120 feet. Cul-de-sacs shall generally not exceed 500 feet in length. However, a greater length may be approved where conditions warrant the length.

(6) Local streets shall be so aligned that their use by through traffic shall be discouraged.

(7) Street jogs with center line off-sets of less than 125 feet shall be avoided.

(8) Insofar as practical, streets shall intersect at right angles and no intersection shall be at an angle of less than 60 degrees. It must be evident that safe and efficient traffic flow is encouraged. No intersection shall contain more than 4 Acorners.@

(9) Half streets shall be prohibited except where the Council finds it to be practicable to require the dedication of the other half when adjoining property is subdivided. In such event, access to the half street shall be prohibited until the adjoining property is subdivided.

(10) Proposed streets obviously in alignment with existing and named streets shall bear the names of the existing streets. In no case shall the name of the proposed street duplicate names, including phonetic similarities, elsewhere in the city=s public safety area.

(11) Public improvements shall not be approved for any private street.

(12) Where a proposed plat is adjacent to a major thoroughfare, the City Council may require the developer to provide local service drives along the rights-of-way of the facilities, or they may require that lots should back on thoroughfares, in which case, vehicular and pedestrian access between the lots and thoroughfares shall be prohibited.

(13) Curb lines at street intersections shall be rounded at a radius of not less than 15 feet.

(14) Alleys shall be prohibited unless special permission is granted by the City Council for their provision.

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

(16) Tangents of at least 100 feet in length shall be introduced between reverse curves on collector streets and 50 feet on lessor streets.

(17) The Planning Commission and/or City Council shall require the provisions of pedestrian ways in proximity to public service areas such as parks, schools, shopping facilities, or in other appropriate locations of a similar nature. The design of the pedestrian walkways shall be considered in their relation to existing and planned pedestrian walkways to reasonable circulation of traffic, to topographic conditions, to runoff of storm water and to the proposed uses of the area to be served.

(18) Vertical and horizontal curves shall meet the Minnesota Highway Department Standard.

(C) *Easements.*

(1) *Utilities.* Easements of at least 6 feet wide centered on rear lot lines shall be provided for utilities when necessary. Easements for storm or sanitary sewers shall be at least 20 feet wide. They shall have continuity of alignment from block to block. Temporary construction easements may be required where installation depths are greater than 10 feet. Utility easements shall be kept free of any vegetation or structures which would interfere with the free movement of utility service vehicles.

(2) *Watercourse.* When a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage rights-of-way conforming substantially with the lines of the water courses, and with the further width or construction as may be determined to be necessary by the City Engineer.

(D) *Blocks.*

(1) *Length.* Block lengths shall not exceed 1,320 feet and shall not be less than 330 feet, unless impractical due to existing property division or topography.

(2) *Pedestrian ways.* In blocks longer than 600 feet, a pedestrian crossway with a minimum rights-of-way of 20 feet may be required near the center of the block. Additional accessways to schools, parks, and other destinations shall be provided if requested by the Planning Commission at the time of Preliminary Plat review.

(E) *Lots.*

(1) *Layout.* Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on 2 parallel local streets shall be provided.

(2) *Size and dimension.* Minimum lot area and lateral dimensions shall be as set forth in the Maple Plain Zoning Code.

(3) *Corner lots.* Corner lots shall be platted at least 10% wider than the minimum lot width required unless this requirement results in corner lot widths in excess of 100 feet, in which case the requirement shall not apply.

(4) *Natural features.* In the subdivision of land, due regard shall be shown for all natural features which, if preserved, will add attractiveness and stability to the proposed development and which may alter normal lot platting.

(5) *Lot remnants.* Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of the remnant.

(Prior Code, ' 26.15) Penalty, see ' 10.99

152.06 BASIC IMPROVEMENTS.*(A) Generally.*

(1) Before a final plat is approved by the City Council, the subdivider of the land covered by the plat shall execute and submit to the City Council an agreement, which shall be binding on his or her or their heirs, personal representatives and assigns, that he or she will cause no private construction to be made on the plat or file or cause to be filed any application for building permits for the construction until all improvements required under this chapter have been made or arranged for in the manner following as respects the highways, roads, or streets to which the lots sought to be constructed have access.

(2) No final plat shall be approved by the City Council without first receiving a report from the City Engineer or other engineer retained by the City Council certifying that the improvements described herein, together with the agreements and documents required herein, meet the minimum requirements of all applicable codes.

(3) No final plat shall be approved by the City Council on land subject to flooding or containing poor drainage facilities and on land which would make adequate drainage of the streets and lots impossible. However, if the subdivider agrees to make improvements which will, in the opinion of the City Engineer or other engineer retained by the City Council, make the area completely safe for residential occupancy and provide adequate street and lot drainage, the final plat or the subdivision may be approved, provided that no other property outside the plat or subdivision area would be adversely affected.

(4) All the required improvements to be installed under the provisions of this chapter shall be inspected during the course of their construction by the City Engineer or other engineer retained by the City Council. All the inspection costs pursuant thereto shall be paid by the subdivider or individual lot or tract owners.

(B) Street improvement.

(1) The full width of the right-of-way shall be graded, including the subgrade of the areas to be paved, in accordance with standards and specifications for road construction as approved by the City Council.

(2) All streets shall be in accordance with specifications for approved by the city improved with pavement in the standards and street construction as Council.

(3) All streets to be paved shall be of an overall width in accordance with standards and specifications for street construction as approved by the City Council.

(4) Curb and gutter shall be constructed as required by the standards and specifications for street construction as approved by the City Council.

(5) Storm sewers, culverts, storm water inlets, and other drainage facilities will be required where they are necessary to insure adequate storm water drainage for the subdivision. Where required, the drainage facilities shall be constructed in accordance with the standards and specifications for street construction as approved by the City Council.

(6) Trees shall be planted in conformance with the standards and specifications as approved by the City Council.

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

(C) *Sanitary sewer and water distribution improvements.*

(1) Sanitary sewers shall be installed as required by standards and specifications as approved by the City Council. Where city sanitary sewer is not available for extension into the proposed subdivision, the City Council may authorize individual systems provided they are in compliance with the Minnesota Department of Health Standards.

(2) Public water facilities, including pipe fittings, hydrants, and the like shall be installed as required by standards and specifications as approved by the City Council. Where city water facilities are not available for extension into the proposed subdivision, the City Council may authorize individual wells provided such is in conformance with the Minnesota Department of Health and duly approved.

(D) *Financing improvements.* Improvements listed in divisions (B) and (C) above shall be paid for by the developer or shall be made through petition and special assessment on the benefitted property. If improvements are to be made by petition, the petition must be filed with the City Council prior to the conveyance of title to individual lots or tracts.

(E) *Required agreements and bond.* Before a final plat is approved by the City Council, in cases where there has been no petition for special assessment, the owner and subdivider of the land covered by the plat shall execute and submit to the City Council an agreement approved by the City Attorney, to make and install all improvements required to be installed under the provisions of this chapter, in accordance with the plans and specifications therefor to be approved by the City Engineer. The agreement shall be accompanied by a cash escrow agreement, letter of credit, or performance bond, to be approved by the City Attorney, in an amount equal to 1 and 2 times the City Engineer's estimated costs of the improvements. The performance bond, letter of credit, or cash escrow shall be conditioned upon:

(1) The making and installing of the improvements required under the terms of this chapter within the time limit approved by the City Council;

(2) Completion of the work undertaken by the subdivider in accordance with the development contract; and

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(3) The payment by the owner or subdivider to the City of Maple Plain all expenses of the city for the approval of plans and specifications of the improvements required under the terms of this chapter and the inspection of construction by the City Engineer. If a cash escrow agreement is submitted, the agreement shall provide that payments therefrom for the improvements shall be made only on the joint order of the subdivider and the city, and the agreement shall further provide that in the event the required improvements are not completed within the time period, all amounts held under the escrow agreement shall be turned over and delivered to the city and applied by the city to the cost of the required improvements. If the funds available are not sufficient to complete the required improvements, then necessary additional cost shall be assessed against the subdivision. Any balance remaining in the escrow fund after the improvements have been made shall be returned to the owner or subdivider.

(F) *Inspection at subdivider=s expense.* All required improvements to be installed under the provisions of this chapter shall be inspected at the subdivider=s expense during the course of construction. The inspection shall be by the City Engineer or an inspector appointed by the City Council.

(G) *Construction plans.* Construction plans for the required improvements conforming in all respects with the standards of the Engineer and the codes of the city, shall be prepared at the subdivider=s expense by a professional engineer who is registered in the State of Minnesota, and the plans shall contain his or her seal. The plans together with the quantities of construction items shall be submitted to the Engineer for his or her approval and for his or her estimate of the total cost of the required improvements; upon approval they shall become a part of the agreement required under this section.

(H) *Improvements completed prior to approval of final plat.* Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this chapter only if the City Engineer shall verify that he or she is satisfied that the existing improvements conform to applicable city standards.

(I) *Reimbursement to city for fees incurred.* The subdivider shall reimburse the city for all engineering consulting fees, planning consulting fees, inspection fees, and fees for legal services reasonably incurred by the city in processing a subdivision application under the terms of these regulations. (Prior Code, ' 26.16) Penalty, see ' 10.99

' 152.07 PUBLIC LAND DEDICATION.

(A) *Findings; purpose.*

(1) The City Council finds that the preservation and development of parks, playgrounds, and open space areas within the city are essential to maintaining a healthy and desirable environment for residents and non-residents alike. The Council also finds that the value and attractiveness of residential and commercial/industrial developments to land owners, developers, purchasers, employers, and employees is significantly enhanced by the presence of such parks and open space amenities.

(2) The City Council finds that development of land for residential, commercial, office, mixed use and industrial purposes creates a need for park and recreational land and facilities within the city. Therefore, it is appropriate that each development within the city contribute toward the city=s park system in proportion to the burden it will place upon that system.

(3) Based on these findings the City Council, in accordance with M.S. ' 462.358, Subd. 2b, shall require a reasonable portion, or percentage of land, for any proposed development dedicated for public purposes for use as parks, playgrounds, trails, wetlands, or open space. The city may, at its discretion, accept an equivalent amount in cash.

(4) The dedication of land or cash-in-lieu payments shall apply to all projects, whether residential, office, mixed use, commercial, or industrial, resulting in the development or redevelopment of land within the city, including divisions, subdivisions, re-platting of land, or increased density upon existing parcels.

(5) Land requirements and cash-in-lieu amounts shall be determined annually by the City Council and adopted by ordinance with the city=s Schedule of Fees.

(B) *Compatibility with Comprehensive Plan.* The Park Commission shall adopt a Park Improvement Program (PIP) and budget for its parks, playgrounds, trails and open space program. The PIP shall become part of the city=s Capital Improvement Plan (CIP), as adopted by the City Council, and component of the Comprehensive Plan.

(C) *Land dedication requirements.* Proposed public site or open space, as shown on the city=s Comprehensive Plan and/or Redevelopment Implementation Plan, shall be reserved in any development, whether located in whole or in part of the development. Land reserved shall have frontage on one or more streets.

(1) In all residential developments a reasonable amount of land being developed shall be dedicated for open space, parks and/or trails system. **NET AREA** is defined as the gross area minus wetlands, lakes, and land below the ordinary high water mark. The land dedicated shall also be in addition to property dedicated for streets, alleys, easements, storm water ponding, or other public rights of way.

(2) In all new commercial, office, mixed use, and industrial developments a reasonable amount of land being developed shall be dedicated for open space. Net area is as defined in division (C)(2) above.

(3) Should the dedication of land prove difficult, the city may, at its option, require a developer or property owner to purchase and donate land elsewhere in the city and develop it for park uses and public open spaces. The Park Commission shall review and City Council must approve of the location and proposed development plan.

(4) The amount of land required to be dedicated for residential, commercial, office, mixed use and industrial developments shall be set annually by the city Fee Schedule.

(D) *Cash requirements.*

(1) The city shall have the option of requiring cash in lieu of land dedication or conveyance. The cash amount(s) required for new residential development is based on each new unit created. The amount(s) required for new commercial, office, mixed use and industrial developments shall be based per square foot of land developed. The rates shall be set annually by the city Fee Schedule.

(2) Cash-in-lieu payments shall also apply to all redevelopment projects that create new lots, or re-use of property resulting in an increased density upon existing parcels.

(3) The amount of cash required for the development of land shall be reviewed from time-to-time so that it roughly reflects the anticipated effect of development on the city parks, playgrounds, trails and open space. The PIP defines needs for the above mentioned programs in helping determine a development impact on these systems.

(4) Cash payments received may only be used for the acquisition and development or improvement of the parks, playgrounds, trails or open space based on the approved park systems plan. Cash payments cannot be used for ongoing operation or maintenance of the parks.

(5) The amount owed to the city shall be determined upon final approval of the application, and shall be specified in the authorizing resolution and/or development agreement.

(E) *Land and cash combination.* The city may, depending on the development type and particular features of the development, require a combination of both land dedication and cash payment.

(F) *Fulfilling requirements.*

(1) The developer or property owner shall deed the land to be dedicated for public use and/or open space purposes to the city upon approval of the project by the City Council. The deeding of the land shall be done at no expense to the city.

(2) Cash payments shall be paid to the city prior to final approval and release of the final plat, unless otherwise specified in a development agreement. The city may withhold release of financial obligations (i.e. letters of credit, escrow, and the like) tied to a development until the cash payment(s) are received. For projects not requiring a development agreement or financial obligations, cash payments must be made prior to the city issuing project authorizing resolution(s) and/or building permit(s).

(G) *Improvement of land.*

(1) Land identified for park uses and/or public open spaces shall be suitable for park development. In the event such land use is unsuitable for immediate use because of topographic or other limitations, the developer shall grade and seed the land for such suitable uses.

(2) The developer or property owner may agree to make certain improvements to the donated land in lieu of the full land dedication or combined dedication and cash contribution. Such improvements shall be agreed to by the Park Commission and City Council and may include, but not be limited to, installation of playground or other park equipment, sport courts, trails, and the like. The agreed-to improvements shall be included in the development agreement.

(H) *Trails and sidewalks.* The developer or property owner shall be required to construct trails and sidewalks on the property to be developed in a manner determined by the city and in accordance by the city=s comprehensive trail system.

(I) *Transfer or conveyance of property.* Prior to the dedication or conveyance of any real property or interest therein to the city as provided herein, the developer shall deliver to the city an opinion, acceptable to the City Attorney, as to the condition of the title of the property, or in lieu of a title opinion, a title insurance policy insuring the condition of the title of the property or interest of the city. (Ord. 257, passed 9-26-2011)

▸ **152.08 PRIVATE SHARED DRIVEWAYS.**

(A) *Generally.* Buildable lots may be platted on a private, shared driveway subject to the following conditions.

(B) *Conditions.*

(1) The applicant shall make application for development on a private shared driveway and shall enter into a private driveway agreement@ between the city and applicant.

(2) The applicant shall provide to the city for approval. Covenants that will be recorded with all developed lots providing for care and maintenance of the private driveway.

(3) The easement or legal description over which the driveway agreement is to exist shall be a minimum of 60 feet wide and shall run the entire length of the property to be subdivided. The easement shall exist for the benefit of all lots created and shall run with the land.

(4) Each lot shall have access from the private driveway and shall meet all city standards for setbacks of the appropriate zoning district, as if the private driveway were a public street.

(5) All construction, care, and maintenance of the driveway shall be the responsibility of the owners and not the city.

(6) Before the city will take over any private driveway for use as a public street, the driveway shall be brought up to the then existing city street standards at the expense of the adjacent owners, and shall be dedicated to the public for street and utility purposes. Any city takeover of a private driveway as a public street shall be at the sole discretion of the City Council.

(7) The driveway agreement entered into between the city and the applicant shall be filed with the County Recorder's office and shall run with the land and shall be binding on all successors in title to the real property involved.

(8) Applicant agrees that the city may erect and maintain, at the expense of applicant and future owner, appropriate signs at all entrances to the private drive, confirming that the road is private and not constructed, maintained, repaired, or kept free from ice and snow by the city.

(9) All provisions to this chapter shall be met in addition to the requirements of this section.

(10) Each private driveway shall be constructed in accordance with the Life Safety Code, shall be a minimum of 20 feet wide, and shall be constructed and maintained as an all weather driveway.

(11) No private driveway created hereunder shall dead end at a length greater than 750 feet. (Ord. 164, passed 4-23-1996) Penalty, see ' 10.99

• **152.09 ADMINISTRATION AND ENFORCEMENT.**

(A) *Administration.*

(1) *Responsible official.* It shall be the duty of the City Council to see that the provisions of this chapter are properly enforced.

(2) *Building permit.* No building permit shall be issued by any governing official for the construction of any buildings, structures, or improvements on any land hence forth subdivided until all requirements of this chapter have been fully complied with.

(B) *Variances.* The Planning Commission may recommend a variance from the provisions of this chapter when, in its opinion, undue hardship may result from strict compliance. In recommending any variance, the Commission shall prescribe any conditions that it deems necessary to or desirable for the protection of the public interest. In making its findings, as required herein below, the Planning

Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon the traffic conditions in the vicinity. No variance shall be granted unless the Planning Commission finds:

(1) That there are special circumstances or conditions affecting the property that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his or her land;

(2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and

(3) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which property is situated.

(Prior Code, ' 26.18) (Am. Ord. 215, passed 7-23-2007)

▪ **152.10 REQUIRED IMPROVEMENTS.**

(A) *Provision of required improvements.* Prior to the approval of a final plat by the City Council, the subdivider shall have agreed to install the improvements on the site in conformity with the construction and final development plans approved by the engineer and in conformity with all applicable standards and ordinances of the city.

(B) *Agreement and payment for installation of improvements.* Prior to the approval of a final plat by the City Council, the owner and subdivider of the land covered by the plat shall execute and submit to the City Council an agreement approved by the City Attorney, to make and install all improvements required to be installed under the provisions of this section, in accordance with the plans and specifications therefor to be approved by the City Engineer. The required improvements to be furnished and installed by the subdivider are to be furnished and installed at the sole expense of the subdivider.

(Ord. 215, passed 7-23-2007)

▪ **152.11 VIOLATIONS.**

(A) *Sale of lots from unrecorded plats.* It shall be unlawful to sell, trade, or offer to sell or otherwise convey any lot or parcel of lot as a part of or in conformity with any plan, plat, or replat of any subdivision or area located within the jurisdiction of this chapter unless the plan, plat, or replat shall have first been recorded in the office of the Register of Deeds of Hennepin County.

(B) *Receiving and recording unapproved plats.* It shall be unlawful to receive or record in any public office any plans, plats, or replats of land laid out in building lots and highways, streets, roads, alleys, or other portions of the same intended to be dedicated to the public or private use or for the use

of purchasers or owners of lots fronting on or adjacent thereto and located within the jurisdiction of this chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Council.

(C) *Misrepresentations as to construction, supervision, or inspection of improvements.* It shall be unlawful for any subdivider, person, firm, or corporation owning an addition or subdivision of land within the city to represent that any improvement upon any of the highways, streets, or alleys of the addition or subdivision or any sewer in the addition or subdivision has been constructed according to the plans and specifications approved by the City Council or has been supervised or inspected by the city when the improvements have not been so constructed, supervised, or inspected.

(Prior Code, ' 26.19) (Am. Ord. 215, passed 7-23-2007) Penalty, see ' 10.99

CHAPTER 153: ZONING CODE

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GENERAL PROVISIONS

153.001 INTENT.

Pursuant to the authority conferred by the State of Minnesota in M.S. 462.375, as it may be amended from time to time, and for the purpose of:

(A) Promoting and protecting the public health, safety, and general welfare of the residents of the incorporated area of the City of Maple Plain;

(B) Protecting and preserving the physical character, social, and economic stability of residential, commercial, industrial, and other use areas;

(C) Securing the most appropriate use of land;

(D) Preventing the overcrowding of the land and undue congestion of population;

(E) Providing adequate light, air, and reasonable access;

(F) Facilitating adequate and economical provision of transportation, water supply, and sewage disposal; and

(G) Planning for location of schools, recreation facilities, and other public requirements.
(Prior Code, 14.01)

153.002 TITLE.

This chapter shall be known as *The Zoning Code of Maple Plain, Minnesota*, and will be referred to herein as *this chapter*.
(Prior Code, 14.02)

153.003 JURISDICTION.

The jurisdiction of this chapter shall apply to all of the area within the corporate limits of the City of Maple Plain.
(Prior Code, 14.03)

153.004 APPLICATION AND INTERPRETATION.

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

(B) Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any law, code, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

(C) No structure shall be erected, converted, enlarged, reconstructed, or altered without first obtaining a building permit, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this chapter. Application for a building permit shall be made to the City Administrator/Clerk on blank forms to be furnished by the city. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain the other information as may be deemed necessary for the proper enforcement of this chapter or any other. The City Administrator/Clerk shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this chapter.

(Prior Code, ' 14.04) Penalty, see ' 10.99

153.005 LOTS OF RECORD.

All lots which are a part of a subdivision legally recorded with the Hennepin County Recorder, and lot or lots described by metes and bounds, the deed to which has been recorded in the office of the County Recorder prior to the passage of this chapter shall be considered to be lots of record and shall thereby be considered a legally buildable lot even though the lot or lots may not conform to the minimum requirements of this chapter, provided the setback requirements of this chapter are complied with insofar as practical.

(Prior Code, ' 14.06)

153.006 RULES.

For purposes of this chapter, words used in the singular number includes the plural, and the plural the singular; the present tense includes the past and future tenses and the future the present; the word *shall* is mandatory and the word *may* is permissive; all measured distances shall be to the nearest integral foot; whenever a word or term defined hereinafter appears in the text of this chapter its meaning shall be construed as set forth in the definition thereof.

(Prior Code, ' 15.01)

153.007 DEFINITIONS.

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

ACCESSORY. A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site.

ACCESSORY BUILDING. A subordinate building, whether permanent or temporary, which is located on the lot of the main building and the use of which is clearly incidental to the use of the main building.

ALLEY. A public thoroughfare less than 30 feet in width.

ANTENNA/COMMUNICATION TOWER. Any system of wires, poles, rods, reflecting discs, access points, and similar devices used for the transmission, reception, or both of electromagnetic waves, and shall include, but not be limited to antennas used by cellular utilities.

AUTOMOBILE SALES. An establishment engaged in the retail sales and services of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies. May include farm or industrial equipment, machinery, and supplies.

BOARDING HOUSE. Any dwelling other than hotel where meals or lodging and meals for a compensation are provided for 5 or more persons, pursuant to previous arrangements, and not to any casual applicant.

BUILDING. Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, or chattel or property of any kind, when any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of the building shall be deemed as a separate building.

BUILDABLE AREA. The part of the lot remaining after required yards have been provided.

BUILDING HEIGHT. The vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

BUILDING, PRINCIPAL. A building or structure in which is conducted the main or principal use of the lot on which the building or structure is situated.

CLINIC. A clinic for the purpose of this chapter, is a public or proprietary institution providing diagnostic, therapeutic, or preventative treatment of ambulatory patients by a group of doctors acting in concert and in the same building for the purposes aforesaid.

CONDITIONAL USE. A use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of the use upon neighboring land and of the public desirability for the particular use at the particular use at particular location, a **CONDITIONAL USE PERMIT** may be granted.

CONDITIONAL USE PERMIT. A permit issued by City Council in accordance with the procedures specified within this chapter as a device to enable the City Council to assign conditions to a proposed use or development after consideration of the adjacent land uses and the special characteristics which the proposed use presents.

CONTRACTOR. A person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

DEVELOPMENT. Any manmade change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials or equipment.

DWELLING. Any building or part thereof which is designed or used exclusively for residential purposes of 1 or more human beings, either permanently or transiently, but not boarding houses, hotels, motels, and garage space.

DWELLING, MULTIPLE. A building designed with 3 or more units for occupancy by 3 or more families living independently of each other but sharing hallways and main entrances and exits.

DWELLING, SINGLE-FAMILY. A dwelling occupied by 1 family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for 1 family only.

DWELLING, 2-FAMILY. A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by 2 families.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions for the public health, safety, or general welfare.

EXCAVATION OR MINING. The removal of the natural surface of the earth, whether sod, dirt, soil, sand, gravel, stone or other matter or the use of an area for stockpiling, storage and processing of sand, gravel, black dirt, clay and other minerals resulting in a substantial alteration as defined in ' 150.60.

FAMILY. A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this chapter, be considered to constitute 1 family for each 5 persons, exclusive of domestic employees, contained in each group.

FLOOD PLAIN. The areas adjoining a watercourse which has been or hereafter may be covered by a regional flood.

GARAGE, COMMUNITY. Any space or structure or series of structures for the storage of motor vehicles for the use of 2 or more occupants of property in the vicinity and having no public shop or service therein.

GARAGE, PRIVATE. An accessory building designed or used for the storage of not more than 3 licensed automobiles, trucks, or buses, owned and used by the occupants of the building to which it is accessory.

GROUP HOME. A state licensed group home or foster home serving 6 or fewer mentally retarded or physically handicapped persons.

HOME OCCUPATION. Any gainful occupation or profession, engaged in by the occupant of a dwelling unit, within the dwelling unit or within any lawfully existing accessory structure, which occupation is clearly incidental to the residential use of the premises. The activity shall not produce light glare, noise, odor, or vibration perceptible beyond the boundaries of the premises and shall not involve the use of accessory structures. The following are examples of prohibited uses:

(1) Repair, service, or manufacturing which requires equipment other than that customarily found in a home;

(2) Over-the-counter sale of merchandise produced off the premises; or

(3) The employment of persons on the premises, other than those customarily residing on the premises. The above examples are illustrative in nature and shall not be construed as comprehensive.

HOTELS. Any building occupied as a biding place of persons who are lodged with or without meals, in which, as a rule, the rooms are occupied singly for hire in which provision is not made for cooking by individuals and in which there are more than 25 sleeping rooms.

INTERIM USE. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer all said use, per ' 153.170.

LODGING HOUSE. A building or premises where lodging is provided for compensation for 5 or more persons but not exceeding 25 persons.

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LOT. One unit of a recorded plat or subdivision occupied or to be occupied by a building and its accessory buildings, and including as a minimum the open spaces as are required under this chapter, and having frontage on a public street. Street or highway easements are not a part of a **LOT**.

LOT AREA. The land area within the lot lines, less street easements, if any.

LOT, BASE. A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose (synonymous with the term **LOT**).

LOT, CORNER. A lot situated at the junction of 2 or more intersecting streets, or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

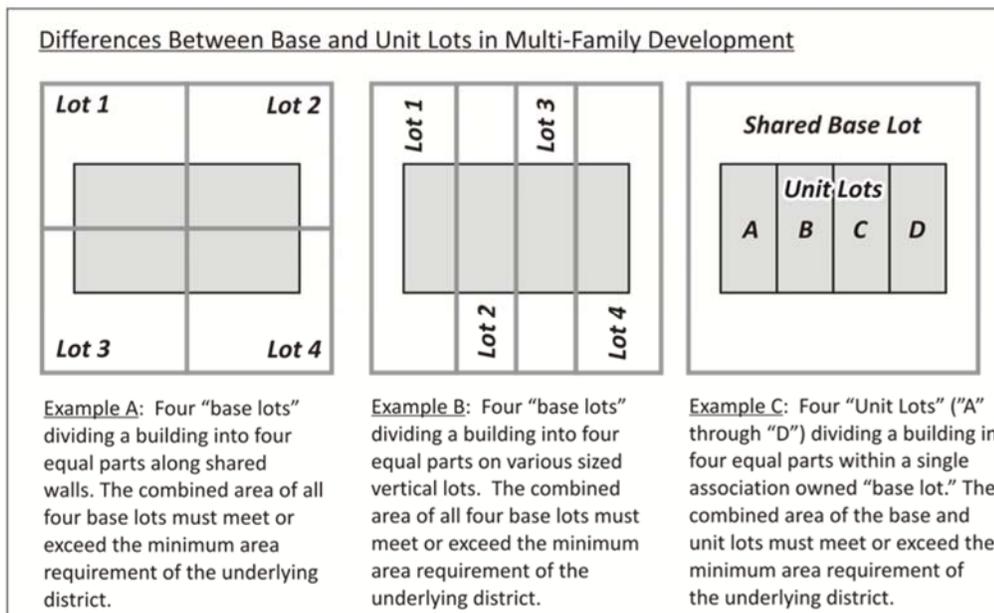
LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street rights-of-way within the lot boundaries.

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

LOT LINE. The lines bounding a lot as defined herein. When a lot abuts on a street, street easement, avenue, part of other public property except an alley, the boundary line shall be known as a street line, and when a lot abuts on an alley, the boundary lines shall be known as an alley line.

LOT, THROUGH. An interior lot having frontage on 2 streets.

LOT, UNIT. A specialized lot created within a base lot simply for the purpose of defining ownership for certain multi-family dwelling types.



LOT WIDTH. The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.

MACHINE SHOPS. A workshop in which machine tools are operated.

MANUFACTURING - LIGHT. The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of surgical instruments; processing, and packing of food products or cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations and any similar item. Light manufacturing does not include an individual's production of hand-crafted or custom made items.

MANUFACTURING - HEAVY. The manufacturing of products from raw or unprocessed materials. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design, or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: large-scale food and beverage operations; lumber milling and planning facilities; aggregate, concrete and asphalt plants; foundries, forge shops, open air welding, and other intensive metal fabrication facilities; chemical blending, mixing, or production, and plastic processing and production.

MINI (SELF) STORAGE. An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household goods and personal belongings.

MOBILE HOME. A structure transportable in 1 or more sections, which when erected on site measures 8 body feet or more in width and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and bears the appropriate Federal Department of Housing and Urban Development inspection label certifying that the mobile home meets Federal Mobile Home Construction and Safety Standards. This shall include manufactured homes built in conformity with M.S. §§ 327.31 through 327.34, as they may be amended from time to time.

OFFICE. Professional and business office, non-retail activity. Used for conducting the affairs of a business profession, service, industry or government.

OPEN SALES LOT. Any open land used or occupied for the purpose of display of merchandise for sale and/or rent.

OUTDOOR STORAGE/STORAGE YARDS. An outside area where equipment, vehicles, trailers or material relating to the principal use of the parcel of land is stored. This includes semi-trucks and trailers. The stored items are not for sale or display but are used in the everyday operation of the principal use.

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

PERSON. Any individual, corporation, firm, partnership, association, organization, or other group acting as a unit. It also includes an executor, administrator, trustee, receiver, or other representative appointed by law. Whenever the word **PERSON** is used in any section prescribing a penalty or fine, it shall include the partners or members of any corporation, who are responsible for the violation.

PRINCIPAL USE. The primary or predominant use of any lot and/or building.

PUBLIC UTILITY. Persons, corporations or governments supplying gas, electric, transportation, water, sewer or land line telephone service to the general public.

RECREATIONAL FACILITY - INDOOR. An indoor facility providing accommodations for a variety of individual, organized, or franchised sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, laser tag, paintball, miniature golf or handball. Such facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, climbing wall, snack bar, restaurant, retail sales of related sports, health or fitness items and other support facility. The said establishment may or may not include membership.

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

REQUIRED OPEN SPACE. Portions of a lot or premises as are specifically required to be left open in the use district in which the lot is located. The spaces include courts and front, side, and rear yards.

RESEARCH LABORATORY. A facility for scientific and/or academic research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

SETBACK. The minimum horizontal distance between a building and street or lot line.

TEMPORARY STRUCTURES. Event tents, canopies, tarp garages, hoop buildings, and/or similar membrane structures.

TOWNHOUSE. Single-family attached units in structures housing 3 or more dwelling units contiguous to each other, only by the share of 1 common wall and each dwelling unit shall have separate and individual front and rear entrances.

TRUCKING TERMINAL. Land or buildings used primarily as a relay station for the transfer of freight from one vehicle to another or one party to another rather than permanent or long-term storage. The terminal facility might include storage of areas for trucks and buildings for truck maintenance and repair.

USE. The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

VARIANCE. The waiving of specific literal provisions of the zoning code in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. **VARIANCES** are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of the zoning code. Furthermore, hardship must be demonstrated on a non-economic basis.

WAREHOUSE AND DISTRIBUTION FACILITIES. A building or portion of a building used primarily for the long- or short-term storage of goods and materials awaiting transportation or distribution, and not generally accessible to the general public. Incidental storage, repair, and maintenance of trucks associated with the distribution of goods from the warehouse are allowed.

WAREHOUSING. The storage of materials or equipment within an enclosed building as a principal use.

WHOLESALE STORES OR DISTRIBUTORS. Establishments or places of business primarily engaged in selling large volume or bulk merchandise to retailers.

YARD. An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to the lot line to a depth or width specified in the yard regulations for the zoning district in which the lot is located.

YARD, FRONT. A yard extending across the front of the lot and between the side lot lines and lying between the front line of the lot and the nearest line of the building.

YARD, REAR. An open space, unoccupied except for accessory buildings, on the same lot with a building, between the rear lines of the lot for the full width of the lot.

YARD, SIDE. An unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the front lot line to the rear lot line.

(Prior Code, ' 15.02) (Am. Ord. 261, passed 3-12-2012; Am. Ord. 264, passed 5-29-2012; Am. Ord. 274, passed 8-12-2013)

153.008 ENFORCEMENT.

This chapter shall be administered and enforced by the Building Inspector of Maple Plain, Minnesota. The Building Inspector may institute appropriate action for any violations of this chapter at the direction of the City Council and through the City Attorney as deemed necessary.
(Prior Code, ' 24.01)

153.009 VIOLATIONS.

Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than \$700 for each offense, or be imprisoned for not more than 90 days, and each day that a violation is permitted to exist shall constitute a separate offense.
(Prior Code, ' 24.02) Penalty, see ' 10.99

DISTRICT PROVISIONS**153.020 OFFICIAL MAP.**

The City of Maple Plain is divided into use districts as shown on the accompanying map entitled AOfficial Zoning Map of Maple Plain, Minnesota,@ which is hereby made a part of this chapter.
(Prior Code, ' 16.01) (Am. Ord. 265, passed 5-29-2012)

153.021 ZONING DISTRICT BOUNDARIES.

The boundaries of districts are the center lines of streets; the center lines of alleys; the rear lot lines where there are not alleys; the side lines of recorded lots or designated distances where land is unplatted.
(Prior Code, ' 16.02)

153.022 USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS.

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the City Council, the Planning Commission, or a property owner may request a study by the city to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council and/or Planning Commission upon receipt of the staff study may initiate an

amendment to the Zoning Code to provide for the particular use under consideration or may find that the use is not compatible for development within the city.

(Prior Code, ' 16.03)

' 153.023 DISTRICT CLASSIFICATIONS.

The following district classifications are hereby established within the City of Maple Plain:

(A) AO@ Open Space/Flood Plain;

(B) AR-1@ Single-Family;

(C) AR-2@ Single- and 2-Family;

(D) AR-3@ Multiple-Family;

(E) AMU@ Mixed-Use;

(F) Design Guidelines, under separate document;

(G) AI-1@ Light Industrial;

(H) AI-2@ General Industrial; and

(I) ARM@ Mobile Home Park.

(Prior Code, ' 16.04) (Am. Ord. 232, passed 4-13-2009)

' 153.024 AO@ OPEN SPACE PROTECTION/FLOOD PLAIN DISTRICT.

(A) *Intent.* This district is intended to protect areas which should not be developed due to flooding, soils, topography, or should be maintained in agricultural state until the time as development is feasible.

(B) *Permitted uses.* The following uses have a low flood damage potential and do not obstruct flood flows or are agricultural in nature. These uses shall be permitted within the Open Space Protection/Flood Plain District to the extent that they are not prohibited by any other code and provided they do not require structures, fill, or storage of materials or equipment:

(1) Agricultural uses such as general farming, pasture, grazing, forestry, sod farming, and wild crop harvesting;

(2) Industrial-Commercial uses such as parking areas and airport landing strips;

(3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails; and

(4) All other uses and all uses that require structures, fill, or storage of materials or equipment shall be prohibited.

(C) *Flood plain maps.* Upon completion of the Flood Insurance Study by the Federal Insurance Administration for the City of Maple Plain the maps contained therein shall be utilized for boundary definitions. Until the time the flood plain boundaries will be determined by data available to the Department of Natural Resources (DNR) and by the Flood Hazard Boundary Map prepared by the Federal Insurance Administration.

(D) *Notification to the Department of Natural Resources.* Amendments, rezonings, variances, and conditional use permits shall be reviewed in accordance with ' ' 153.080 *et seq.*, 153.095, and 153.110. The review shall also require notification to the DNR and to the local watershed district prior to adoption or approval of any request.

(Prior Code, ' 16.05) Penalty, see ' 10.99

' 153.025 AR-1@ SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* It is the intent of this district to limit certain areas specifically for the development of single dwellings in the community; to provide reasonable standards for the development; to avoid overcrowding; and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of the district.

(B) *Permitted uses.*

- (1) Single-family dwellings;
- (2) Group homes by conditional use permit;
- (3) Public parks and playgrounds;
- (4) Essential services; and
- (5) Agriculture other than the raising and keeping of livestock.

(C) *Permitted uses and accessory buildings.*

(1) Private garages, parking spaces, and carports for passenger cars, trucks, recreational vehicles, and equipment;

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(2) Swimming pools and tennis courts;

(3) Tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment;

(4) Boarding and renting of rooms to not more than 2 persons;

(5) Home occupations as defined in ' 153.007, by conditional use permit only:

(a) No retail sale of merchandise is permitted unless the merchandise is produced on the premises or is incidental to the service being rendered;

(b) No outside storage of materials is permitted;

(c) No employees are permitted except members of the family of the occupant who reside in the dwelling unit;

(d) All conditional use permits shall be limited to a period of 1 year and are not transferable without City Council approval;

(e) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;

(f) Adequate measures have been or will be taken to minimize traffic congestion in the public streets; and

(g) The City Council may impose the other conditions relating to hours of operation, noise, glare, odor, vibration, and other matters as are necessary to safeguard the health, safety, and welfare of the community.

(D) *Schools, churches, and the like.* Schools, churches, rest homes, hospitals, community centers, libraries, golf courses, parks, and recreational buildings are subject to the following:

(1) Parking areas shall not be situated in required front, side, or rear yards;

(2) Side and rear yards shall not be less than 50 feet in width or depth, of which at least 25 feet adjacent to the lot line shall be maintained as a planning buffer zone; and

(3) Side and rear yards abutting Commercial or Industrial zones shall not be less than 30 feet, of which at least 15 feet adjacent to the lot line shall be planted, landscaped, and maintained as a buffer zone.

(E) *Planned unit developments.* Residential planned unit developments are regulated by ' 153.095.

(F) *Area requirements.* Single-family:

(1) 12,000 square feet minimum;

(2) In the case of a lot of record existing at the time of passage of this chapter, 10,000 square feet minimum; and

(3) A minimum of 1,100 square feet per residential unit.

(G) *Lot width.* Single-family - 80 feet minimum.

(H) *Yard and setback requirements.*

(1) *Front yard.*

(a) Thirty-five feet minimum; and

(b) Where adjacent structures within the same block have front setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only 1 adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback requirement exceed 35 feet.

(2) *Side yard.* Interior lots shall provide a side yard on each side of the dwelling of 10 feet except as follows:

(a) Lots platted prior to the adoption of this chapter having a lot width from 60 feet to 80 feet, each side yard shall be 10% of the lot width, in no case less than 6 feet; and

(b) On a corner lot, the width of the side yard on the street side shall not be less than 18 feet (2 the minimum front yard depth required), provided this does not reduce the buildable width of a corner lot to less than 20 feet.

(3) *Rear yard.* A minimum of 25 feet or 25% of the lot depth, whichever is less.

(4) *Driveways.* All driveways located in this district shall have a 5-foot minimum setback from the property line.

(Prior Code, ' 16.06) (Ord. 209, passed 6-12-2006) Penalty, see ' 10.99

' 153.026 AR-2@ SINGLE- AND 2-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* It is the intent of this district to permit the development of single- and 2-family dwellings in the community on relatively small lots; to provide reasonable standards for the development; to avoid overcrowding; and to prohibit the use of the land which would be incompatible with or detrimental to the essential residential character of the district.

(B) *Permitted uses.*

- (1) Single- and 2-family dwellings;
- (2) Group homes by conditional use permit;
- (3) Public parks and playgrounds;
- (4) Essential services; and
- (5) Agriculture other than the raising and keeping of livestock

(C) *Permitted uses and accessory buildings.*

- (1) Private garages, parking spaces, and carports for passenger cars, trucks, recreational vehicles, and equipment;
- (2) Swimming pools and tennis courts;
- (3) Tool houses and similar buildings for storage of domestic equipment and non-commercial recreational equipment; and
- (4) Boarding and renting of rooms to not more than 2 persons.

(D) *Area requirements.*

- (1) Single-family - 10,000 square feet minimum;
- (2) 2-family dwelling - 15,000 square feet minimum; and
- (3) A minimum of 800 square feet per residential unit.

(E) *Lot width.*

- (1) Single-family - 75 feet minimum; and

(2) 2-family - 120 feet minimum.

(F) *Yard and setback requirements.*

(1) *Front yard.*

(a) Thirty-five feet minimum; and

(b) Where adjacent structures within the same block have front setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only 1 adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback requirement exceed 35 feet.

(2) *Side yard.* Interior lots shall provide a side yard on each side of the dwelling of 10 feet except as follows:

(a) Lots platted prior to the adoption of this chapter having a lot width from 60 feet to 80 feet, each side yard shall be 10% of the lot width, in no case less than 6 feet; and

(b) On a corner lot, the width of the side yard on the street side shall be not less than 18 feet (2 the minimum front yard depth required), provided this does not reduce the buildable width of a corner lot to less than 20 feet.

(3) *Rear yard.* A minimum of 25 feet or 25% of the lot depth, whichever is less.

(4) *Driveways.* All driveways located in this district shall have a 5-foot minimum setback from the property line.

(G) *Scope and intent.*

(1) The City of Maple Plain recognized that manufactured houses on permanent foundations within the city would provide many residents with safe and affordable housing. The city desires to make manufactured housing available to its residents and to create a market for manufactured housing without injuring property adjacent to the housing. It is the purpose of this chapter to permit manufactured housing while preserving and protecting desired architectural and aesthetic characteristics of housing within the city, and to protect the health, safety, and welfare of the residents of the city.

(2) The City of Maple Plain authorizes the placement of manufactured houses in the AR-2@ Single- and 2-Family Residential District if the manufactured houses comply with the following conditions.

(a) The manufactured houses shall comply with all other zoning regulations for the zone in which it is located.

(b) The manufactured houses shall be placed on the same type of permanent foundation as required of other homes within the AR-2@ zoning district.

(c) No manufactured house shall have a ground floor area of less than 800 square feet.

(d) No manufactured house shall have a width of less than 24 feet at its narrowest point.

(e) A building permit and other required permits shall be obtained for the manufactured housing.

(Prior Code, ' 16.07) (Ord. 209, passed 6-12-2006) Penalty, see ' 10.99

' 153.027 AR-2A@ SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* It is the intent of this district to provide for single-family dwellings and multiple-family dwelling unit structures (2 - 4 unit building or townhomes), and directly related complementary uses within the city.

(B) *Permitted uses.*

(1) All permitted uses as allowed in an AR-2@ Single- and 2-Family Residential District, subject to the respective requirements.

(2) Multiple-family dwelling units, patio homes, townhouses, and any other structure housing more than 2 families but not more than 4 families.

(C) *Permitted uses and accessory buildings.* All permitted and accessory uses as allowed in an AR-2@ Single- and 2-Family Residential District.

(D) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures and conditions set forth in ' 153.140: residential planned unit developments and townhouses regulated by ' ' 153.060 *et seq.*

(E) *Area requirements.*

(1) Single- and 2-family dwellings shall meet the area requirements of the AR-2@ district.

(2) Three-unit family dwellings shall provide a minimum base lot of 18,000 square feet.

(3) Four-unit family dwellings shall provide a minimum base lot of 20,000 square feet.

(F) *Lot width.* One hundred and twenty feet minimum.

(G) *Yard and setback requirements.*

(1) *Front yard.*

(a) Thirty-five feet minimum; and

(b) Where adjacent structures within the same block have front setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only 1 adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback requirement exceed 35 feet.

(2) *Side yards.*

(a) Interior lots shall provide a side yard on each side of the structure of 10 feet or 1/2 the building height, whichever is greater.

(b) On a corner lot the side yard on the street side shall not be less than 25 feet.

(c) Residential unit lots containing duplexes or townhouses may be subdivided along the common wall in a zero lot line arrangement, provided:

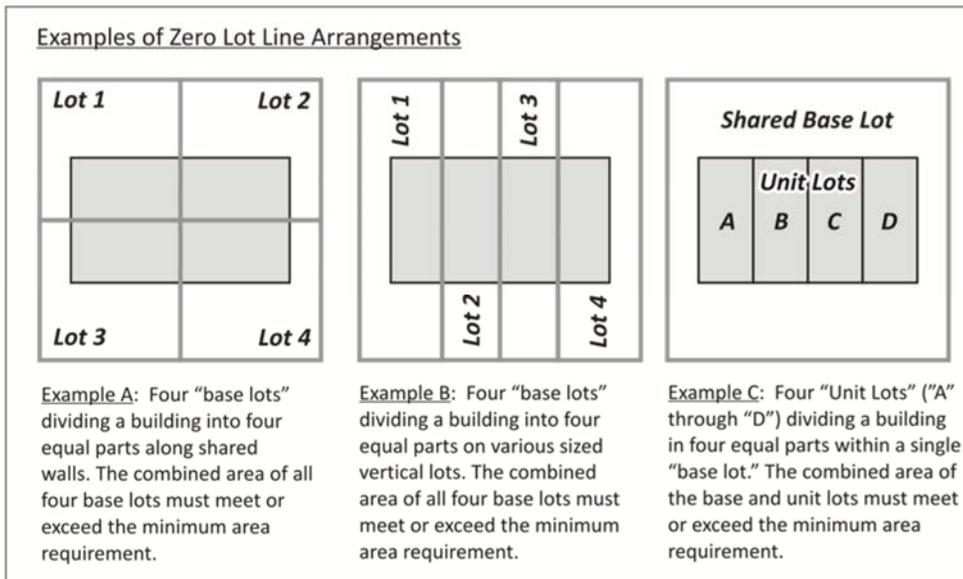
1. The combined area of the base lot and individual unit lots contains the required amount of lot area per dwelling unit as prescribed elsewhere in this section.

2. Unit lots shall meet all required setbacks from the boundaries of the base lot.

3. Any shared wall facing on a zero side lot line is a structural wall capable of providing protection from fire, noise, and visual encroachment.

(3) *Rear yard.* A minimum of 25 feet shall be required.

(H) *Lot coverage.* No building or buildings, including accessory buildings, shall occupy more than 20% of the lot area.



(Ord. 264, passed 5-29-2012) Penalty, see ' 10.99

' 153.028 AR-3@ MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Intent.* It is the intent of this district to provide for multiple-family dwelling unit structures and directly related complementary uses with the city.

(B) *Permitted uses.*

(1) All permitted uses as allowed in an AR-2@ Single- and 2-Family Residential District, subject to the respective requirements;

(2) Multiple-family dwelling units, patio homes, townhouses, and any other structure housing more than 2 families;

(3) Boarding and rooming houses; and

(4) Nursing homes, rest homes, board and care homes.

(C) *Permitted uses and accessory buildings.*

(1) All permitted accessory uses as allowed in an AR-2@ Single- and 2-Family Residential District, provided that any structures or use are located 10 feet from any residential district, 25 feet from

any side street line or alley, or 25 feet from the property line adjoining a commercial or industrial zoning district; and

(2) Off-street loading and parking.

(D) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures and conditions set forth in ' 153.140: residential planned unit developments and townhouses regulated by ' ' 153.060 *et seq.*

(E) *Area requirements.*

(1) Single- and 2-family dwellings shall meet the area requirements of the AR-2@ district.

(2) Multiple family dwellings shall provide a minimum of 18,000 square feet or 2,500 square feet per unit, whichever is greater.

(F) *Lot width.* One hundred and twenty feet minimum.

(G) *Yard and setback requirements.*

(1) *Front yard.*

(a) Thirty-five feet minimum; and

(b) Where adjacent structures within the same block have front setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only 1 adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback requirement exceed 35 feet.

(2) *Side yards.*

(a) Interior lots shall provide a side yard on each side of the structure of 10 feet or 2 the building height, whichever is greater.

(b) On a corner lot the side yard on the street side shall not be less than 25 feet.

(3) *Rear yard.* A minimum of 25 feet shall be required.

(4) *Distance between buildings.* No principal building shall be closer than 50 feet to any other principal building on the lot.

(H) *Lot coverage.* No building or buildings, including accessory buildings, shall occupy more than 20% of the lot area.

(Prior Code, ' 16.08) Penalty, see ' 10.99

' 153.029 AMU@ MIXED-USE DISTRICT.

(A) *Intent.*

(1) The purpose of the Mixed-Use District is to provide an area for compact, mixed-use development that will be compatible through a combination of careful planning and urban design and

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investments. The mixture of land uses within the District is essential to create a vibrant community. The District will include 3 sub-districts: the Gateway (MU-G), the Downtown (MU-D) and Budd/Highway 12 (MU-B). The sub-districts will contribute to the overall uniqueness of smaller areas while creating a consistent character throughout the community.

(2) All 3 sub-districts will include careful consideration for placement of building edges, treatment of buildings, parking, landscaping and pedestrian spaces. Further definition and regulation of these areas will be achieved through the implementation of the Design Guidelines which specifically address the design and character requirements for any development within any of the sub-districts and Mixed-Use areas. The standards in this chapter are intended to implement and effectuate the principles and relationships established in the Maple Plain Design Guidelines, and the city=s Comprehensive Plan, which will be carried out through specific standards related to site planning, signage, architecture, building materials and landscaping.

(3) The MU District is divided into 3 sub-districts: MU-G, MU-D and MU-B, as depicted on the Official Zoning Map.

(B) *Permitted uses.* Within any MU District, no structure or land may be used, except for 1 or more of the following uses. An AX@ designation indicates which district the use is allowed in. If the use is not identified with an AX@, then the use is not permitted within the District. The following list is not meant to be all encompassing, but all uses not identified on this list shall be subject to review by city staff and must be identified as >similar= in use to other listed, permitted or conditional uses otherwise the use shall be deemed not permitted. Any dispute of staff=s decision shall be brought before the City Council upon written request to be submitted to city staff to be placed on the next available agenda.

| <i>Permitted Use</i> | <i>MU-G</i> | <i>MU-D</i> | <i>MU-B</i> |
|---|-------------|-------------|-------------|
| Activity centers | X | X | X |
| Animal clinic and grooming, no boarding over 24 hours | X | X | X |
| Antique or gift shop | X | X | X |
| Auto broker | | | X |
| Appliance and merchandise sale and repair | X | X | X |
| Art and school supply store | X | X | X |

| <i>Permitted Use</i> | <i>MU-G</i> | <i>MU-D</i> | <i>MU-B</i> |
|--|-------------|-------------|-------------|
| Art studio, interior decorating studio, photographic studio or music studio | X | X | |
| Bakery goods sales and baking of goods | X | X | |
| Bank, without drive-through lanes | X | X | X |
| Beauty shop | X | X | |
| Bookstore | X | X | |
| Cabinetry shops, no outdoor storage | | X | X |
| Camera and photo finish | X | X | X |
| Candy, ice cream, popcorn, nuts, frozen dessert and soft drink shop, without drive-in or drive-through lanes | X | X | |
| Catering services | X | | X |
| Clothing and/or shoe stores | X | X | X |
| Coffee shops, cigar bars, wine bars or similar gathering places | X | X | X |
| Convenience store | X | X | X |
| Daycare | X | X | |
| Delicatessen | X | X | |
| Department store over 50,000 square feet | | | X |
| Diet centers | X | X | X |

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| <i>Permitted Use</i> | <i>MU-G</i> | <i>MU-D</i> | <i>MU-B</i> |
|--|-------------|-------------|-------------|
| Drugstore | X | X | |
| Dry cleaner | X | X | X |
| Electronic store | X | X | X |
| Electronic store over 50,000 square feet | | | X |
| Fabric store | X | X | X |
| Florist | X | X | |
| Flower and garden retail/wholesale | | | X |
| Furniture sales | | | X |
| Government buildings | | X | |
| Grocery store | X | | X |
| Hardware store | X | X | X |
| Hardware store large (over 50,000 square feet) | | | X |
| Health club | X | X | X |
| Health club large (single building 50,000 square feet) | | | X |
| Hobby shops | X | X | X |
| Home improvement | X | | X |
| Home improvements (over 50,000 square feet) | | | X |
| Jewelry sales/repair | X | X | |
| Laundromat, self service | X | X | X |

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| <i>Permitted Use</i> | <i>MU-G</i> | <i>MU-D</i> | <i>MU-B</i> |
|--|-------------|-------------|-------------|
| Learning academies and facilities | X | X | |
| Library | | X | |
| Liquor store | X | | X |
| Locksmith | X | X | X |
| Lumber sales outdoor storage | | | X |
| Meat market, not including processing for locker | X | X | X |
| Medical and dental clinic or office | X | X | |
| Music store | X | X | |
| Office supply and stationary | X | | X |
| Offices, professional, non-medical | X | X | X |
| Optical goods | X | X | |
| Orthopedic sales and supplies | X | X | X |
| Pet store | X | X | X |
| Picture framing | X | X | |
| Residential dwelling, multi-family attached | X | X | X |
| Residential dwelling, single-family* | X | X | X |
| Restaurants, without drive-in or drive-through lanes | X | X | X |

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| <i>Permitted Use</i> | <i>MU-G</i> | <i>MU-D</i> | <i>MU-B</i> |
|--|-------------|-------------|-------------|
| Retail general, sales of good in similarity to uses as noted above and deemed appropriate by the city | X | X | X |
| Sporting goods | X | X | X |
| Tailor shop | X | X | |
| Tobacco/smoke shop | X | X | X |
| Toy store | X | X | X |
| Video store | X | X | X |
| Warehousing and light manufacturing with no outdoor storage | | | X |
| *Single-family homes are permitted uses within the Mixed Use Districts when constructed on a lot where a single-family home exists. All single-family homes in the Mixed Use Districts are subject to the requirements of the R-1 zoning district. | | | |

(C) *Permitted accessory uses.* Within any MU District, the following uses shall be permitted accessory uses:

- (1) Any incidental repair or processing necessary to conduct a permitted principal use as long as it occurs indoors and does not occupy more than 30% of the gross floor area of the principal building;
- (2) Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time necessary to complete the construction;
- (3) Outdoor seating of no more than 12 seats when demonstrated that they do not create a public safety hazard; and
- (4) Utility cabinets less than 12 square feet.

(D) *Conditional uses.* No structure or land may be used for the following uses except by conditional use permit and in accordance to ' 153.140.

- (1) Antennas mounted on an existing structure, if integrated architecturally into the design of the building, exceeding 3 feet above the highest point of a structure.
- (2) *Auto sales.*

(a) Only within the MU-B District;

(b) Parking area and buildings must be setback 40 feet and adequately screened/buffered from adjacent residential land shown in the Comprehensive Plan;

(c) Public address system shall not be audible from any residential parcels; and

(d) Access is prohibited from a local street unless approved by the city.

(3) *Automobile fuel services.*

(a) Only within the MU-G and MU-B Districts;

(b) Stacking at the pumps shall not interfere with internal circulation patterns or parking areas;

(c) Stacking area shall be screened from adjacent residential parcels;

(d) No unlicensed or inoperable vehicles shall be stored on the premise;

(e) No repair, assembly or disassembly of vehicles;

(f) Canopy lighting must be recessed with flat lenses; and

(g) Shall be located more than 200 feet from a school, church, hospital or meeting place with a capacity of more than 50 persons. This distance can be reduced if mitigation measures are taken to the satisfaction of the City Council.

(4) *Automobile repair or storage.*

(a) Only within the MU-B District;

(b) Unlicensed or inoperable vehicles shall be stored inside or within an approved area that is adequately screened;

(c) Repair, assembly or disassembly of vehicles must be done indoors, except minor servicing;

(d) No sales or display of vehicles, unless under a separate conditional use permit;

(e) Parking and buildings must be setback 50 feet from any residential districts as noted in the Comprehensive Plan unless an adequate screening of views, noise and light plan is approved by the city; and

(f) Shall be located more than 200 feet from a school, church, hospital or meeting place with a capacity of more than 50 persons. This distance can be reduced if mitigation measures are taken to the satisfaction of the City Council.

(5) *Auction houses.*

(a) Only within the MU-B District;

(b) Public address system shall be designed to minimize audible sound from any residential parcels in compliance to city noise ordinances (' 153.066);

(c) No outdoor storage or sales unless within a designated area and screened from residential parcels;

(d) Designated parking area that does not interfere with internal circulation or access in or out of the site; and

(e) Access shall not be allowed from a local street unless approved by the city.

(6) *Car washes.*

(a) Only within the MU-G and MU-B Districts;

(b) Stacking of vehicles shall not interfere with the internal circulation of vehicles or impact the ingress/egress of the site;

(c) Operations of the carwash or speaker system shall be designed to minimize audible sound from any residential parcels in compliance to city noise ordinances (' 153.066);

(d) Shall not be adjacent to low-density residential parcels as shown in the Comprehensive Plan unless screening provisions are approved by the City Council; and

(e) Access shall not be from a local street unless approved by the city.

(7) *Churches and other places of religious assemble.* Provided that the principal structure and any accessory structures used for assembly shall be located at least 50 feet from any lot line adjacent to a residential building. This paragraph shall apply even if the religious use does not occupy the entire structure.

(8) *Drive-through or drive-in lanes.*

(a) Only within the MU-G and MU-B Districts, except governmental uses in the MU-D District;

(b) Drive-through lanes are not permitted in the front yard;

(c) Adequate stacking distance shall be provided, as determined by the City Engineer, which does not interfere with other driving areas, parking spaces or sidewalks;

(d) Electronic speaker devices and service window address systems shall be designed to minimize audible sound from any residential parcels in compliance to city noise ordinances (' 153.066);

(e) Screening shall be provided of automobile headlights in the drive-through lane to windows and doors of adjacent uses;

(f) A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area;

(g) Within the MU-D District, there shall be no more than 1 drive-through lane serving a governmental building or use; and

(h) Within the MU-G and MU-B Districts, there shall be no more than 4 drive-through or drive-in lanes serving a given area.

(9) *Essential service structures, such as lift stations, utility meters and power substations.*

(a) Color and screening shall be compatible to surrounding uses; and

(b) Approval is required from regulating agencies for placement and construction of the structure and accessory service lines such as, right-of-way permits, utility permits and the like.

(10) *Hotels and motels.*

(a) Must be within the MU-G or MU-B Districts;

(b) Shall not be located next to low-density residential parcels as identified in the Comprehensive Plan unless adequately screened to minimize sight and sound;

(c) Must demonstrate that it would not negatively impact traffic to surrounding roads; and

(d) Access is prohibited from a local street unless approved by the city.

(11) *Public transportation terminals.*

(a) Shall not be located next to low-density residential parcels as identified in the Comprehensive Plan unless adequately screened to minimize sight and sound;

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- (b) Must demonstrate that it would not negatively impact traffic to surrounding roads;
- (c) Access is prohibited from a local street unless approved by the city;
- (d) Site and building plans subject to ' 153.045; and
- (e) Must demonstrate its connectivity to the city=s business areas.

(12) *Taverns, private clubs and lodges.*

(a) Must demonstrate that it would not negatively impact traffic to surrounding roads or intersections;

(b) All permits and licensing must be approved before operating the business;

(c) Shall not be located within 200 feet of low density residential properties or adjacent to any residential property, unless part of an approved master plan. The city may reduce separation requirements if the following is provided:

1. Landscaping and berming to shield the restaurant;
2. Parking lots placed away from the residential parcels; and
3. Lighting plan that is unobtrusive to surrounding uses.

(13) *Theaters, convention halls.*

(a) An approved traffic plan showing that the site can effectively serve the patrons and does not impact surrounding streets or intersections;

(b) Shall not be adjacent to a residential parcel as shown within the Comprehensive Plan; and

(c) Provisions to ensure that light and sound does not negatively impact surrounding land uses.

(14) *Expansion of nonconforming uses.* Nonconforming buildings, services and/or densities may be expanded up to 10%, provided that this expansion is consistent with the zoning that existed prior to the effective date hereof. Expansion of nonconforming uses by more than 10% is not allowed, unless such expansion brings the entire site into compliance with the zoning standards and Design Guidelines.

(E) *Interim uses.*

- (1) *Accessory structures.*

(a) Comply with the yard setbacks as noted in this chapter.

(b) Be constructed out of same or compatible material as the principle use.

(c) Must be associated specifically for the principal use and not used for activities other than that needed to support the principal use.

(2) *Bed and breakfast.*

(a) Only within the MU-D District except for 2 city-wide allowed under ' ' 112.30 through 112.36.

(b) Per the requirements of ' ' 112.30 through 112.36.

(3) Exterior light poles, light fixtures or other light sources over 16 feet above the ground. Light fixtures style shall also be consistent with those standards identified in the Maple Plan Design Guidelines.

(4) Outdoor seating consisting of more than 12 seats within the public right-of-way or public open space for a permitted or conditional use, provided that:

(a) A sidewalk area at least six feet wide is maintained free of seating in the area.

(b) An outdoor seating plan is prepared for and approved by the City Council on the recommendation of staff, the Planning commission and Fire Marshal to ensure that the plan would not compromise public health, safety or welfare of the residents. The plan may also include seasonal, temporary landscaping and features such as planter boxes, hanging baskets, low partitions, roped off areas and other approved elements.

(5) *Uses allowed in other MU Districts.*

(a) Must meet the general purpose of the subject district as described in the Comprehensive Plan and Design Guidelines.

(b) The city finds sufficient reasons that the use is appropriate for the subject district and that it does not negatively impact the goals of the approved district.

(c) Must submit an approved operational plan detailing the business management and operations.

(d) Subject to one-year review.

(F) *Lot area, lot width and yard requirements.* The following lot requirements shall apply to properties located within the 3 sub-districts except for existing single-family homes. Lots containing a

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single-family home will be subject to the R-1 District standards for purposes relating to the use, expansion, improvements, accessory structures or replacement of the existing home. The averaging for front yard setback, as allowed in the R-1 District, is only permitted when the neighboring structure(s) are residential homes. Improvements to the home shall be subject to the performance standards of this section.

(1) *Lot area and lot width.* For all properties located within the Mixed-Use District, a minimum lot area shall be required to ensure health and safety of residents. The following lot area requirements shall apply to each sub-district.

| <i>Lot Area</i> | <i>MU-G</i> | <i>MU-D</i> | <i>MU-B</i> |
|---------------------------|------------------------|----------------------|------------------------|
| Commercial/mixed-use | 6,000 square feet | 6,000 square feet | 10,000 square feet |
| Residential/unit | 1,000 square feet/unit | 800 square feet/unit | 1,000 square feet/unit |
| <i>Lot Width</i> | | | |
| Commercial/mixed-use | 100 feet | 100 feet | 100 feet |
| <i>Residential</i> | | | |
| Multi-unit building | 100 feet | 50 feet | 100 feet |
| Individual town home | 25 feet | 25 feet | 25 feet |

(2) *Yard requirements and setbacks.*

(a) *Principal structure setbacks and standards.*

| <i>Setback</i> | <i>MU-G</i> | <i>MU-D</i> | <i>MU-B</i> |
|--------------------|-------------|-------------|--------------|
| Front yard | 5 - 10 Feet | 5 - 10 Feet | 10 - 20 Feet |
| Side yard/interior | 10 Feet | 0 Feet | 10 Feet |
| Side yard/corner | 20 feet | 5 - 10 Feet | 20 Feet |
| Rear yard | 20 Feet | 10 Feet | 20 Feet |

The following standards shall also apply to all sub-districts, except where noted, and shall further clarify the lot requirements:

1. On lots fronting Highway 12, there shall be a 50-foot setback from the right-of-way. The city recognizes that there are several existing situations that may warrant a reduced setback as determined through a variance request;

2. On lots with more than 1 street frontage, the build-to line shall apply on each side fronting a street or if determined by city staff that only a single street should be considered as the front; and

3. At least the first floor shall meet the front yard setback maximum requirements.

(b) *Accessory structure setbacks.* Accessory structures require a conditional use permit per this chapter. All accessory structures shall be located behind the front line of the principal structure.

| <i>Setback</i> | <i>MU-G</i> | <i>MU-D</i> | <i>MU-B</i> |
|---|----------------|----------------|----------------|
| Distance from principal structure* | 5 feet minimum | 5 feet minimum | 5 feet minimum |
| Side yard/interior | 10 feet | 0 feet | 10 feet |
| Side yard/corner | 20 feet | 5 - 10 feet | 20 feet |
| Rear yard | 10 feet | 5 feet | 10 feet |
| * Must meet all Fire Code specifications. | | | |

(c) *Parking setbacks and standards.* The following parking requirements shall be established. All parking bays shall be located, whenever possible, to the rear of a structure and shall not be visible from main roads and thoroughfares. Vegetation and berms may be used to help buffer parking areas from visibility when site constraints make it infeasible to locate parking behind a structure. When a shared parking lot is approved, no setback variances are required.

| <i>Setback From Abutting Properties</i> | |
|---|---------|
| Collector and local roads | 10 feet |
| Highway 12 | 50 feet |
| Residential | 20 feet |
| Commercial | 5 feet |
| Mixed-use comm./residential | 10 feet |
| Industrial | 5 feet |

The following standards shall also apply to parking bays, drive aisles and other paved areas within the sub-districts.

1. *Fencing of parking areas.* Wherever a surface parking area faces a street frontage, such frontage shall be screened with a decorative wall, railing, hedge or a combination of these elements,

to a minimum height of 3 feet and a maximum height of 4-1/2 feet above the level of the parking lot, at the yard setback line.

2. *Drive-through or drive-in lanes.* Drive-through or drive-in lanes are not allowed within the setback line or in front of any building; they must be located to the side or rear of a building. This does not pertain to driveways.

3. *Fences or hedgings.* Parking lots, drive-through lanes and driveways must be screened by a fence or vegetative hedge when adjacent to residential properties.

(d) *Building heights.*

1. *Building height.* **BUILDING HEIGHT** is defined as the vertical distance from the average elevation of the adjoining ground level or the established grade, whichever is lower, to:

- A. The top of the cornice of a flat roof;
- B. The deck line of a mansard roof;
- C. A point directly above the highest wall of a shed roof;
- D. The uppermost point of a round or other arch-type roof; and
- E. The mean distance from the eave line to the peak of the highest gable on a pitched or hip roof.

2. *Height limit.* The height limit shall meet the intent of the city's Design Guidelines and Comprehensive Plan with no height to exceed 35 feet in the MU-D district and 40 feet in the MU-G and MU-B districts.

(G) *Parking requirements.* All parking requirements shall meet ' ' 153.083 and 153.087. The minimum parking requirements shall meet those identified in the zoning district most similar to the proposed dominant use. The following standards shall apply:

(1) Parallel parking spaces and on-street parking shall be permitted in calculations of overall parking stalls available provided those spaces are available during all business hours and located directly in front of a user;

(2) A minimum of 1 parking stall, garage or dedicated space shall be required for each residential unit development. For residential uses, the parking space must be on-site and cannot be shared or combined with other uses; and

(3) On grade parking is prohibited directly in the front of a building, unless as on-street parking. Parking shall be provided to the side or rear of buildings in mid-block areas.

(H) *Performance standards.*

(1) Building design and materials shall be consistent with those identified in the city's Design Guidelines. In addition to those standards, the following shall apply to all MU District areas:

(a) All buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan and the Design Guidelines. Building materials shall be attractive in appearance, durable with a permanent finish and of a quality that is consistent with the standards and intent of the Design Guidelines. Where appropriate, buildings shall carry over materials and colors of adjacent buildings, with the exception of prohibited materials.

(b) All mechanical equipment, whether roof mounted or ground mounted, shall be screened from the ground-level view of adjacent properties and public streets, or designed to be compatible with the architectural treatment of the principal building.

(c) All exterior trash enclosures or other accessory structures shall be constructed of complimentary materials and colors as the principal building.

(d) All entrances shall be oriented to a street or public open space and shall be convenient to the street frontage and to on-street and off-street parking serving the use.

(2) *Landscaping.*

(a) All land area not occupied by buildings, parking, driveways, sidewalks or other hard surfaces shall be sodded or mulched and landscaped with approved ground cover, flowers, shrubbery or trees;

(b) At least 10% of the total land area within the perimeter of a private parking and driveway areas having over 40 stalls shall be landscaped. Landscaped areas provided within the setback areas may be credited toward this 10% landscaping requirement, for up to half of the requirement, or 5%;

(c) Parking lot landscaped islands shall be a minimum of 250 square feet in area and include at least 1 overstory or evergreen tree meeting the requirements of this chapter. Landscape islands shall be located, at a minimum, every 30 stalls; and

(d) The landscape plan shall include a full complement of overstory, ornamental trees, evergreens, shrubbery and ground covers which are hardy and appropriate for the locations in which they are planted, and which provide year-round color interest.

(3) *Signage.* All signage within the MU District shall adhere to the standards identified in ' ' 150.20 *et seq.*, and shall also be consistent with the standards identified in the city=s Design Guidelines.

(4) *Lighting.* All light fixtures shall meet the standards identified in the city=s Design Guidelines, as referenced by ' 153.040, and light standards, per ' 150.01. The following lighting standards shall also apply to all MU Districts: All exterior lighting in the MU District shall be downcast cutoff-type fixtures, and shall follow the styles identified in the Design Guidelines.
(Ord. 232, passed 4-13-2009; Am. Ord. 249, passed 9-13-2010)

' **153.030 RESERVED.**

' **153.031 AI@ INDUSTRIAL ZONING DISTRICT.**

(A) *Intent.* The purpose of the Industrial District is to support the types of industrial uses which, because of their nature of products or character of activities, may require separation and/or isolation from residential, commercial and mixed-use districts or other sensitive areas. Such industrial uses result in the creation of products that impose objectionable influences or create noises, vibrations, dust, heat, smoke, odor, and the like.

(B) *Permitted uses.* The following uses are permitted in the I-1 General Industrial District.

(1) Manufacturing - light, that includes but is not limited to the fabrication or assembly of small products such as optical, electronic, pharmaceutical, medical supplies, and equipment; machine shops, printing and bottling establishments;

(2) Lumber yards, for the purpose of storing and selling of lumber products plus occasional cutting and finishing services;

(3) Wholesale business, provided that the business does not participate in retail sales except for products made at the facility or that are directly related to the primary use or product of the business;

(4) Warehousing and distribution facilities;

(5) Office campus, minimum of a 10-acre parcel containing an office building(s) that has a separate access to a principal or arterial road;

(6) Recreational facility-indoor;

(7) Research laboratories;

(8) Contractor shops, for contractors including plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, electrical, carpentry, welding, landscaping, excavating, and general contracting, including contractor storage of equipment and building materials if enclosed within a building; and

(9) Essential services as defined in ' 153.007.

(C) *Permitted accessory uses.* The following are permitted accessory uses in the I District:

(1) Offices accessory to a principal use, that occupy no more than 40% of the gross floor area of the principal building;

(2) (a) Accessory buildings and structures not exceeding 30% of the gross floor area of the principal building. Accessory buildings shall be constructed with materials and color that is compatible with the principal structure;

(b) Accessory buildings and structures in excess of 30% of the gross floor area of the principal building in existence upon adoption of this code may continue as permitted uses but may not be expanded.

(3) Outdoor storage (not open sales lots) provided that:

(a) The storage area is landscaped and screened from view of neighboring uses, residential zoning districts, and public rights-of-way per ' 153.063(C) and (D);

(b) The storage area is fenced in a manner approved by the city;

(c) The storage area shall be paved or surfaced (concrete or blacktop) to control dust and erosion, unless determined by the city that a vegetative or alternative low impact development surface is more appropriate in order to reduce hard surface but will maintain water runoff and quality;

(d) All lighting shall be in compliance with city's light standards identified in ' 150.01;

(e) The storage area does not take up parking space or loading space as required for conformity to this section and not in front yards;

(f) The storage area shall not abut property zoned for residential use, including land in another city. **ABUTTING** includes across the street. **ABUTTING** does not include properties that touch only corner to corner;

(g) The ratio of storage area to building footprint shall not exceed 3:1; and

(h) Storage shall not include material considered hazardous under federal or state environmental law.

(D) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures set forth in ' 153.140:

(1) Manufacturing - heavy, including but not limited to: concrete product plants, building materials production and similar uses provided that:

(a) All applicable Minnesota Pollution Control Agency requirements are satisfactorily met;

(b) Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with ' 153.063(C) and (D);

(c) Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer; and

(d) Provisions acceptable to the city shall be made to control and minimize noise, air and water pollution.

(2) Recycling and refuse/garbage collection facilities, provided that:

(a) No refuse or garbage shall be stored or in any way disposed of on the site;

(b) Vehicle parking and storage areas are screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with ' 153.063 (C) and (D);

(c) Vehicle parking/storage areas shall be hard surfaced with a bituminous material with curb and gutter to control dust;

(d) The site shall be maintained free of litter and any other undesirable materials and will be cleaned of loose debris on a daily basis;

(e) All inbound and outbound trucks and equipment, excluding employees personal vehicles, shall be restricted to designated routes established by the city, except for times when providing collection service to customers within the city limits;

(f) Provisions acceptable to the city shall be made to control and minimize noise, air and water pollution; and

(3) Trucking terminals, provided that:

(a) Vehicular access points shall be located along arterial streets and shall be limited and designed and constructed to create a minimum of conflict with through traffic movement;

(b) A drainage system subject to the approval of the City Engineer shall be installed;

(c) Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with ' 153.063 (C) and (D); and

(d) Provisions are made to control and minimize noise, air and water pollution.

(4) Mini self-storage facilities, provided that:

(a) No buildings shall be located closer than 25 feet to each other to allow for parking, loading, driveway, and fire lanes;

(b) There is no "on-premises" caretaker dwelling unit provided on the site;

(c) Adequate space is provided for snow storage;

(d) All driveways and parking areas shall be hard (blacktop or concrete) surfaces and adequate turning radius for fire truck maneuverability is to be maintained throughout the site;

(e) Any structures having exposure to an adjacent residential use or public right-of-way, park, or similar public use areas shall be of brick, natural stone, wood, stucco facing material or material(s) approved by the city that are deemed to be in character with surrounding uses; and

(f) No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self-storage, mini warehousing facility.

(5) Automobile and truck repair, provided that:

(a) Unlicensed or inoperable vehicles shall be stored inside or within an approved area that is adequately screened;

(b) No sales or display of vehicles, unless under a separate conditional use permit;

(c) Repair, assembly or disassembly of vehicles must be done indoors, except minor servicing; and

(d) Parking and buildings must be setback 50 feet from any residential districts as noted in the Comprehensive Plan unless an adequate screening of views; noise and light plan is approved by the city.

(6) Open sales lot, provided that:

(a) The sales lot is landscaped and screened from neighboring residential uses and shall not abut a residential zoning district, including neighboring cities. **ABUTTING** does not include properties that touch only corner to corner;

(b) Sales area is paved or surfaced (concrete or blacktop) to control dust and erosion, unless

determined by the city that a vegetative or alternative low impact development surface is more appropriate if the sales area will be used temporarily throughout the year or in order to reduce hard surface but maintain water runoff and quality;

(c) All lighting shall be in compliance with city's light standards identified in ' 150.01;

(d) The sales area does not take up parking space or loading space as required for conformity to this section;

(e) The sales area shall be limited to the size, location and times of operation as determined through the conditional use permit; and

(f) Outdoor storage shall not include material considered hazardous under federal or state environmental law.

(7) Automotive sales, provided that:

(a) Parking area and building has a setback of 40 feet and adequately screened/buffered from adjacent residential land shown in the Comprehensive Plan;

(b) The minimum building size for any vehicle sales shall comply with the standards in the table below.

| <i>Minimum Building Size for Vehicle Sales/Rental Uses</i> | | |
|--|------------------------------|-------------------------------|
| <i>Parcel size</i> | <i>Lot coverage percent*</i> | <i>Minimum building size*</i> |
| < 2 acres | 5.0% | 2,500 square feet |
| 2 acres > 4 acres | 10.0% | 10,000 square feet |
| > 4 acres | 15.0% | 40,000 square feet |
| * Whichever requires the larger building. | | |

(c) All lighting shall be in compliance with ' 150.01;

(d) The outside sales and display area shall be hard surfaced;

(e) The outside sales and display area does not utilize parking spaces which are required for conformance with this chapter;

(f) Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the city; and

(g) There is a minimum lot area of 22,500 square feet and minimum lot dimensions of 150 feet by 130 feet.

(8) Antenna towers, provided that:

(a) All antennas and towers shall be in compliance with all state building and electrical code requirements and as applicable shall require related permits. Applications to erect new antennas and/or towers shall be accompanied by any required federal, state, or local agency licenses;

(b) Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications and as may be necessary, as determined by the City Engineer, shall be verified and approved by a professional engineer;

(c) When applicable, written authorization for antenna and/or tower erection shall be provided by the property owner;

(d) Antennas and/or towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety;

(e) If a new tower of 75 feet or greater in height is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and antennas for at least one additional use, including but not limited to other personal wireless service communication companies, local police, fire and ambulance companies. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;

(f) Towers shall be painted a non-contrasting color consistent with the surrounding area such as blue, gray, brown, or silver or have a galvanized finish to reduce visual impact, unless otherwise required by a governmental agency;

(g) All antennas and towers shall be reasonably posted and secured to protect against trespass, including appropriate measures to prevent unauthorized persons from climbing any tower;

(h) Towers shall comply with all applicable Federal Aviation Administration (FAA) regulations;

(i) All towers, antenna support structures, and related equipment or structures shall be kept and maintained in good condition, order, and repair so as not to menace or endanger the life or property of any person; and

(j) The city shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the State Building Code and all other construction standards provided by the city's code, federal and state law. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses related to such inspecting by the city shall be borne by the owner.

(9) Animal kennels and boarding, provided that:

(a) All animals must be kept inside except when accompanied by an employee within a fenced outdoor walking area; and

(b) A waste management plan acceptable to the city.

(E) *Lot requirements and setbacks.* The following minimum requirements shall be observed in the I District subject to additional requirements, exceptions and modifications set forth in this section:

(1) Lot area. As necessary to meet all setbacks, parking, and yard requirements;

(2) Lot width. None;

(3) Yard and setback requirements:

(a) Front yard - 35 feet minimum;

(b) Side yard - 20 feet minimum;

(c) Rear yard - 20 feet minimum; and

(d) Where a property abuts a railroad easement or right-of-way, no side or rear yard shall be required.

(F) *Interim uses.* The following interim uses are allowed in the I-1 District: excavation site.

(Ord. 274, passed 8-12-2013) Penalty, see ' 10.99

' 153.032 AI-2@ GENERAL INDUSTRIAL ZONING DISTRICT.

(A) *Intent.* General Industrial Districts are established for the purpose of providing areas wherein there may be conducted industrial activities which might be objected to in a more restricted district and which are therefore excluded from the districts.

(B) *Permitted uses.* The following uses are permitted in the General Industrial District:

(1) Coal tipple and storage under cover;

(2) Lumber yard in buildings;

(3) Building material yard;

(4) Public garages for repairing and storing cars;

(5) Battery and tire service;

- (6) Gasoline filling stations;
- (7) Blacksmith repair, machine shop, or tinshop;
- (8) Carting express or moving van with storage yard connected therewith;
- (9) Ice plant;
- (10) Steam laundry;
- (11) Milk distributing or dairy product processing station;
- (12) Loading facilities for stock;
- (13) Feed mills;
- (14) Freight station;
- (15) Gasoline and oil storage subject to approval of City Council as to location and arrangement;
- (16) Animal hospitals where domestic animals are received for treatment, care, and cure, by a duly licensed veterinary physician and surgeon in the customary and ordinary pursuit of his or her profession; and
- (17) Animal kennels where animals are customarily, ordinarily, and usually kept, boarded, cared for, trained, fed, or bought and sold as a business. Research laboratories and pilot plant operations incidental thereto.

(C) *Permitted accessory uses and buildings.* All permitted accessory uses allowed in the AI-1@ Light Industrial District.

(D) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures and conditions set forth in ' 153.140:

(1) Enterprises or businesses which in the opinion of the City Council are no more obnoxious or detrimental to the welfare of the community than the enterprises or businesses enumerated in this section; and

(2) Automotive sales
(Ord. 157, passed 10-11-1994)

(E) *Lot area.* As necessary to meet all setback, parking, and yard requirements.

(F) *Lot width.* None.

(G) *Yard and setback requirements.*

(1) Front yard - 35 feet minimum;

(2) Side yard - 20 feet minimum;

(3) Rear yard - 20 feet minimum; and

(4) Where a property abuts a railroad siding no side or rear yard shall be required when a railroad loading facility is to be installed.

(Prior Code, ' 16.12) Penalty, see ' 10.99

' 153.033 AO-P@ OFFICE PARK DISTRICT.

(A) *Intent.* The purpose of this district is to provide an attractive, high quality business park primarily for office, office showroom, research and development businesses. The district is intended to provide a harmonious transition between the industrial land uses to the east and the surrounding residential neighborhoods by consisting of attractive low profile buildings. The office uses allowed in this district are those that conduct their business activities inside with limited retail services. The Office Park District is intended to be served by a public or private drive along the back of the lots and subject to design standards that have been established within the city=s design guidelines.

(B) *Permitted uses.*

(1) Office buildings for administrative, executive, professional or other related offices.

(2) Research and development offices.

(3) Office showroom.

(4) Existing single-family residences.

(C) *Accessory uses.*

(1) Uses customarily associated with but subordinate to a permitted use, as determined by the city. Outdoor storage or outbuildings are not permitted and shall not be considered an accessory use.

(2) Outdoor parking of no more than 2 business trucks that are licensed and operable with a maximum weight of 12,000 pounds gross vehicle weight.

(D) *Conditional uses.* Within the Office Park District, no structure or land shall be used for the following uses except by conditional use permit subject to applicable provision of ' 153.140 of the city code and the specific standards listed in division (R) of this section.

(1) Financial institutions without drive-up facilities.

(2) Restaurants and cafeterias incorporated within a principal structure and oriented predominately towards serving the needs of employees of the surrounding area but excluding drive-up and exterior walk-up facilities.

(3) Businesses associated with office developments and consisting of limited retail activities.

(4) Public utility facilities.

(E) *Interim uses.*

(1) *Private access.* Private accesses until such time when connection to a shared service road is attainable with neighboring properties or an overall district service road system plan is installed.

(2) *Storage, assembly or servicing incidental to the principal use.* When the use does not exceed 25% of the existing gross floor area nor require exterior modifications of the building and require no outdoor storage. Truck deliveries shall only be permitted when it is evident that they will not detract from the site or adjoining residential area.

(F) *District standards.*

(1) *Building height.* Structures shall not exceed 2 stories or 35 feet as defined by the city ordinances.

(2) *Lot coverage.*

(a) Maximum lot coverage shall be 60% including building footprint, parking area, driveway, loading and other areas covered by impervious surfaces.

(b) The city may allow greater lot coverage when pervious materials are proposed or other low impact design standards are incorporated into the site.

(3) *Lot area.* As necessary to meet all setback, parking and yard requirements.

(G) *Yard and setback requirements.*

(1) Front: minimum 5 feet; maximum 15 feet;

(2) Rear: 30 feet;

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- (3) Side: 15 feet;
- (4) Side adjacent an existing residential home: 30 feet;
- (5) Railroad R-O-W: 30 feet;
- (6) Parking: 5 feet from any lot line. Zero setback when a shared parking agreement exists.

(H) *Existing single-family homes.* As a transitional district with several existing single-family homes, the Office Park District supports the maintenance and improvements of existing homes within the district. Single-family homes existing at the time of the adoption of the Office Park District will be subject to the setbacks, building height and accessory structure standards as established within the R-1 Zoning District. The averaging for front yard setback, as allowed in the R-1 District, is only permitted when the neighboring structure(s) are residential homes.

(I) *Buffer from existing homes.* To harmoniously incorporate new offices adjacent the existing residential homes within this district the city can require a vegetative or fenced buffer and increase parking setbacks when a proposed parking lot is adjacent an existing home. The added buffering will be determined by the following considerations:

- (1) The type of business proposed and the activities to occur adjacent the existing home.
- (2) The existing setback of the home from the shared lot line.
- (3) Future development of the surrounding area.
- (4) Proposed landscape plans.

The city may reduce the required 30-foot setback if adequate buffering is provided between the proposed use and home.

(J) *Access.* By permit from a public body with principal access from a collector street or arterial roadways as designated in the comprehensive plan or a service road specifically designed to accommodate commercial traffic as shown below.

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(1) It is the intent of the city to minimize the number of accesses from County Road 19 by planning for and encouraging a shared access design. Site plans for new development within the Office Park will be required to show how the planned future service road will be integrated into the proposed site layout. Construction of the service road on the subject site shall occur at the time of project construction unless other arrangements have been made with the city. Projects that cannot initially accommodate a shared service road can have individual access until such time as connection to a shared road is possible.

(2) Proposed plans should avoid having access drives adjacent residential lots. Access drives may be placed along adjacent residential properties after consideration of the following items:

- (a) There is no other possible location for the drive.
- (b) There is appropriate separation of the drive from the adjoining residential home.
- (c) There is appropriate screening and buffering of the drive.
- (d) The access is part of a future master access plan for the Office Park District.

(K) *Parking.* All parking is to be behind or beside the principal building. Parking beside the building must be screened from view of County Road 19 through the use of plantings, landscaping and/or decorative fencing. All parking is subject to the parking standards of the city code.

(L) *Parking reduction.* The required number of parking spaces may be reduced where it can be demonstrated that such reduction is justified due types of uses, joint parking with a use that has offsetting parking demands, or other factors that create a lesser demand on parking needs per ' 153.086.

(M) *Building design.* Building design and materials shall be consistent with those identified in the city=s design guidelines, specifically the Budd Avenue District since both districts are for transitional areas. Where appropriate, buildings shall carry over materials and colors of adjacent buildings.

(N) *Mechanical equipment.* All mechanical equipment, roof or ground mounted, shall be screened from the ground-level view of adjacent properties and public streets, or be integrated into the architectural treatments of the principal building.

(O) *Trash enclosure.* All exterior trash enclosures or other accessory structures shall be constructed of complimentary materials and colors as the principal building.

(P) *Utilities.* All utilities including but not limited to telephone, electricity, gas shall be installed underground.

(Q) *Additional services.*

- (1) All development shall be subject to the city=s site and building plan review requirements.

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(2) All development shall comply with the wetlands and floodplain regulations as overseen by city, state and federal regulations.

(3) All development shall comply with the city's water resource management plans and subject to review by the watershed district.

(4) Signs shall be regulated by the city sign ordinances.

(5) All development shall be subject to future improvements to County Road 19 for a bike trail or streetscape needs.

(R) *Specific standards for conditional uses.*

(1) *Financial institutions without drive-up facilities.*

(2) Restaurants and cafeterias incorporated within a principal structure and oriented predominately towards serving the needs of employees of the surrounding area but excluding drive-up and exterior walk-up facilities.

(a) Hours of operation, including deliveries, shall be limited to 7:00 a.m. to 7:00 p.m.

(b) Parking and traffic circulation must be adequate to accommodate the restaurant or cafeteria and facilitate future shared access or drives.

(c) No separate freestanding signs. Signage for the restaurant must be wall mounted and within the sign standards for the principal structure.

(3) *Businesses associated with office developments and consisting of limited retail activities.*

(a) Hours of operation, including deliveries, shall be determined by the type of use.

(b) Parking and traffic circulation must be adequate to accommodate the business and facilitate future shared access and drives.

(c) No separate freestanding signs. Signage for the business must be wall mounted and within the sign standards for the principal structure.

(d) Must be within an office building and shall not exceed 15% of the gross floor space permitted structure.

(4) *Public utility facilities.*

(a) Must be within a public easement or ownership.

(b) Must be adequately screened or harmoniously placed from public view.
 (Ord. 247, passed 8-23-2010) Penalty, see ' 10.99

▪ **153.034 FLAG LOTS.**

(A) *Intent.* The city comprehensive plan adopted in 1998 states that Ait is the policy of the City of Maple Plain to encourage infill development in existing neighborhoods.@ In accord with the comprehensive plan it is the intent of this section to provide for the development of large, deep existing lots within the city utilizing a Aflag lot@ approach. The Planning Commission and the City Council, however, should approve this type of lot development, only after careful review of the circumstances, which lead to the conclusion that no other reasonable alternative for lot development exists.

(B) *Description.* A flag lot is a parcel of land this is situated behind a lot fronting a public street and is accessible by a common or shared drive. A flag lot=s front line is the same as the rear lot line of the forward or primary lot. The shared or common drive constitutes the Astaff@ and the rear lot constitutes the Aflag@ hence the term Aflag lot.@ The staff portion terminates at the flag lot=s (rear lot) front line and shall be platted as part of the flag lot (rear lot). The land area required for the staff is not included as part of the minimum lot area required for development.

(C) *General requirements.*

(1) Proposed flag lots for development will be platted in accordance with the ordinance on plat subdivision contained in ' 152.04. As part of the platting process, covenants will be written for the management and maintenance of the common driveway or staff portion of the flag lot.

(2) Flag lot development will be allowed only in R-1 and R-2 zoning districts.

(3) Only 1 flag lot per parcel proposed for development will be permitted.

(D) *Requirements for R-1 zoning.*

(1) Total lot area required for development (excluding the staff area) - 24,000 square feet, minimum:

(a) Front lot area - 12,000 square feet minimum, excluding the staff area; and

(b) Rear lot (flag lot) area - 12,000 square feet minimum.

(2) Lot width:

(a) Front lot - 80 feet minimum; and

(b) Rear lot - 111 feet minimum.

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(3) Utilities - all utilities, water, sewer, electric, gas, telephone, must be available and accessible to the lot being developed.

(4) Shared or common drive (flag pole) - access strip to public street:

(a) Width - 31 feet minimum with a 10-foot setback from the side yard of the front lot line;
and

(b) Depth - not to exceed the front lot line of the flag (rear) lot.

(5) Drive surface area:

(a) Width - 16 feet with straight alignment for both lots; and

(b) Turn around at flat lot (rear lot) - hammerhead design:

1. Depth - 10 feet;
2. Width - 20 feet; and
3. Twenty-five foot setback from the rear lot line.

(6) Yard and setback requirements:

(a) *Front lot.*

1. Front yard:

- a. Thirty-five feet minimum; and

b. Where adjacent structures within the same block have front setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only 1 adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the minimum front yard setback requirement exceed 35 feet.

2. Side yard - interior lots shall provide a side yard on each side of the dwelling of 10 feet with the following exception; and on a corner lot, the width of the side yard on the street side shall be not less than 18 feet (2 the minimum front yard depth required), provided this does not reduce the buildable width of a corner lot to less than 20 feet.

3. Rear yard - 25 feet minimum or 25% of the lot depth, whichever is greater, or the existing rear yard of the existing residence.

(b) *Flag lot; rear.*

1. Front yard - 25 feet from the rear lot line of the front lot;

2. Side yard:

- a. Thirty-five feet from the flag staff exterior line; and
- b. Twenty-five feet on the opposite side.

3. Rear yard - 25 feet or 25% of the lot depth, whichever is greater.

(E) *Requirements for R-2 zoning.*

- (1) Two single-family dwellings.

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minimum: (a) Total lot area required for development (excluding the staff area) - 20,000 square feet,

1. Front lot area - 10,000 square feet, minimum for single-family dwelling; and
2. Back lot (flag lot) area - 10,000 square feet, minimum for single-family dwelling.

(b) Lot width:

1. Front lot - 75 feet minimum, excluding the staff area; and
2. Back lot (flag lot) - 106 feet, minimum.

(2) Single-family front lot - 2-family rear lot (flag lot):

(a) Total lot area required for development (excluding the staff area) - 25,000 square feet:

1. Front lot area - 10,000 square feet, minimum for single-family dwelling; and
2. Rear lot (flag lot) area - 15,000 square feet, minimum for 2-family dwelling.

(b) Lot width:

1. Front lot - 89 feet minimum, excluding the staff area; and
2. Flag lot (rear) - 120 feet, minimum.

(3) Two-family front - 2-family rear (flag lot):

minimum: (a) Total lot area required for development (excluding the staff area) - 30,000 square feet,

1. Front lot area - 15,000 square feet, minimum; and
2. Back lot (flag lot) area - 15,000 square feet, minimum.

(b) Lot width:

1. Front lot - 120 feet, minimum, excluding the flag staff area; and
2. Back lot (flag lot) - 151 feet, minimum.

(4) All other requirements found for R-1 zoning apply to R-2 zoning.

(5) The house identification number for the flag lot (rear) shall be at the street.

(F) *Effective date.* This section shall have full force and effect upon its passage and publication.
(Ord. 184, passed 9-24-2002) Penalty, see ' 10.99

SPECIAL DESIGN PROVISIONS

153.040 DESIGN GUIDELINES.

The city has established Design Guidelines for the Mixed-Use Districts (Gateway, Downtown and Budd Avenue/Highway 12). The Design Guidelines reflects the development standards expected within these districts and are to be used during a project review process. The Design Guidelines were created under a separate cover and are referenced here as an extension of the city=s codes. The City Council may amend the Design Guidelines by resolution from time to time.

(Ord. 231, passed 4-13-2009; Am. Ord. 273, passed 2-25-2013)

153.041 COMPLETE STREETS POLICY.

The city has established a complete streets policy that reflects design considerations for pedestrian and bicycle improvements as part of street and development projects within the community. The complete street policy was created under a separate cover and are referenced here as an extension of the city=s Codes. The City Council may amend the complete streets policy by resolution from time to time.

(Ord. 273, passed 2-25-2013)

SITE PLAN REVIEW

153.045 INTENT AND PROCEDURE.

(A) *Purpose.* The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the

requirements of this chapter. Site plan reviews are generally for nonresidential developments but shall be required for all commercial, industrial, and mixed-use developments prior to building permit submittal.

(B) *Pre-application meeting.* Prior to the formulation of a site plan, potential applicants may present a sketch to the City Administrator or Planner prior to filing of a formal application. The City Planner shall review the sketch and provide informal comments and direction for the application submittal.

(C) *Application requirements.* A site plan application shall be filed with the City Administrator or Planner on an official application form. The application shall be accompanied by a fee established by resolution by the City Council. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Planner, fully describing the proposed site plan and improvements, together with a set of mailing labels of all property owners located within 350 feet of the site in a format prescribed by the City Planner. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this section.

(D) *Staff analysis.* Upon receiving a complete application, as determined by staff review, the City Planner shall refer copies of the request to the city staff and other applicable public agencies as needed in order to receive written comments. The City Planner shall instruct the appropriate staff person to:

- (1) Coordinate an analysis of the application;
- (2) Prepare technical reports; and
- (3) Assist in preparing a recommendation to the Planning Commission and City Council.

(E) *Public hearing notice.* Upon completion of staff=s analysis of the application, the City Administrator, when appropriate, shall set a public hearing date for an upcoming Planning Commission meeting. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the city=s official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall also be mailed to all property owners located within 350 feet of the site at least 10 days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate the proceedings.

(F) *Approval procedure and conditions.* Pursuant to Minnesota Statutes, an application for site plan approval shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the applicant. Additional city requirements are as follows.

(G) *Planning Commission consideration.* The Planning Commission shall consider the request for a site plan and hold a public hearing. The applicant or representatives thereof may appear before the Planning Commission to present information and answer questions concerning the proposed

development. The Planning Commission shall make a finding of fact and make a recommendation on such actions or conditions relating to the request as they deem necessary to carry out the purpose of this chapter. The recommendations shall be in writing and accompanied by the report and recommendation of the city staff.

(H) *City Council consideration.* The City Council shall consider the site plan and recommendations of the Planning Commission and staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The Council shall either approve or deny the application; approval of a site shall require passage by a majority vote of the entire City Council. The Council may require plan revisions and may impose conditions upon approval, as deemed necessary to protect the health, safety, and general welfare of the city. If a site plan is denied by the City Council, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant.

(I) *Evaluation criteria.* The Planning Commission and City Council shall evaluate the effects of the proposed site plan. This review shall be based upon, but not be limited to, compliance with the City Comprehensive Plan, provisions of this chapter (Design Guidelines and City Engineering Requirements).

(J) *Drawings; general requirements.*

(1) Drawings must include a title, and north point indication, the name and address of the applicant, name and address of the designer of the drawing and signature of the person who prepared the drawing, together with any registration number or other professional certification number or title. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner, fully explaining the purpose of the proposal, and including any proposed development and use.

(2) Drawings; existing and proposed conditions. The application form shall be accompanied by drawings and information indicating all of the following unless waived by the City Administrator or Planner:

(a) An accurate certified survey of the proposed development, current within 1 year, showing existing and proposed conditions and providing the current legal descriptions of all parcels within the proposed development;

(b) Floodplain and Shoreland District boundaries within the proposed development;

(c) Gross acreage and net acreage of the proposed development, computed to 1/10 of an acre and the land use and zoning district;

(d) Location, width, and name of all existing streets, public ways, parks, and other public lands (including permanent structures), railroads, utility rights-of-way, corporate lines, and easements within the proposed development and to a distance of 100 feet beyond the boundary lines of the development;

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(e) Location and size of all existing buildings, as well as all sewers, watermains, culverts, and other underground facilities (public and private) within the proposed development, and to a distance of 100 feet beyond the boundary lines of the development. Data such as grades, rim, and invert elevations, locations of catch basins, manholes, and fire hydrants shall also be provided;

(f) Water courses, wetlands, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features within the proposed development, and to a distance of 100 feet beyond the boundary lines of the development;

(g) Boundary lines and ownership of all adjoining land within 100 feet;

(h) Tree inventory indicating the location, size, and species of all trees having 6 or greater caliper inches in diameter and are located within the proposed development, and to a distance of 25 feet beyond the boundary lines of the development. The inventory shall also include a tabular listing of all such trees and the total number and caliper inches to be saved and removed;

(i) Soil borings and percolation tests, as may be required by the Building Official or City Engineer;

(j) Layout of all proposed streets, including those required in accordance with the City's Comprehensive Plan, showing right-of-way widths, pavement widths, center line gradients, typical cross sections, street drainage systems, and proposed street names;

(k) Location and width of all proposed sidewalks, trails, pedestrian ways, and fire lanes;

(l) Location, dimensions, and purpose of all easements;

(m) Minimum building setback lines:

(n) Grading, erosion control, and drainage plan for the proposed development showing all of the following:

1. Existing and proposed topography in 2-foot contour intervals and extending 100 feet beyond the borders of the proposed plat;

2. The location of all existing natural features on the tract including, but not limited to, tree lines, wetlands, ponds, lakes, streams, drainage channels, bluffs, steep slopes, and the like;

3. The location of all existing and proposed storm sewer facilities including pipes, manholes, catch basins, ponds, swales, and drainage channels within 100 feet of the proposed plat;

4. The proposed storm water improvements such as pipe type and size, pipe grades, rim, and invert elevations, and normal high water elevations;

5. The flood elevations and locations if the plat is located within, or adjacent to, a 100-year flood plain;
 6. The spot elevations at drainage break points and directional arrows indicating site and swale drainage, locations, grades, and rim invert elevations of all storm sewer facilities, including ponds proposed to serve the plat;
 7. The locations and elevations of all street high and low points, as well as the location of all easements, including oversize or non-typical easements;
 8. An erosion control plan including SWPPP if required; and
 9. The wetland delineation and mitigation at a 2 to 1 ratio if proposed.
- (o) Utility plan showing the location, dimensions, and purpose of all easements as well as the location, type, size, grades, rim, and invert elevations of existing and proposed sanitary sewer, storm sewer, water mains, culverts, catch basins, manholes, hydrants, and other similar facilities;
- (p) Landscaping plan showing the tree inventory and new plantings, berms, fences, walls, sidewalks, trails, and any subdivision signage;
- (q) Lighting plan showing all exterior lighting for the development, location of all exterior lighting by type and description, including, but not limited to, catalog cut sheets by manufacturers and drawings, photometric data, such as that furnished by manufacturers showing the angle of cutoff or light emissions. Photometric data need not be submitted when the shielding of a fixture is obvious to the City Planner;
- (r) Elevation plan with an architectural scale showing the height in elevation of the building, material types, and colors and location of rooftop equipment and proposed screening;
- (s) Provisions for storage and disposal of waste and recyclables in a 3-sided enclosed structure of like materials of the main structure; and
- (t) Sign plan showing all wall, freestanding, directional, and other signs to be erected upon the property including the elevation, size, and materials to be used.

(K) *Lapse of approval.* Unless otherwise specified by the City Administrator or City Council as may be applicable, the site plan approval shall become null and void 1 year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition, or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension to be approved by the City Council.

(L) *Site improvement performance and guarantee.* Final development plans shall be accompanied by a financial guarantee for the improvements in a form acceptable to the city. The city shall review the final development plans and determine the value of the improvements and complete a development agreement. (Prior Code, ' 17.01) (Am. Ord. 215, passed 7-23-2007)

REQUIREMENTS

' 153.060 INTENT.

The intent of this subchapter of the zoning code is to establish general development performance standards. The regulations provided herein shall apply to residential zoning districts except where special provisions provide otherwise.

(Prior Code, ' 18.01) (Am. Ord. 176, passed 2-9-1999)

' 153.061 ACCESSORY BUILDINGS.

(A) All permanent accessory structures shall be located wholly to the rear of the house or main building to which it is incidental, with at least 20 feet of separation between the main building and the accessory building or buildings. When so placed, the permanent building or buildings shall be no less than 5 feet distant from any lot boundary line other than Astreet line@ and no less than 35 feet distant from a lot boundary line which is also a Astreet line.@ Accessory buildings are further limited to not exceed 1 story in height or 16 feet. The maximum height of a garage door on any accessory building is 8 feet. Special circumstance may warrant higher door openings, which may be submitted for special review.

(B) Garage or other accessory structures which are attached to the house or main structure shall be governed by clearance requirements of the building code which pertain to the main structure.

(C) No dwelling or accessory building shall be erected on any tract of unplatted land closer than 15 feet to the side lot line or closer than 5 feet to the rear lot line of the tract on which the building is to be located.

(D) [Reserved]

(E) In no case shall the door of any structure, building, or improvement, except a fence, be erected or constructed so as to extend beyond any lot line. Eaves cannot extend beyond 2 feet into the required setbacks.

(F) The number and size of accessory buildings allowed in all residential districts shall be determined as follows.

- (1) The size of a single permanent accessory building shall not exceed 1,200 square feet.
- (2) Lots having 12,000 square feet or less will be allowed 1 permanent accessory building.
- (3) Lots having more than 12,000 square feet will be allowed 2 permanent accessory buildings.

(4) The combined square footage of all accessory buildings and attached garage on any lot shall not exceed 3,000 square feet.

(G) Construction materials used for any permanent accessory building must have materials and design compatible with the exterior of the main structure and surrounding environment.

(H) Building permits are required for all accessory buildings exceeding 120 square feet in size and building construction inspections are required for footing, framing, electrical, and final completion.

(I) An accessory building shall not be used for human living quarters without a conditional use permit issued by the City Council.

(Prior Code, ' 18.02) (Am. Ord. 176, passed 2-9-1999; Am. Ord. 261, passed 3-12-2012) Penalty, see ' 10.99

' 153.062 TEMPORARY STRUCTURES.

(A) Only 1 temporary structure is permitted per property.

(B) Building permits are required annually for all temporary structures.

(C) Temporary structures are exempt from the material requirement for permanent accessory buildings, ' 153.061(G).

(D) If permitted in Mixed Use, Office, and Industrial zoning districts, may only be used in association with principal use, and not for other activities that are not in support of business-related activities. Must meet conditions of uses as defined by Mixed Use, Office, and Industrial zoning districts.

(E) Setbacks.

- (1) Residential zoning districts.

(a) Five feet from any property line and/or 10 feet from the principal dwelling or any permanent accessory building, or be constructed in a manner that meets a 1 hour fire rating per State Building Code.

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(b) Properties with site constraints may locate a temporary structure within the property line setbacks provided written permission is obtained by the adjacent property owner(s) and submitted to the city, and provided the fire rating condition is satisfied.

(c) May not be located in front yard or in front of principal dwelling unit.

(2) Mixed Use, Office, and Industrial zoning districts.

(a) Ten feet from any property line and/or 20 feet from the principal dwelling or any permanent accessory building, or be constructed in a manner that meets a 1 hour fire rating per State Building Code.

(b) Properties with site constraints may locate a temporary structure within the property line setbacks provided written permission is obtained by the adjacent property owner(s) and submitted to the city, and provided the fire rating condition is satisfied.

(F) In addition to following all applicable sections of this code and State of Minnesota building codes, temporary structures must also meet the following criteria:

(1) Maximum use of 180 days annually from date of permit.

(2) Used for recreational vehicle or seasonal storage, or special event use.

(3) Be well maintained and in good condition as determined by the city Building Official.

(4) Maximum size of 250 square feet for residential properties.

(5) Included in the total allowable square footage for all accessory buildings, per 153.061(F)(4).

(G) One temporary structure per property in use at the time of this code shall be considered legal, nonconforming uses provided they are registered with the city and properly maintained. Structures out of compliance may be subject to removal, and may be replaced or relocated only under the guidelines established by this code.

(H) Permanent use of temporary structures must meet all State Building Code requirements and the provisions of this section regarding permanent structures.

(I) Event tents on residential property for the purpose of private functions shall be exempt from this code. The exemption is limited to a maximum of 3 days.

(J) Administrative penalties.

(1) Any temporary structure, except those that are legal, nonconforming, must be removed in its entirety upon expiration of permit. If, after 180 days, said structure(s) remain(s), the city shall notify property owner(s) of the violation and issue a \$200 administrative penalty. The property owner shall have 7 days to comply with the notice. Failure to comply with the notice and pay the penalty imposed by this section, the city shall follow the procedures identified in ' 10.99. The city reserves the right to certify the unpaid administrative penalty(s) to property taxes.

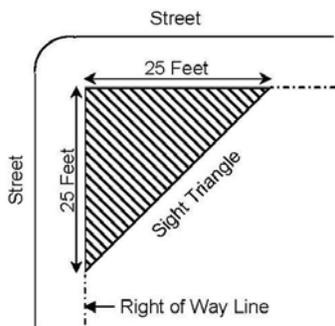
(2) Violation of an issued permit per the provisions of ' 153.061 may be grounds for denial of future permit applications.
(Ord. 261, passed 3-12-2012)

' 153.063 GENERAL FENCING, SCREENING, LANDSCAPING, AND STORAGE.

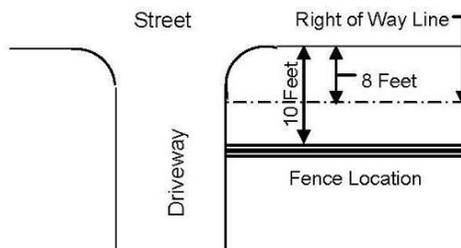
(A) *Visibility.*

(1) *Corner visibility.* There shall be a protected area between the rights-of-way lines of intersecting streets and a line joining points on the lines 25 feet distant from their point of intersection, or, in the case of a rounded corner, the point of intersection of the tangents; no structure may be erected and no vegetation planted other than shade trees trimmed up a distance of at least 10 feet above the curb line, or a fence may be maintained above a height of 3 feet above the plane through the curb grades.

(2) *Driveway visibility.* Fences and landscape structures shall be set back a minimum of 10 feet from the curbline or to the edge of the public right-of-way, whichever is greater.



Corner Visibility.



Driveway Visibility.

(B) *Fencing.*

(1) A zoning permit is required for all fences within the city. A building permit and other applicable permits will be required in addition to the zoning permit for fences greater than 6 feet in

height. An application for a permit hereunder shall be filed with the City Administrator upon an application form furnished by the city. The permit fee shall be in an amount established by City Council resolution.

(2) Fences must be located entirely upon the private property of the person constructing the fence and must be set back from all property boundaries at a distance necessary to allow for maintenance as defined by ' 93.19(B)(19). A fence may be allowed to be located up to the property line, but still entirely upon the property of the person constructing the fence, with the written permission of all adjacent property owners. Property corner irons must be located, exposed, and verified at the time of final inspection, unless deemed unnecessary by the City Administrator.

(3) Fences must be constructed so that the side containing the framing supports and cross pieces face the interior of the owner=s lot.

(4) No fence shall exceed 6 feet in height and in the case of grade separation, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade.

(5) Fencing located in a front yard or in front of the principal dwelling in residential districts may not exceed 4 feet in height, or 3 feet as defined under ' 153.063(A) above, and must be no greater than 50% opacity. A corner property, or property abutting 2 city streets, shall be determined to have 2 front yards.

(6) Barbed wire fences are not allowed and chain link fences must be constructed so that no barbed ends are exposed.

(7) All in-ground swimming pools must be surrounded by a fence and the pool cannot be filled until a fence that meets requirements is completed and approved.

(8) No fence may be located within any public rights-of-way.

(9) Easements - public and private.

(a) Utility and drainage easement. Fences may be constructed within public and private utility and drainage easement provided that:

1. The fence and its design are subject to the approval of the city;
2. The fence shall not impede existing drainage patterns;
3. Removal of the fence or a portion thereof for the purpose of utilizing the easement shall be at the property owner=s expense.
4. The property owner may be required to obtain the consent of the utility which has facilities within an existing easement.

(C) *Planting strip.* In all mixed use, office, and industrial districts adjacent to residential districts and not divided by streets there shall be provided along the property line a 20-foot wide planting strip composed of grass, trees, and shrubs. A screening fence may be utilized when approved by the Planning Commission and City Council. The fence shall not exceed 8 feet in height nor be less than 6 feet in height and shall screen no greater than 80% opaque.

(D) *Screening.* In all light industrial districts, all materials, supplies, merchandise, or other similar materials not on display for direct sale, rental, or lease to the ultimate consumer or user thereof shall be stored within a completely enclosed main building or authorized accessory building or within the confines of an opaque wall or fence not less than 6 feet high. The storage of the materials in box cars, vans, trucks, trailers, or other similar enclosures is hereby prohibited. The materials shall be stored in a manner which prevent their being deposited on adjacent properties in any manner whatever.

(E) *Landscaping.* In all zoning districts the lot area remaining after providing for parking, driveways, loading sidewalks, or other requirements shall be planted and maintained in grass, sodding, shrubs, or other acceptable vegetation of landscaping techniques.

(F) *Exempt.* Invisible fences are exempt from requirements except that they may not be placed within public rights-of-way.

(Prior Code, ' 18.03) (Am. Ord. 262, passed 4-12-2012; Am. Ord. 278, passed 12-8-2014) Penalty, see ' 10.99

' 153.064 UNPLATTED PROPERTY.

(A) Where land is platted into building lots, no permit shall be issued for any building on the adjoining unplatted land nearer than 75 feet, except by unanimous vote of the Council.

(B) The open space surrounding any building now existing or hereafter erected shall not be so reduced or diminished, by either enlarging the building or disposing of land, if the resulting clearance or lot area shall become smaller than that required by this chapter.

(C) All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the city in conformity with existing streets and according to the systems and standards employed by the city.

(Prior Code, ' 18.04) Penalty, see ' 10.99

' 153.065 DWELLING UNIT RESTRICTIONS.

(A) No basement, except when used as a portion of the living space of the family, cellar, garage, tent, or accessory building shall at any time be used as a residence or dwelling unit, temporarily or permanently. This provision shall not apply to earth sheltered homes or structures.

(B) No structure of a temporary character, trailer, tent, or shack shall be constructed, placed, or maintained upon the property, except accessory to and during construction of permanent buildings.

(C) Except in the case of planned unit developments, not more than 1 principal building shall be located on a lot.

(D) On a through lot (a lot fronting 2 parallel streets) or a corner lot, both street lot lines shall be front lot lines for applying yard and parking requirements.

(E) Mobile homes as defined in this chapter shall be limited to locations in mobile home parks as provided in the district provisions.

(Prior Code, ' 18.05) Penalty, see ' 10.99

' 153.066 GENERAL PERFORMANCE STANDARDS.

(A) All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation all sewage facilities shall be connected to approved septic tanks and disposal fields. This provision shall not apply to temporary construction sites, or portable units.

(B) Any lighting used to illuminate an off street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public rights-of-way in accordance to the city=s light ordinance, ' 150.01 of the City Code.

(C) The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-1-15 and as subsequently expanded, modified, or amended.

(D) The emission of dust, fly ash, or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-1-15 and as subsequently expanded.

(E) The emission of odorous matter in the quantity as to be offensive shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC-1-15 and as subsequently expanded.

(F) All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness and as measured at any property line, shall not exceed the minimum standards established by the State of Minnesota, Regulations NPC 1, 2, and 4.

(Prior Code, ' 18.06) (Am. Ord. 242, passed 2-22-2010) Penalty, see ' 10.99

153.067 HEIGHT AND YARD EXCEPTIONS.

(A) Chimneys, cooling towers, elevator bulk heads, fire towers, drive-in movie theater screens, grain elevators, silos, equipment houses, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples, and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located shall not be included in calculating the height of the principal structure. However, the structures shall be subject to Minnesota Department of Aeronautics regulations Aero 9 (Criteria for Determining Obstructions to Air Navigation).

(B) Outside stairways, fire escapes, fire towers, porches, platforms, decks, balconies, boiler flues, and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts, or unoccupied space. However, this provision shall not apply to a fireplace or chimney, not more than 8 feet in length and projecting not more than 30 inches into the allowable side yard space. Cornices and eaves may also project into a required open space not more than 30 inches. This shall also not apply to unenclosed porches or other ground level unenclosed projections which may extend into a front or rear yard not more than 5 feet, or into a side yard not more than 3 feet.

(Prior Code, ' 18.07)

153.068 NONCONFORMING USES.

(A) The lawful use of a building or structure existing at the time of the adoption of this chapter may be continued although the use does not conform with the district provisions herein.

(B) A nonconforming use may be extended throughout the building or structure, provided no structural alterations or changes are made therein, except those required by law or code or such as may be required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life.

(C) (1) Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(a) The nonconformity or occupancy is discontinued for a period of more than 1 year; or

(b) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the city may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

(2) Any subsequent use of occupancy of the land or premises shall be a conforming use or occupancy. The city may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit the city from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

(3) Notwithstanding division (C)(1) above, the city shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

(D) A nonconforming use cannot be changed to a comparable nonconforming use. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use of less restricted district.

(E) In the event that a nonconforming use of any building or building and land is discontinued for a period of 2 years, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

(F) Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

(G) Any proposed structure which will, under this chapter, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this chapter, may be completed in accordance with the approved plans; provided construction is started within 60 days of the effective date of this chapter, is not abandoned for a period of more than 120 days and continues to completion within 2 years. The structure and use shall thereafter be a legally nonconforming structure and use.
(Prior Code, ' 18.08) Penalty, see ' 10.99

OFF-STREET PARKING REQUIREMENTS

' 153.080 PURPOSE; APPLICATION.

The purpose of these off-street parking regulations is to alleviate or prevent congestion of the public streets and so promote the safety and convenience of the public, by establishing minimum requirements for off-street parking in accordance with the use of the property. The regulations and requirements set forth herein shall apply to all off-street parking facilities in all zoning districts.

(Prior Code, ' 19.01) (Am. Ord. 248, passed 8-23-2010)

153.081 GENERAL PROVISIONS.

(A) Off-street parking spaces and loading spaces or lot area existing upon the effective date of this chapter shall not be reduced in number or size unless the number or size exceeds the requirements set forth herein for a similar new use.

(B) Should a nonconforming structure or use be damaged or destroyed by fire, it may be re-established if elsewhere permitted in these zoning regulations, except that in doing so, any off-street parking or loading space which existed before shall be retained.

(C) No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.

(D) Any change of use or occupancy of any building or buildings including additions there increasing the parking requirements by 15% or more shall not be permitted until there is furnished the additional parking spaces as required by these zoning regulations.

(E) When determining the number of off-street parking spaces results in a fraction, each fraction of 2 or more shall constitute another space.

(F) Should a structure contain 2 or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

(G) New buildings erected after the passage of this chapter and old buildings altered to 67% of their value after the passage of this chapter must comply with all off-street parking requirements.
(Prior Code, ' 19.02) Penalty, see ' 10.99

153.082 DESIGN STANDARDS.

(A) All off-street automobile parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. No driveway or curb cuts in any district shall exceed 25 feet in width, and detailed plans shall be submitted to the proper official for approval for all curb cuts or driveway openings before a permit may be obtained therefor.

(B) Parking areas shall be paved with an asphaltic or concrete surfacing, afford adequate drainage, and shall have bumper guards where needed.

(C) Parking areas shall be used for parking only and no sales, dead storage, repair work, dismantling, or servicing of any kind shall be permitted in the areas.

(D) If lighting is provided, it shall be arranged to reflect away from any residences and also from any public street or highway.

(E) Except in the case of single-, 2-family, and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street.

(F) All open commercial and industrial off-street parking areas shall not be located in any open space established to separate or buffer the parking area from abutting residential districts.

(G) Where parking space cannot be reasonably provided on the same lot with the principal use, the Council may permit the space to be located on other off street property in a similar or heavier zoning category, located within 500 feet of the permitted use, measured along lines or public access.

(H) For any and all use of structures not specifically provided for, the parking spaces as the City Council shall determine to be necessary shall be required, considering all the parking generating factors involved.

(Prior Code, ' 19.03) Penalty, see ' 10.99

' 153.083 NUMBER OF SPACES REQUIRED.

(A) *Generally.* Off-street parking spaces shall be provided at the time any building is erected, relocated, or rebuilt according to the following requirements.

(B) *Requirements.*

(1) *Single-family, 2-family, and townhouse units.* Two spaces per unit.

(2) *Multiple-family dwellings.* Two spaces per unit located on the same premises as the dwelling, 1 of which shall be an enclosed garage space. Any garage shall be of the same architectural treatment as the dwelling.

(3) *Boarding houses, hotels, motels, and dormitories.* One parking space for each dwelling unit or individual for whom sleeping accommodations are required.

(4) *Places of assembly.* One parking space shall be provided for each 4 units of seating capacity in churches, theaters, gymnasiums, auditoriums, stadiums, or arenas, and for schools (public or private); in schools (public or private) in the alternative, 1 parking space shall be provided for each 4 units of seating capacity in classrooms or in the assembly, auditorium, gymnasium, or stadium, whichever is greater.

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(5) *Places of medical treatment.* One parking space shall be provided for each 2 employees plus 1 for each 4 beds in hospitals, sanitarium, rest homes and nursing homes; 1 parking space shall be provided for each 2 employees plus 1 for each doctor plus 1 per 100 square feet of floor area in clinics (medical or dental).

(6) *Offices.* One parking space shall be provided for each 250 square feet of floor space.

(7) *Bowling alley.* At least 5 parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure.

(8) *Motor fuel station.* At least 4 off-street parking spaces plus 2 off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts and/or service shall be required to provide additional parking in compliance with other applicable sections of this chapter.

(9) *Retail store and service establishment.* At least 1 off-street parking space for each 250 square feet of floor area.

(10) *Retail sales and service business with 50% of gross floor area devoted to storage, warehouses, and/or industry.* One space for each 250 square feet devoted to public sales and/or service plus 1 space for each 500 square feet of storage area or 1 space for each employee on the maximum shift whichever is appropriate.

(11) *Restaurants, night clubs, taverns, or cafés.* One parking space for each 4 seats, but not less than 15 spaces.

(12) *Manufacturing, fabricating, or processing of a product or material; warehouse, storage, handing of bulk goods, post offices.* One parking space for each 2 employees based on the maximum planned employment on each shift or 1 space for each 400 square feet of floor area, whichever is greater.

(13) *Automated product manufacturing.* One parking space for each employee based on the maximum planned employment on each shift.

(Prior Code, ' 19.04) (Am. Ord. 214, passed 7-9-2007; Am. Ord. 247, passed 8-23-2010) Penalty, see ' 10.99

' 153.084 OFF-STREET LOADING.

(A) In Mixed-Use, Office Park and Industrial Zoning Districts, truck berths for loading and unloading of goods or wares shall be provided on the same lot for each building designed to be used for these purposes. Where truck berths are provided inside the building, the area shall not be included in the total floor area used for determining the required number of the berths, nor for parking space requirements.

(B) Retail stores, shopping centers, or shops shall provide 1 truck berth for each 2 business places or 1 for each 20,000 square feet of floor area, whichever is greater.

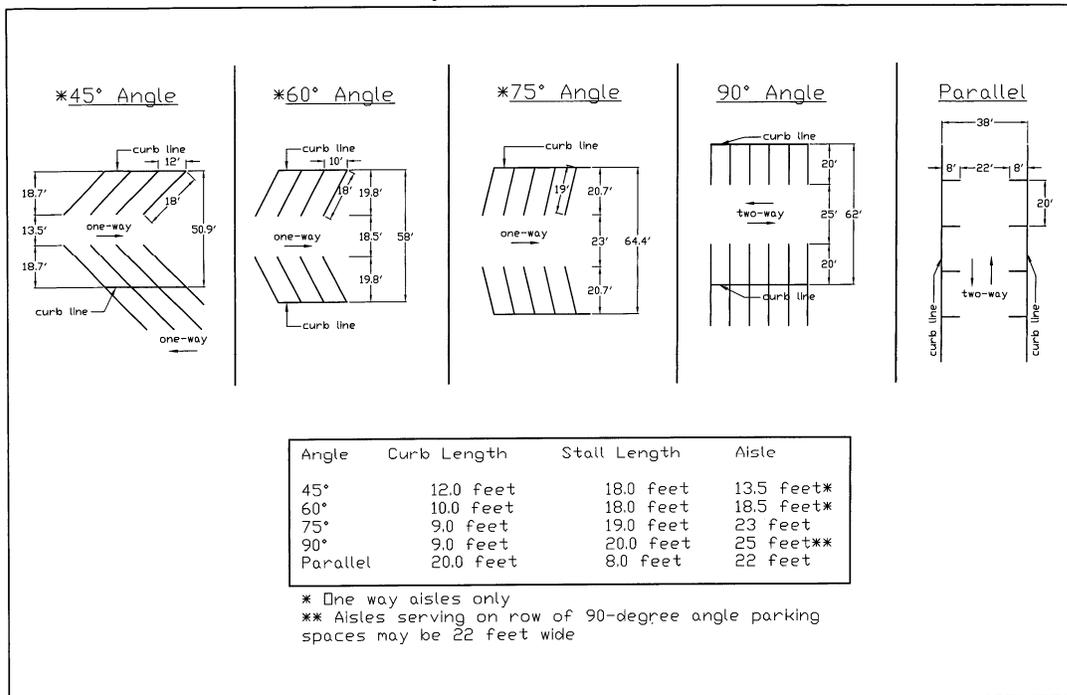
(C) Industrial and manufacturing uses shall provide 1 truck berth for each 20,000 square feet of floor area.

(Prior Code, ' 19.05) (Am. Ord. 247, passed 8-23-2010) Penalty, see ' 10.99

' 153.085 PARKING DIMENSIONS.

| <i>Angle</i> | <i>Curb Length</i> | <i>Stall Length</i> | <i>Aisle</i> |
|--------------|--------------------|---------------------|--------------|
| 451 | 12 feet | 18 feet | 13.5 feet* |
| 601 | 10 feet | 18 feet | 18.5 feet |
| 751 | 9 feet | 19 feet | 23 feet |
| 901 | 9 feet | 20 feet | 25 feet** |
| Parallel | 20 feet | 8 feet | 22 feet |

* One-way aisles only
 ** Aisles serving on row of 901 angle parking spaces may be 22 feet wide



(Ord. 212, passed 7-26-2006)

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153.086 SPACE REDUCTIONS.

(A) The city may reduce the number of required off-street parking spaces when the use can demonstrate, in documented form, a demand which is less than required by this section.

(B) In such situations, the city may require land to be reserved for future parking development should the use or needs change.

(C) In determining the reduction, considerations shall be given to the following:

(1) Off-site joint use of parking;

(2) Entertainment uses; and

(3) Evening and/or weekend use.

(Ord. 214, passed 7-9-2007)

PLANNED UNIT DEVELOPMENTS**153.095 PLANNED UNIT DEVELOPMENTS.**

(A) *Purpose.* The purpose of the Planned Unit Development District (PUD), is to provide a comprehensive procedure intended to allow greater flexibility in the development of neighborhoods or commercial areas that would not be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity.

(B) *Intent.* The intent of this section is to provide for all of the following:

(1) Establish a Planned Unit Development (PUD) zoning district in appropriate settings and situations and to create or maintain a development pattern that complies with the city=s Comprehensive Plan;

(2) Allow for the mixing of land uses within a development when the mixing of land uses could not otherwise be accomplished under this chapter;

(3) Allow for variations to the strict application of the land use regulations in this chapter in order to improve site design and operation, while at the same time incorporating design elements (e.g., construction materials, landscaping, lighting, and the like) that exceed the city=s standards to offset the effect of any variations;

(4) Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the city;

(5) Preserve and enhance natural features and open spaces;

(6) Maintain or improve the efficiency of public streets and utilities; and

(7) Establish appropriate transitions between differing land uses.

(C) *Stages of development.* A planned unit development review is comprised of 3 stages:

(1) Sketch plan;

(2) General plan; and

(3) Final plan.

(D) *Stage review process.*

(1) *Sketch plan.* The applicant shall submit a rendering of the development along with any other information regarding the land use including the suggested land use designation appropriate for the development to the City Administrator and Planner for consideration by the Planning Commission and City Council. The City Planner shall review the sketch and provide brief informal comments and direction for the formal sketch plan application submittal. Upon receipt of all necessary materials, the sketch plan will be presented before the Planning Commission and City Council for consideration. All discussions during the sketch plan review shall be non-binding.

(2) *General plan.* Upon completion of the sketch plan, the applicant may then proceed to a general plan of development for consideration by the Planning Commission and City Council.

(a) *Pre-application meeting.* Prior to the submittal for a general plan for consideration by the Planning Commission, the applicant shall meet with the City Administrator and Planner and other staff as necessary to review the sketch plan and its conformity with the Comprehensive Plan and applicable zoning ordinances for the affected area, and to determine the submittal requirements.

(b) *Staff analysis.* Upon receiving a complete application, as determined by staff review, the City Planner shall refer copies of the request to the city staff and other applicable public agencies as needed in order to receive written comments. The City Planner shall instruct the appropriate staff person to:

1. Coordinate an analysis of the application;

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2. Prepare technical reports; and
3. Assist in preparing a recommendation to the Planning Commission and/or City Council.

(c) *Public hearing notice.* Upon completion of staff=s analysis, the City Administrator shall set a public hearing date for an upcoming Planning Commission meeting. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the city=s official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall also be mailed to all property owners located within 350 feet of the site at least 10 days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate the proceedings.

(d) *Approval procedure and conditions.* Pursuant to Minnesota Statutes, an application for a PUD shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the applicant.

(e) *Planning Commission consideration.* The Planning Commission shall consider the request for a general plan of development and hold a public hearing. The applicant or representatives thereof may appear before the Planning Commission to present information and answer questions concerning the proposed PUD. The Planning Commission shall make a finding of fact and make a recommendation on the actions or conditions relating to the general plan request as they deem necessary to carry out the purpose of this chapter, Comprehensive Plan, and city ordinance. The recommendations shall be in writing and accompanied by the report and recommendation of the city staff.

(f) *City Council consideration.* The City Council shall consider the general plans and recommendations of the Planning Commission and city staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The Council shall either approve or deny the application; and approval of a PUD shall require passage by a majority vote of the entire City Council. The Council may require plan revisions and may impose conditions upon approval, as deemed necessary to protect the health, safety, and general welfare of the city. If a PUD is denied by the City Council, the reasons for the action shall be recorded in the Council proceedings and transmitted to the applicant.

(g) *Application requirements.* An application shall be filed with the City Administrator or Planner on an official application form. The application shall be accompanied by a fee established by resolution by the City Council. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner, fully describing the proposed PUD. A set of mailing labels of all property owners located within 350 feet of the site shall be provided for the public hearing. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this section.

(h) *Evaluation criteria.* The Planning Commission and City Council shall evaluate the effects of the PUD. The PUD should generally follow the guidelines of the underlying zoning district. The city shall determine additional standards and improvements based on the type and size of the development. This review shall be based upon, but not be limited to, compliance with the City Comprehensive Plan and provisions of this chapter. The information and drawings required for the general plan generally consists of the items outlined in ' ' 153.045 and 152.04. In addition to those requirements, any or all of the following may also be required for review:

1. Transportation demand management (TDM) program;
2. Environmental Assessment Worksheet (EAW); and
3. Any other materials that the City Council deems appropriate.

(i) *Setbacks and building height.* The various setback and height regulations of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purposes described herein.

(j) *Integrated design.* A PUD shall consist of a harmonious arrangement and selection of land uses in groupings of buildings that are planned and designed as an integrated unit. The integrated design shall include elements such as building orientation and materials, utilities, parking areas, traffic and pedestrian circulation, and open spaces. The design of the public and private improvements shall follow all guidelines established by the city.

(k) *Lapse of approval for general plan.* Unless otherwise specified by the City Administrator or City Council as may be applicable, the general plan approval shall become null and void 1 year after the date of approval. The property owner or applicant shall have the right to submit an application for time extension to be considered by the City Council.

(3) *Final plan.* Upon completion of the general plan, the applicant may then proceed to a final plan of development for consideration by the Planning Commission and City Council.

(a) *Pre-application meeting.* Prior to the submittal for a final plan for consideration by the City Council, the applicant shall meet with the City Administrator and Planner and other staff as necessary to review the general plan resolution conditions, final layout of the development, dedication requirements, subdivision requirements if applicable, and the final engineering and design plans for all improvements.

(b) *Staff analysis.* Upon receiving a complete application, as determined by staff review, the City Planner shall refer copies of the request to the city staff and other applicable public agencies as needed in order to receive any final comments or conditions of approval. The City Planner shall instruct the appropriate staff person to:

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1. Coordinate an analysis of the application;
2. Prepare technical reports; and
3. Assist in preparing a recommendation to the City Council.

(c) *Approval procedure and conditions.* Pursuant to Minnesota Statutes, an application for a PUD shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the applicant.

(d) *City Council consideration.* The City Council shall consider the final plan and all previous recommendations of the Planning Commission and city staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The Council shall either approve or deny the application; and approval of a PUD shall require passage by a majority vote of the entire City Council. The Council may require plan revisions and may impose conditions upon approval, as deemed necessary to protect the health, safety, and general welfare of the city. If a PUD is denied by the City Council, the reasons for the action shall be recorded in the Council proceedings and transmitted to the applicant.

(e) *Application requirements.* An application shall be filed with the City Administrator or Planner on an official application form. The application shall be accompanied by a fee established by resolution by the City Council as well as all payment for review of the general plan. The application shall also be accompanied by all final documentation including final development plans, title work, dedication requirements, easements, homeowners association, operations, and easement agreement, and the like. The application shall be considered as being officially submitted and complete when the applicant has compiled with all the specified submittal requirements, as described in this section.

(f) *Evaluation criteria.* The City Council shall evaluate the findings of the general plan and all final plan documentation. The city shall determine additional standards and improvements based on the type and size of the development. This review shall be based upon, but not be limited to, compliance with the City Comprehensive Plan and provisions of this chapter.

(E) *Platting of planned unit development.* In the event that a PUD is to be subdivided into lots for the purpose of separate ownership, the PUD shall be platted under the provisions of Chapter 152 of the Maple Plain City Code and the related requirements of Hennepin County. The preliminary plat shall be processed in conjunction with the general plan and the final plat with the final plan.

(F) *Zoning and land use amendment.* An application for a PUD shall be accompanied by an application for either a map zoning amendment, land use amendment, or both. The zoning of the property shall be classified as a PUD with the underlying zoning district hyphenated to illustrate the planned development of the zoning of the property. The application shall follow the process and procedure contained in ' 153.125.

(G) *Site improvement performance and guarantee.* Final development plans shall be accompanied by a financial guarantee for the improvements in a form acceptable to the city. The city shall review the final development plans and determine the value of the improvements in order to complete a development agreement indicating the conditions of approval and all planned improvements. All necessary agreements shall be agreed upon by the city and applicant prior to final plat approval.
(Prior Code, ' 20.01) (Am. Ord. 215, passed 7-23-2007)

VARIANCE; APPEALS

' 153.110 VARIANCE; APPEALS.

(A) *Purpose.* The purpose of this section is to provide for deviations from the literal provisions of this chapter in instances where their strict enforcement would cause undue practical difficulties because of circumstances unique to the individual property under consideration. The Board of Adjustment shall be the City Council and shall act upon all questions as they may arise in the administration of this chapter. The Board of Adjustment shall have power to vary or adapt the strict application of any of the requirements of this chapter.

(B) *Pre-application meeting.* Prior to the submission of a variance or appeal for consideration by the Planning Commission, the applicant shall meet with the City Administrator, Planner, and other staff as necessary to introduce himself or herself and learn what shall be expected for the application and process.

(C) *Staff analysis.* Upon receiving a complete application, as determined by the City Administrator, copies of the variance or appeal and all related documents shall be submitted to city staff and other applicable public agencies as needed. The City Administrator shall instruct the appropriate staff person to:

- (1) Coordinate an analysis of the application;
- (2) Prepare technical reports; and
- (3) Assist in preparing a recommendation to the Planning Commission and City Council.

(D) *Notice.* Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the city's official newspaper at least 10 days prior to the hearing. Written notice of the application shall be sent by the City Administrator to all adjoining property owners within 350 feet of the boundary of the property in question. The notice shall be mailed not less than 10 days prior to review of the variance or appeal and shall contain a description of the application and the legal description of the property. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate subsequent approval of the variance or appeal.

(E) *Application requirements.* A variance and/or appeal application shall be filed with the City Administrator on an official application form provided by the city. The application shall be accompanied by a fee established by resolution by the City Council. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Administrator fully describing the proposed request. For variances requiring site improvements of any kind, a full set of plans following ' 153.045, Site Plan Review, shall be submitted as part of the review process. The applicant shall also submit a set of mailing labels of all property owners located within 350 feet of the site in a format prescribed by the Administrator. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this section.

(F) *Planning Commission consideration.* The Planning Commission shall consider the request for a variance or appeal and hold a public hearing. The applicant or representatives thereof may appear before the Planning Commission to present information and answer questions concerning the proposal. The Planning Commission shall make a finding of fact and make a recommendation on such actions or conditions relating to the request as they deem necessary to carry out the purpose of this chapter. Such recommendations shall be in writing and accompanied by the report and recommendation of the city staff. The Planning Commission shall also have the authority to request additional information from the applicant in order to provide for a thorough review and recommendation to the City Council

(G) *City Council consideration.* The City Council shall consider the variance or appeal and recommendations of the Planning Commission and staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The Council shall either approve or deny the application; and approval of a variance or appeal shall require passage by a majority vote of the entire City Council. The Council may require plan revisions and may impose conditions upon approval, as deemed necessary to protect the health, safety, and general welfare of the city. If a variance or appeal is denied by the City Council, the reasons for the action shall be recorded in the Council proceedings and transmitted to the applicant.

(H) *Approval procedure and conditions.* Pursuant to Minnesota Statutes, an application for a variance or appeal shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the applicant.

(I) *Review criteria.*

(1) Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with this chapter.

(2) **PRACTICAL DIFFICULTIES**, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this chapter; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.

(3) Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

(4) Variances shall be granted for earth sheltered construction as defined in M.S. ' 216C.06, Subd., when in harmony with the ordinance.

(5) The City Council may not permit as a variance any use that is not allowed under this chapter for property in the zone where the affected person=s land is located. The City Council as the case may be, may permit as a variance for the temporary use of a one-family dwelling as a two-family dwelling.

(6) The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(J) *Variance expiration.* Unless the Board specifically approves a different time when action is officially taken on the request, variance approvals which have been issued under the provisions of this section shall expire without further action by the Planning Commission or the Board, unless the applicant commences the authorized use or improvement within 1 year of the date the variance is issued; or, unless before the expiration of the 1 year period, the applicant shall apply for an extension thereof by completing and submitting a request for extension. The request for extension shall state facts showing a good faith attempt to complete or utilize the approval permitted in the variance.

(Am. Ord. 215, passed 7-23-2007; Am. Ord. 256, passed 9-26-2011)

AMENDMENTS; REZONING

' 153.125 AMENDMENTS; REZONING.

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

(B) *Pre-application meeting.* Prior to the submission of a text amendment or map rezoning for consideration by the Planning Commission, the applicant shall meet with the City Administrator and Planner to discuss the proposal and expectations for the application and process.

(C) *Application requirements.* A text amendment or map rezoning application shall be filed with the City Administrator or Planner on an official application form. The application shall be accompanied by a fee established by resolution by the City Council. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner, fully describing the amendment, together with a set of mailing labels of all property owners located within

350 feet of the site in a format prescribed by the City Planner. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this section.

(D) *Staff analysis.* Upon receiving a complete application, as determined by staff review, the City Planner shall refer copies of the request to the city staff and other applicable public agencies as needed in order to receive written comments. The City Planner shall instruct the appropriate staff person to:

- (1) Coordinate an analysis of the application;
- (2) Prepare technical reports; and
- (3) Assist in preparing a recommendation to the Planning Commission and City Council.

(E) *Approval procedure and conditions.* Pursuant to Minnesota Statutes, an application for a rezoning shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the applicant. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting the amendment.

(F) *Public hearing notice.* Upon completion of staff=s analysis of the application, the City Administrator, when appropriate, shall set a public hearing date for an upcoming Planning Commission meeting. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the city=s official newspaper at least 10 days prior to the hearing. Written notification of the hearing shall also be mailed to all property owners located within 350 feet of the site at least 10 days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate the proceedings.

(G) *Planning Commission consideration.* The Planning Commission shall consider the request for text amendment or map rezoning and hold a public hearing. The Planning Commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

- (1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans;
- (2) The proposed action meets the purpose and intent of this chapter, or in the case of a map amendment, it meets the purpose and intent of the individual district;
- (3) There is adequate infrastructure available to serve the proposed action; and
- (4) There is an adequate buffer or transition provided between potentially incompatible districts.

(H) *City Council consideration.* The City Council shall consider the text amendment or map rezoning and recommendations of the Planning Commission and staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The Council shall either approve or deny the application, for which approval shall require passage by a 2/3 vote of the full City Council. Approval of a Comprehensive Plan amendment shall require passage by a majority vote of the full Council. If the amendment is denied by the City Council, the reasons for the action shall be recorded in the Council proceedings and transmitted to the applicant.

(Am. Ord. 215, passed 7-23-2007)

CONDITIONAL USE PERMITS**153.140 CONDITIONAL USE PERMITS.**

(A) *Purpose.* The purpose of a conditional use permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement, and construction.

(B) *Pre-application meeting.* Prior to the submission of a conditional use permit for consideration by the Planning Commission, the applicant shall meet with the City Administrator and Planner as necessary to explain the application and obtain the necessary requirements.

(C) *Staff analysis.* Upon receiving a complete application, as determined by the City Planner, copies of the conditional use permit and all related documents shall be submitted to city staff and other applicable public agencies as needed. The City Planner shall instruct the appropriate staff person to:

- (1) Coordinate an analysis of the application;
- (2) Prepare technical reports; and
- (3) Assist in preparing a recommendation to the Planning Commission and City Council.

(D) *Notice.* Written notice of the application shall be sent by the City Administrator to all adjoining property owners within 350 feet of the boundary of the property in question. The notice shall be mailed not less than 10 days prior to approval of the minor subdivision, and shall contain a description of the application and the legal description of the property. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the city's official newspaper at least 10 days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate subsequent approval of the conditional use permit.

(E) *Application requirements.* A request for a conditional use permit shall be filed with the City Administrator or Planner on an official application form. The application shall be accompanied by a fee established by resolution by the City Council. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner, fully explaining the purpose of the proposal, and including any proposed development. For conditional use permits requiring site improvements of any kind, a full set of plans following 153.045 shall be submitted as part of the review process. The applicant shall also submit a set of mailing labels of all property owners located within 350 feet of the site in a format prescribed by the Planner. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this section.

(F) *Conditional use permit criteria.* The Planning Commission shall review the conditional use permit for its conformance with the City Code and shall not recommend approval unless all the following conditions are met:

(1) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;

(2) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area;

(3) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;

(4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;

(5) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result;

(6) That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use; and

(7) The proposed use is in compliance with this chapter and Comprehensive Plan of the city.

(G) *Planning Commission consideration.* The Planning Commission shall consider the request for a conditional use permit and hold a public hearing. The Planning Commission shall consider possible adverse effects of the proposed conditional use following the review criteria outlined in this section and create findings of fact based on its review of the conditional use.

(H) *City Council consideration.* The City Council shall consider the conditional use and recommendations of the Planning Commission and staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The Council shall either approve or deny the application, for which approval shall require passage by a 2/3 vote of the full City Council. If the conditional use is denied by the City Council, the reasons for the action shall be recorded in the Council proceedings and transmitted to the applicant.

(I) *Revocation.* The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of City Codes, or other applicable regulations. The City Council or Planning Commission shall initiate an application and

the City Administrator shall notify the responsible person to whom the permit was issued, that they have an opportunity to show cause why the permit should not be revoked. The City Administrator shall provide the responsible person to whom the permit was issued a copy of the proceedings and findings of the Planning Commission and City Council. A revocation shall follow the same process as the conditional use permit, pursuant to Minnesota Statutes.

(J) *Amendment.* Holders of a conditional use permit may propose amendments to the permit at any time. No significant changes in the circumstances or scope of the permitted use shall be undertaken without approval of those amendments by the city. The City Administrator or Planner shall determine what constitutes significant change. Significant changes include, but are not limited to:

- (1) Hours of operation;
- (2) Number of employees;
- (3) Expansion of structures and/or premises;
- (4) Different and/or additional signage;
- (5) Operational modifications resulting in increased external activities; and
- (6) Any other public, health, and safety issue, and traffic, and the like.

(K) *Site improvement performance and guarantee.* For conditional use permits that require a formal site plan review, site amenity, and development requirements shall be required for review and approval. The City Council shall determine if a financial guarantee is needed for the final improvements related to the conditional use.

(Am. Ord. 215, passed 7-23-2007)

TREE PRESERVATION

153.150 PURPOSE AND INTENT.

(A) The purpose of this subchapter is to identify trees that are to be saved when development or land disturbing activity is occurring in the city.

(B) It is the city's intent to protect, preserve and enhance the natural environment of Maple Plain and to encourage a resourceful and prudent approach to development. In the interest of achieving these objectives, the city has established tree preservation regulations to promote the following:

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- (1) Protect and preserve the environment and natural beauty of the city;
 - (2) Assurance of orderly development to minimize tree and habitat loss;
 - (3) Evaluation of the impacts to trees resulting from development;
 - (4) Establishment of minimum standards for tree preservation and the mitigation of environmental impacts resulting from tree removal;
 - (5) Prevent and reduce soil erosion and sedimentation;
 - (6) Protect wildlife habitat and maintain wildlife corridors;
 - (7) Increase and maintain property values; and
 - (8) Maintain vegetative buffers.
- (Ord. 239, passed 1-25-2010)

153.151 DEFINITIONS.

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

BEST MANAGEMENT PRACTICES (BMP). As the erosion and sediment control practices as well as conservation or low impact development principles related to tree preservation and removal, that are the most effective and practicable for controlling, preventing and minimizing negative impacts on existing trees, minimizing soil exposure and protecting tracts of woodland and old growth remnants.

CRITICAL ROOT ZONE. The root system within the tree dripline.

CROWN COVER. The protective canopy created by the overlapping leafy heads of trees that shelters the habitat beneath it.

DIAMETER. The width of a tree's trunk, measured at 4 feet above the ground.

DRIPLINE. The farthest distance away from the trunk of a tree that rain, or dew, will fall directly to the ground from the leaves or branches of the tree to the roots.

FORESTRY SPECIALIST. A person certified in urban forestry functions and management, who has been retained by the city, or an applicant.

HARDWOOD TREE. A Sugar Maple, Basswood, any Oak species, Red Maple, Hickory, White Ash, Black Cherry, Ironwood.

LOST TREES. Significant trees in areas to be preserved but that die as a result of construction or development site improvement activities.

REPLACEMENT TREES. Trees that replace removed significant trees.

SIGNIFICANT TREE. A healthy tree meeting 1 of the following:

- (1) A hardwood deciduous tree, as defined herein, measuring a minimum of 6 inches in diameter;
- (2) All other deciduous tree (common), measuring a minimum of 12 inches in diameter;
- (3) A coniferous (evergreen) tree, having a minimum height of 12 feet; and
- (4) Ornamental trees - 6 inches in diameter.

TREE. A woody plant, which at maturity, is 13 feet or greater in height and that has a more or less defined crown.

TREE PRESERVATION AND REPLACEMENT PLAN. A certified survey, which shows the location and species of all trees to be preserved, removed or disturbed, and the location of replacement trees within the site.

(Ord. 239, passed 1-25-2010)

▪ **153.152 APPLICABILITY.**

A tree preservation plan shall be submitted to and approved by the city and implemented in accordance therewith in connection with any of the following:

(A) When 30% of the total diameter inches of all trees and significant trees on the property are to be considered for removal; and

(B) Any project for which a city permit is required for site plan review, subdivision or other land disturbance impacts as determined by staff.

(Ord. 239, passed 1-25-2010)

▪ **153.153 EXEMPTIONS.**

The following activities are exempt from the requirements of this subchapter:

(A) Removal of invasive species of trees as defined by the Minnesota Department of Natural Resources and the control of pioneering tree species such as Boxelder when needed to manage other ecosystems and where the removal will not cause erosion or damage to riparian areas;

(B) Removal of a tree that has been determined by a forestry specialist to be diseased or dying per § 93.01;

(C) Removal of trees that poses an immediate danger to life or property;

(D) Removal of trees that are significantly damaged by storms or natural disasters;

(E) Removal of trees within an existing conservation easement, which is consistent with an existing private management plan; or

(F) Removal of trees within public rights-of-way approved by the city.
(Ord. 239, passed 1-25-2010)

▪ **153.154 TREE PRESERVATION PLAN.**

(A) The tree preservation plan shall reflect the developer's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage and other physical features, so that the fewest significant trees are destroyed or damaged.

(B) The tree preservation plan shall be submitted with preliminary subdivision plans site plans or other land disturbance impacts as determined by staff and as required by the planning approval process. All tree preservation plans must be certified by a forester or landscape architect or other agent retained by the applicant and approved by the city.

(C) All applicants shall submit a tree preservation plan prepared in accordance with the provisions of this section. The tree preservation plan shall include the following information:

(1) The name(s), telephone number(s) and address(es) of applicants, property owners, developer and/or builders;

(2) Delineation of the buildings, structures or impervious surfaces situated thereon or contemplated to be built thereon;

- (3) Delineation of all areas to be graded and limits of land disturbance;
- (4) Size, species and location of all existing trees and significant trees, should be identified in both graphic and tabular form;
- (5) Delineation of the existing crown coverage area(s), which outlines all areas covered, by tree canopy;
- (6) Identification of all trees and significant trees proposed to be removed within the construction area. These trees and significant trees should be identified in both graphic and tabular form;
- (7) Measures to protect significant trees;
- (8) Size, species and location of all replacement trees proposed to be planted on the property in accordance with the tree replacement schedule; and
- (9) Signature of the person(s) preparing the plan, the certification and employer or firm.
(Ord. 239, passed 1-25-2010)

• **153.155 TREE REMOVAL.**

- (A) A certain amount of tree removal is an inevitable consequence of the development process. Nevertheless, construction of streets, utilities, driveways, parking lots, buildings and other facilities must be located in a manner to save as many significant trees as possible.
- (B) Up to 30% of the total diameter inches of the tree inventory (trees and significant trees) may be removed without a replacement plan.
- (C) No clear cutting of trees on any property shall be permitted except as approved in a subdivision, planned unit development or site plan application.
- (D) Tree removal allowance without replacement shall be permitted within:
 - (1) The width of the required right-of-way for public streets and easements for utilities, including ponding; and
 - (2) The areas improved for reasonably sized driveways and parking lots and 10 feet around those improvements and within building footprints and 15 feet around the building foundations; in accordance with the city approved tree preservation plan.

(E) Exception: When practical difficulties or practical hardships result from strict compliance with the provisions of this section, the city may permit significant tree removal in excess of the allowable limits. (Ord. 239, passed 1-25-2010)

▪ **153.156 TREE PROTECTION.**

(A) *Protection during development.* Tree protection shall be provided as described below.

(1) Installation of snow fencing or polyethylene laminar safety netting at the drip line or critical root zones of groups of trees to be saved. Signs shall be placed along this fence line prohibiting grading beyond the fence line.

(2) Installation of erosion control measures per approved plans.

(3) Tree protection measures shall be kept in place and in good condition until all grading and construction activity has ceased and approved by the city.

(4) When working near or within a Critical Root Zone the following information shall be provided at the time of approving the tree preservation plan:

(a) Wherein authorized excavations it becomes necessary to expose or cut roots more than 1 inch in diameter, it shall be the duty of the contractor to protect such roots(s) under advice from the city;

(b) All open trenching is prohibited. Utility installation within the drip line of protected trees, during construction or thereafter, can only occur using trenchless methods; and

(c) The mowing, clearing and grubbing of brush located within or under the drip line of protected trees may be allowed, provided such mowing, clearing or grubbing is accomplished by hand or by mowers. The use of heavy equipment for this purpose shall not be allowed.

(B) The city may require the following Best Management Practices (BMP=s) measures be implemented to accomplish or increase protection of significant trees:

(1) Installation of retaining walls or tree wells to preserve trees;

(2) Placement of utilities in common trenches outside of the drip line of significant trees, or use of tunneled installation;

(3) Use of tree root aeration, fertilization and/or irrigation systems;

(4) Transplanting of significant trees into a protected area for later moving into permanent sites within the construction area;

(5) Therapeutic pruning; and

(6) Other BMP=s as deemed appropriate during review of the project.

(C) Protection time line. Trees identified on the tree preservation plan shall be protected throughout the development and construction process. The city=s enforcement of the tree preservation plan shall cease upon the issuance of a certificate of occupancy or when all grading has been completed and accepted by the city.

(Ord. 239, passed 1-25-2010)

▪ **153.157 PROHIBITED ACTIONS.**

(A) No soil disturbance shall occur until the tree protection, preservation, replacement and/or reforestation plan(s) are approved, financial securities have been submitted and development agreement approved, and tree measures are in place on site.

(B) Construction staging areas and areas for the storage of equipment and stockpiling of materials shall not be within tree protection areas.

(C) Fill shall not be placed against tree trunks, under the drip line or in critical root zones of trees to be saved.

(D) Pruning of oak trees shall not take place April 1 through July 15. If wounding of oak trees occurs, a non-toxic tree wound dressing shall be applied immediately. Excavators shall have a non-toxic tree wound dressing with them on the development site.

(Ord. 239, passed 1-25-2010)

▪ **153.158 REPLACEMENT TREES.**

(A) *Tree replacement or cash in lieu.* In any development or site that the tree allowable removal limits are exceeded, the applicant shall mitigate the tree loss by either reforestation or cash payment. The number and size of replacement trees will be calculated based upon the tree replacement schedule. On site replacement will be the primary goal. However, replacement may occur within the greater development or within public land. The city shall determine which form of mitigation shall be utilized and the amount of payment when cash in lieu mitigation is approved.

(B) *Trees and soil type.* All replacement trees shall be appropriate for the soil conditions found at the planting site.

(C) *Prohibited trees and shrubs.* The following trees and shrubs are prohibited as replacement trees within the city:

- (1) Cottonwood (except for cottonless cultivars);
- (2) Female ginkgo;
- (3) Boxelder;
- (4) American Elm (except for disease resistant varieties);
- (5) Siberian or Chinese Elm;
- (6) Silver Maple (except seedless cultivars);
- (7) Mulberry;
- (8) Black Locust;
- (9) Black Walnut;
- (10) Green Ash (except seedless cultivars);
- (11) Buckthorn; and
- (12) Seeded ornamental trees with fruit that is not persistent.

(Ord. 239, passed 1-25-2010)

• **153.159 TREE REPLACEMENT SCHEDULE.**

(A) Replace 50% of the total diameter inches of all significant trees lost. Replace 25% of total diameter inches of all other types of trees including coniferous, common and ornamental.

(B) Species requirement is where 10 or more replacement trees are required, not more than 50% of the replacement trees shall be of the same species of tree without the approval of the city. The applicant is encouraged to plant species indigenous to the area.

(C) All replacement, reforestation and other required plantings shall be planted during an ideal planting season for a particular species, unless otherwise authorized by the city. The applicant shall submit a useable inventory of trees planted during an applicable planting season.

(D) In enforcing this section, the city may give preference to the preservation of higher quality significant trees over less desirable trees. A tree may be considered of higher quality based on its species, size, location or other relevant factors.

(E) In addition to other landscape requirements, the planting of trees for replacement purposes shall be in addition to any other city landscape requirements as per other city guidelines and ordinances.

(F) Minimum landscaping requirements include all open areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks or other similar site design materials in a quantity and placement suitable for the site. A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the development.

(Ord. 239, passed 1-25-2010)

• **153.160 PERFORMANCE GUARANTEE.**

(A) *Amount of guarantee.* Any applicant requiring a tree preservation plan per ' 153.052 shall provide the required performance guarantee following preliminary approval of the tree preservation plan and prior to any construction and/or grading. The amount of the performance guarantee to be submitted, specific to the tree preservation fulfillment, shall be calculated as follows:

(1) One hundred fifty percent of the cost of completing the tree replacement mitigation as determined by the city; and

(2) An amount to guarantee preservation of all trees, identified by the approved tree preservation plan to be preserved. The amount shall be calculated by determining the cost of replacement for trees located on the fringe of grading and development.

(B) *Amount of cash in lieu.* The cash fee in lieu of replacement will be set forth in the city fee schedule, and payment shall be deposited into an account designated specifically for new tree plantings and/or pruning/maintenance of existing trees on city property.

(C) *Warranty requirements.* Any replacement tree which is not alive or healthy, as determined by the city, or which subsequently dies, other than those damaged by storms or other acts of God, or diseased, unless caused by construction activity, within 1 year after the date of project closure, shall be removed by the applicant and replaced with a new, healthy tree meeting the same minimum size requirements within 60 days of removal. When additional time is needed due to seasonal conditions, tree replacement must occur at a date approved by staff within 8 months of removal.

(D) *Replacement.* Should any tree require replacement during this 1 year period, the replacement period shall start at the date of replacement. Except as provided herein, the replacement period shall not extend beyond 2 years from the original planting date.

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(E) *Final inspection.* The developer shall contact the city for a final inspection to be made at the end of the replacement period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the city inspection, shall be replaced at the expense of the developer.

(1) *Release of guarantee.* The performance guarantee will be released 1 year after project closure upon verification by the city that the tree preservation plan was followed and that the tree replacement schedule was complied with. Project closure will be determined by the city but may consist of issuance of a certificate of occupancy, completion of final grading or completion of 1 phase of the development project.

(F) *Prior to project closing.* As trees are declared healthy by the city upon inspection, the escrow holder or representative may request reductions to the security amount provided adequate funds remain equal to 125% of the cost to complete remaining work.

(Ord. 239, passed 1-25-2010)

• 153.161 IMPLEMENTATION.

(A) *Compliance with plan.* The applicant shall implement the tree preservation plan prior to and during any construction. The tree protection measures shall remain in place until all grading and construction activity is terminated, or until a request is made to and approved by the city staff.

(B) *Tree removal.* No significant trees shall be removed at any time if there is a tree preservation plan approved by the city.

(C) *Removal of preserved tree.* If a significant tree(s) intended to be preserved is removed without permission of the city or damaged due to construction activities so that it is in a state of decline within 1 year from the date of project closure, a cash mitigation fee shall be remitted to the city or the applicant shall mitigate the tree removal through replacement as approved by the city. Use of tree replacement or cash fee will be at the sole discretion of the city.

(D) *Inspections.* The city shall have the right to inspect the development and/or building site in order to determine compliance with the improved tree preservation plan. The city shall determine whether compliance with the tree preservation plan has been met.

(Ord. 239, passed 1-25-2010)

• 153.162 PUBLIC TREES.

(A) *Authority.* The city shall have the right, but does not have the obligation, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(B) *Trimming, pruning or removing trees.* No one other than city employees or their designee may trim, prune or remove public trees.

(C) *Removal of public trees.* No trees, brush, vines, shrubs and/or ground cover are to be removed by anyone, including adjacent landowners or agents of any landowner, from any city owned land, greenways or access corridors from greenways without the permission of the city.

(D) *Signage.* It shall be unlawful for any person, firm or public utility to attach any sign, advertisement, political endorsement or notice on any public tree.

(E) *Operation of equipment.* All maintenance equipment, implements, machines and tools shall be used in such a manner as not to damage or destroy any tree, shrub or plant in any public right-of-way or park.

(F) *Protection of trees.* During the erection, repair, alteration or removal of any building, house, or structure in the city any person, firm or corporation in charge of such work shall protect any tree in any public place within the city in the vicinity of such building or structure with sufficient guards or protectors to prevent injury to such tree.

(G) *Notifying adjacent property owners of maintenance work.* An attempt shall be made to inform adjacent property owners of maintenance work on trees and landscaping along boulevards, city property and easements.

(H) *Precautions.* Suitable precautions shall be taken to protect and warn the public that spraying is being done to public trees.

(I) *Adjacent landowners limited responsibility.* Trees planted along city property lines will be watered by those property owners adjacent to the trees.
(Ord. 239, passed 1-25-2010) Penalty, see ' 10.99

INTERIM USE PERMITS

' 153.170 PURPOSE AND INTENT.

(A) The purpose and intent of allowing interim uses is:

(1) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

(2) To allow a use that is presently acceptable, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district.

(3) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Municipal Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(Ord. 246, passed 8-23-2010)

▪ **153.171 GENERAL STANDARDS.**

An interim use permit may be granted only if the City Council finds as follows:

(A) The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.

(B) The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.

(C) The use will not adversely impact implementation of the comprehensive plan.

(D) The date or event that will terminate the use is identified with certainty.

(E) The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.

(F) The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

(G) There are no delinquent property taxes, special assessments, interest, or city utility fees due upon the subject parcel.

(Ord. 246, passed 8-23-2010)

▪ **153.172 APPLICATION.**

Applications for an interim use permit shall be made by the fee owner or authorized representative of the fee owner of the property upon which the interim use is proposed. All applications shall include the following:

(A) A completed application form signed by the fee owner of the property or by the fee owner's authorized representative.

(B) Application fee.

(C) Proof of ownership or authorized representation for the property on which the interim use is requested.

(D) A letter from the applicant explaining the proposal and stating the date or event that will terminate the use.

(E) A location map showing the general location of the proposed use within the community.

(F) A map showing all principal land uses within 500 feet of the parcel on which the interim use is proposed.

(G) Development plans for the proposed use showing all information deemed necessary by the City Administrator/Clerk to ensure the community can determine whether the proposed development will meet all applicable development standards. The information may include but shall not be limited to the following:

(1) Site plan drawn to scale showing parcel and existing topography;

(2) Location of all buildings and their size, including square footage;

(3) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks;

(4) Landscaping and screening plans, including species and size of trees and shrubs proposed;

(5) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated;

(6) Type of business or activity and proposed number of employees;

(7) Proposed floor plan and elevations of any building with use indicated;

(8) Sanitary sewer and water plan with estimated flow rates;

(9) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome the limitation shall be made part of the application.

(H) A signed consent agreement, provided by the City of Maple Plain, agreeing:

(1) The applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit;

(2) The interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and

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(3) The applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the interim use permit.

(I) A certified list of property owners located within 350 feet of the subject property.

(J) Any other information that may be reasonably required by the city to evaluate the application. (Ord. 246, passed 8-23-2010)

• 153.173 PLANNING COMMISSION REVIEW AND PUBLIC HEARING.

(A) The City Administrator/Clerk shall refer complete applications to the Planning Commission for consideration and a public hearing at the next available regular meeting as determined by the City Administrator/Clerk. Prior to the meeting, the City Administrator/Clerk or their assign(s) shall complete the following:

(1) Distribute the application to appropriate city departments and commenting agencies to receive feedback.

(2) Publish notice of the purpose, time and place of the public hearing in the official newspaper of the community, and mail notices to all property owners within a minimum of 350 feet of the property described in the application, at least 10 days prior to the date of the hearing. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the provisions of this section has been made.

(3) Prepare a staff report analyzing the request under city code requirements for consideration by the Planning Commission.

(B) After considering the application, the staff report, testimony from the applicant and the public and any other relevant information, the Planning Commission shall recommend approval, approval with conditions, or denial of the request. The recommendation of the Planning Commission shall be forwarded to the City Council as soon as practical, and in a manner which allows the City Council time to make a final determination on the request within the state mandated timelines for reviewing land use applications. (Ord. 246, passed 8-23-2010)

• 153.174 CITY COUNCIL ACTION.

After considering the application, recommendation of the Planning Commission, any staff reports, testimony from the public hearing and any other relevant information, the City Council shall take action on the application through approval, approval with conditions, or denial. Should the City Council approve the application, the City Council shall make findings on conformance to the IUP general

standards in ' 153.171; specify the term of the interim use permit; the event(s), circumstances or conditions that shall cause termination; and any conditions of approval.

(Ord. 246, passed 8-23-2010)

▪ **153.175 TERMINATION.**

An interim use shall terminate on the happening of any of the following events, whichever occurs first:

(A) The date stated in the permit.

(B) Upon violation of conditions under which the permit was issued.

(C) Upon change in the city=s zoning regulations which renders the use nonconforming.

(D) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

(Ord. 246, passed 8-23-2010)

▪ **153.176 SUSPENSION AND REVOCATION.**

The City Council may suspend or revoke an interim use permit upon finding that the activities allowed under the permit adversely affect the public health, safety, or welfare in ways not anticipated during approval of the permit. A suspension or revocation of an interim use permit shall be preceded by written notice to the permittee and a hearing. The notice shall provide at least 10 days= notice of the time and place of the hearing and shall state the nature of the violations. The notice shall be mailed to the permittee at the most recent address listed on the application. The hearing of a contested case may, at the City Council=s option, be before the City Council or in accordance with M.S. ' ' 14.57 to 14.60, but informal disposition of a contested case by stipulation, pursuant to M.S. ' 14.59, may provide an adequate basis for imposition of sanctions.

(Ord. 246, passed 8-23-2010)

▪ **153.177 AMENDMENTS.**

All requested amendments to an existing interim use permit shall be processed in the same manner as a new application.

(Ord. 246, passed 8-23-2010)

▪ 153.178 RENEWAL.

The following process may be used to renew an active interim use permit that is set to expire. Terminated or suspended interim use permits cannot be renewed.

(A) *Application.* Application requirements for renewal of an existing interim use permit shall be the same as for a new application.

(B) *Review.* Upon receiving a complete application for an interim use permit renewal, the City Administrator/Clerk shall send notice of the requested renewal to all property owners within 350 feet of the parcel(s) containing the interim use. If any objections are raised within 10 days of the mailed notice, the application shall be processed in the manner of a new application. If no objections are raised, the City Administrator/Clerk shall prepare a resolution of approval outlining the conditions and stipulations of the renewal for consideration by the City Council. Council, at its discretion, may approve or deny the request with findings. Denial of a renewal request does not constitute termination of the existing interim use permit.

(Ord. 246, passed 8-23-2010)

▪ 153.179 RECORDKEEPING.

The City Administrator/Clerk shall maintain a record of all applications and all interim use permits issued, including information on the use, location, conditions imposed by the community, time limits, review dates, and such other information as may be appropriate.

(Ord. 246, passed 8-23-2010)

CHAPTER 154: COMPREHENSIVE PLAN

Section

154.01 Adoption by reference

154.01 ADOPTION BY REFERENCE.

The city=s comprehensive plan is hereby adopted by reference and incorporated herein as if set out in full.

