

# **CITY OF CORCORAN**

## **MUNICIPAL CODE**

Current as of May 14, 2025 (through Ord. 545)

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## **TITLE I: GENERAL PROVISIONS**

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## **CHAPTER 10: GENERAL PROVISIONS**

### **10.01: TITLE OF CODE.**

This codification of ordinances by and for the City of Corcoran shall be designated as the Code of Corcoran, Minnesota, and may be so cited.

### **10.02 : RULES OF INTERPRETATION.**

(A) *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

(B) *Specific rules of interpretation.* The construction of all ordinances of this municipality shall be by the following rules, unless the construction is contrary to the clear intent of the legislative body or of the context of the same ordinance:

- (1) *AND or OR.* Either conjunction shall include the other as if written and/or, whenever the context requires.
- (2) *Acts by assistants.* When a statute, code provisions or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.
- (3) *Gender; singular and plural; tenses.* Words denoting the one gender shall be deemed to include all genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.
- (4) *General term.* When intended to be given a specific definition, words or plurals to be so interpreted shall be capitalized.

### **10.03 : APPLICATION TO FUTURE ORDINANCES.**

All provisions of Title I not repealed or modified by future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

### **10.04 : CAPTIONS.**

Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

## **10.05 : DEFINITIONS.**

(A) *General rule.* Words and phrases shall be taken in their plain or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

**CITY, MUNICIPAL CORPORATION or MUNICIPALITY.** The City of Corcoran, Minnesota.

**CODE, THIS CODE or THIS CODE OF ORDINANCES.** This municipal code as modified by amendment, revision and adoption of new titles, chapters or sections.

**COUNTY.** Hennepin, Minnesota.

**MAY.** The act referred to is permissive.

**MONTH.** A calendar month.

**OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an OATH, and in the cases the words SWEAR and SWORN shall be equivalent to the words AFFIRM and AFFIRMED. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

**OFFICER, OFFICE, EMPLOYEE, COMMISSION or DEPARTMENT.** An officer, office, employee, commission or department of this municipality unless the context clearly requires otherwise.

**PERSON.** Extends to and includes an individual person, persons, organization, club, business enterprise, corporation, trustee, lessee or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms PERSON or WHOEVER as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PRECEDING or FOLLOWING.** Next before or next after, respectively.

**SHALL.** The act referred to is mandatory.

**SIGNATURE or SUBSCRIPTION.** Includes a mark when the person cannot write.

**STATE.** The State of Minnesota.

**SUBCHAPTER.** A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have SUBCHAPTERS.

**WRITTEN.** Any representation of words, letters or figures, whether by printing or otherwise.

**YEAR.** A calendar year, unless otherwise expressed.

#### **10.06 : SEVERABILITY.**

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

#### **10.07 : REFERENCE TO OTHER SECTIONS.**

Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

#### **10.08 : REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of this municipality exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

#### **10.09 : ERRORS AND OMISSIONS.**

If a manifest error is discovered, consisting of the misspelling of any words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted unless by formal adoption or amendment if any question exists regarding the nature or extent of the error.

#### **10.10 : OFFICIAL TIME.**

The official time, as established by applicable state and federal laws, shall be the official time within this municipality for the transaction of all municipal business.

#### **10.11 : REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires

reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is a legal holiday, Saturday or a Sunday, it shall be excluded.

#### **10.12 : ORDINANCES REPEALED.**

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

#### **10.13 : ORDINANCES UNAFFECTED.**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code, if any, shall remain in full force and effect.

#### **10.14 : EFFECTIVE DATE OF ORDINANCES.**

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

#### **10.15 : REPEAL OR MODIFICATION OF ORDINANCE.**

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, by such repeal, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is by ordinance otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless such revival is expressly provided.

#### **10.16 : ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

#### **10.17 : SECTION HISTORIES; STATUTORY REFERENCES.**

(A) As histories for the code sections, the specific number and passage date of the original ordinance and the most recent three amending ordinances, if any, are listed following the text of the code section.

*Example:* (Ord. 10, passed 5-13-60; Am. Ord. passed 1-1-70; Am. Ord. passed 1-1-80; Am. Ord. passed 1-1-85)

(B)(1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute.

*Example:* (M.S. §609.034) (Ord. 10, passed 1-17-80; Am. Ord. passed 1-1-85)

(2) A statutory cite set forth as a Statutory reference following the text of the section indicates that the reader should refer to that statute for further information.

*Example:*

#### **39.01 PUBLIC RECORDS AVAILABLE.**

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

***Statutory reference:***

*For provisions concerning the inspection of public records, see M.S. §138.163 et seq.*

#### **10.18 : PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.**

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

#### **10.19 : COPIES OF CODE.**

Copies of this code shall be kept in the office of the City Clerk-Treasurer for public inspection and sale for a reasonable charge.

- (A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty for any crime that is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be identical to the penalty enumerated in M. S. § 609.02, Subd. 3, as amended from time to time.
- (B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty for any petty offense that is a petty misdemeanor shall be identical to the penalty enumerated in M. S. § 609.02, Subd. 4a, as amended from time to time.
- (C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
- (D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation



**TITLE II: RESERVED**

**TITLE III: ADMINISTRATION**

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## **CHAPTER 30: CITY COUNCIL**

### **30.01: MEETINGS; TIME AND PLACE.**

Regular meetings of the City Council shall be held on the second and fourth Thursdays of each month at the hour of 7:00 p.m. All regular meetings falling upon a legal holiday shall be rescheduled at the next available date by Council action. All meetings of the Council shall be held in the City Hall, including special and adjourned meetings, unless in each instance otherwise established by council vote. (Code, § 3.01) (*Am. Ord. 124, passed 6-24-93*)

### **30.02: SPECIAL MEETINGS; ADJOURNMENT.**

Special meetings of the City Council may be called by any two members in writing and filed with the Clerk at least 24 hours prior to the time specified for the meeting. The Clerk shall immediately notify each member of the time and purpose of the meeting by causing a written notice to be delivered to each member personally if he or she can be found or an adult member of the family if he or she cannot be found. The Clerk shall cause an affidavit showing service of the notice as herein provided to be filed in his or her office prior to the time fixed for the special meetings. Special meetings may be held without the notice when all members of the City Council are present in person or consent in writing to the holding of the meeting. Any special meeting attended by all members shall be a regular meeting for the transaction of any business that may come up before a meeting. Pursuant to M.S. 471.705, written notice of any special meeting shall be posted giving the date, time, place and purpose of the meeting at least three days before the meeting. Written notice shall be mailed at least three days before the meeting to anyone who has filed a written request for notice of special meetings. In calculating the three days, if the last day falls on a Saturday, Sunday or legal holiday, the next regular business day shall be counted as the third day. (Code, § 3.02)

The Council may, by a majority vote of those present, adjourn from time to time to a special date and hour. (Code, § 3.03)

### **30.03: BOARD OF APPEALS AND ADJUSTMENTS**

The City Council shall serve as the Board of Appeals and Adjustments for the City.

(*Ord. 295, passed 02-12-15*)

## CHAPTER 31: CITY OFFICIALS

### 31.01: COMPENSATION

The compensation for officials shall be:

**Section 1. Salary of the Mayor.** From and after the effective date of this Ordinance, and until otherwise changed pursuant to law, the salary of the Mayor of the City of Corcoran shall be in the sum of \$385 per month.

**Section 2. Salary of the Council.** From and after the effective date of this Ordinance, and until otherwise changed pursuant to law, the salary of the Council of the City of Corcoran shall be in the sum of \$305 per month.

**Section 3. Effective Date of Salaries.** The above-referenced salaries shall be effective January 1, 2017.

*(Ord. 315, passed 02-11-16)*

### 31.02: WORKER'S COMPENSATION BENEFITS.

Pursuant to M.S. § 176.011, Subd. 9, Clause 6, the Mayor and City Council are included in the coverage of the Worker's Compensation Act for all acts performed in their official duties with the city. (Code, § 5B.01)

### 31.03: AUTHORIZATION TO ISSUE CITATIONS.

(A) The following city employees are authorized to issue citations in the specified circumstances:

(1) *Community service officers.* Community service officers, when instructed by the City Administrator, Police Chief, or Code Enforcement Official, are authorized to issue citations for:

- (a) Violations of the code relating to animals;
- (b) Non-moving traffic violations, as defined in M.S. or Chapter
- (c) Violations of the code regulating signs
- (d) Violations of the Building Code
- (e) Violations of the code regulating nuisances;
- (f) Violations of the zoning codes; and
- (g) Violations of the city's Fire Code.

(2) *Building Inspector*. The Building Inspector is authorized to issue citations for:

- (a) Public health;
- (b) Garbage and sanitation;
- (c) Food sanitation;
- (d) Violation of the sign chapter;
- (e) Violation of the city's Building Code;
- (f) Violation of the nuisance codes; and
- (g) Violation of the zoning codes.

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## **CHAPTER 32: CITY POLICIES**

### **GENERAL PROVISIONS**

#### **32.01: USE OF CIVIC CENTER/CITY HALL.**

(A) *Purpose and intent.* The City Council finds that allowing parties outside the city government to use the City Hall/Civic Center will promote and encourage public use and awareness of the municipal facilities. (Code, § 5D.01)

(B) *Outside use permitted.* Use of the City Hall/Civic Center facilities by persons within and without the city is permitted, so long as the use does not interfere with city business. (Code, § 5D.02)

(C) *Regulations to be established.* City staff shall from time to time establish standards and regulations for the use of City Hall/Civic Center. These standards and regulations shall be approved by the City Council. (Code, § 5D.03)

(D) *Lease agreement.* All persons using the City Hall/Civic Center shall execute an approved lease agreement, which shall set forth the term of the lease, the cost to lessee, and shall require the lessee to abide by the standards and regulations adopted under subsection (c). (Code, § 5D.04)  
(Am. Ord. 132, passed 5-25-95)

### **EMERGENCY MANAGEMENT**

#### **32.10: POLICY AND PURPOSE.**

Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure or other major incidents, and in order to insure that preparations of the City will be adequate to deal with such disasters and generally, to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary.

(A) To establish a City emergency management organization responsible for City planning and preparation for emergency government operations in time of disasters.

(B) To provide for the exercise of necessary powers during emergencies and disasters.

(C) To provide for the rendering of mutual aid between the City, and other political subdivisions with respect to the carrying out of emergency preparedness functions.

(D) To comply with the provisions of Minnesota Statutes, Chapter 12, known as the Minnesota Emergency Management Act of 1996.

(E) To participate as a member of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee and accept its emergency plan as the City's basic plan for responses to emergencies, disasters, major incidents, mutual aid and other projects consistent with this ordinance and Minnesota Statutes, Chapter 12.

### **32.11 : DEFINITIONS.**

***EMERGENCY MANAGEMENT*** means the preparation for and the carrying out of all emergency functions, to prevent, minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps or other major incidents. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out of the foregoing functions, Emergency management includes those activities sometimes referred to as "Civil Defense" or "Emergency Preparedness" functions.

***DISASTER*** means a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in major loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

***EMERGENCY*** means an unforeseen combination of circumstances which calls for immediate action to respond, or prevent from developing or occurring.

***EMERGENCY MANAGEMENT FORCES*** means the total personnel resources engaged in City-level emergency management functions in accordance with the provision of this resolution or any rule or order there under. This includes personnel from City departments, authorized volunteers, and private organizations and agencies.

***EMERGENCY MANAGEMENT ORGANIZATION*** means the staff element responsible for coordinating City-level planning and preparation for disaster response. This organization provides City liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities, major incidents, mutual aid, and other projects consistent with this ordinance and assures implementation of federal, state, county and other program requirements.

***MAJOR INCIDENT*** means any incident which exhausts local resources.

***EMERGENCY MANAGEMENT MUTUAL AID*** means any disaster or major incident which requires the dispatching of City personnel, equipment or other necessary resources within or without the City limits.



**LAKE MINNETONKA REGIONAL EMERGENCY MANAGEMENT, PREPAREDNESS PLANNING AND REVIEW COMMITTEE** means a committee made up of the Lake Minnetonka area emergency management directors which develops, renews and establishes a basic emergency plan, and identifies and coordinates training for member communities and reviews local plans, exercises, major incidents and disaster responses which are consistent with this ordinance.

### **32.12 : ESTABLISHMENT OF AN EMERGENCY MANAGEMENT ORGANIZATION.**

There is hereby created with the City government an emergency management organization which shall be under the supervision and control of the Emergency Management Director, hereinafter called the "Director". The Director shall be appointed by the Mayor. (*The L.M.R.E.M.P.P.R.C. recommends the Chief Law Enforcement Officer be appointed the Director*). The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization.

### **32.13 : POWERS AND DUTIES OF THE DIRECTOR.**

- (A) The Director shall represent the City on any regional or state conference for emergency management. The Director may develop additional mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the City for its action. Such arrangements shall be consistent with the Emergency Plan. The Director shall also be the City's representative on the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee.
- (B) The Director shall make assessments of personnel, businesses and industries, resources and facilities of the City as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency, major incident or disaster.
- (C) The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the City and shall present such plan to the City for its approval. When the Council has approved the plan by resolution, it shall be the duty of all City agencies and all emergency preparedness forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the basic emergency management activities of the City to the end that they shall be consistent and fully integrated with the basic emergency plan of the Lake Minnetonka Regional Emergency Management, Preparedness Planning and Review Committee, and Federal and State Governments
- (D) In accordance with the Emergency Plan, the Director shall institute such training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the Emergency Plan when a disaster, major incident or mutual aid occurs.

- (E) The Director, during an emergency, major incident or mutual aid, shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable. The officers and personnel of all such departments and agencies shall be, to the maximum extent practicable, cooperative with and extend such services and facilities to the Emergency Management organization, The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.
- (F) The Director shall, in cooperation with the existing departments and agencies affected, assist in the organizing, recruiting and training of such emergency management personnel, that may be required on a volunteer basis to carry out the emergency plans. To the extent that such emergency personnel are recruited to augment a regular department or agency for emergencies, they shall be assigned to such departments or agencies and shall be under the administration and control of said department or agency.
- (G) The Director shall carry out all orders, rules and regulations issued by the governing authority with reference to emergency management.
- (H) The Director shall prepare and submit such reports on emergency preparedness activities as may be requested by the governing authority.

#### **32.14 : LOCAL EMERGENCIES**

- (A) A local emergency, including a disaster, major incident or mutual aid response, may be declared by the Mayor. It shall not be continued for a period in excess of three days except by or with the consent of the governing board of the political subdivision. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the Clerk of the local records-keeping agency of the subdivision.
- (B) A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable plans including fiscal expenditures which are consistent with this ordinance.
- (C) No other jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions.

#### **32.15 : EMERGENCY REGULATIONS**

- (A) Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the City Council, the Council may by resolution promulgate regulations, consistent with the applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training,

and all other matters which are required to protect public safety, health, and welfare in declared emergencies,

- (B) Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the City Manager, which copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the City Manager's Office shall be conspicuously posted at the front of the City Hall or other headquarters or at such other places in the affected area as the Council shall designate in the resolution. By like resolution, the Council may modify or rescind any such regulation.
- (C) The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent such conflict exists.
- (D) During a declared emergency, the Director is, notwithstanding any statutory or charter provision on the contrary, empowered through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The Director may exercise such powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

#### **32.16 : EMERGENCY MANAGEMENT A GOVERNMENTAL FUNCTION.**

All functions thereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

#### **32.17 : PARTICIPATION IN LABOR DISPUTE OR POLITICS.**

The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute. The director may express professional opinions on legislative or other legal regulations consistent with the areas found in Minnesota Statutes, Chapter 12.

**32.18 : AUTHORIZING DISPATCH AND USE OF CITY EQUIPMENT AND SERVICES BY THE DIRECTOR IN EMERGENCY SITUATIONS (MUTUAL AID).**

- (A) The City finds it desirable and necessary to authorize the director to dispatch City equipment and personnel to local communities who request aid to combat their emergency, disaster, or major incident consistent with this ordinance, and Subsection 220.15, Subd. 5.
- (B) The Director shall evaluate the internal needs of the City, and dispatch appropriate available aid. The director shall immediately recall, order and terminate the use of any dispatched equipment and personnel when the need for their use no longer exists, or earlier, when it appears in the best interest of the City. Aid requested from outside the Lake Minnetonka Regional area, or extended local aid, shall require mutual agreement between the director and the City Manager or their designee.
- (C) The Director shall be fully authorized as an act of the City, and all provisions for compensation of personnel, rental of equipment, liability insurance coverage, workman's compensation insurance and all other safeguards and matters pertaining to the City, its equipment and personnel, shall apply in each case as if specifically authorized and directed at such time, whether or not the governing body or authority of the place in which the disaster, major incident, mutual aid, or other occurrence exists, has previously requested and provided for assistance and the use of equipment and personnel under a mutual protection agreement or other type protection agreement within the City.

**32.19 : RESERVED**

**CITY FEES**

**32.20 : ADMINISTRATION.**

The City Code is amended to provide for all fees be set by the City Council. Any fee currently existing, that is not replaced by a fee set by resolution or by ordinance shall continue in effect until so altered.

Authority.

State law requires that a city establish certain fees by ordinance; these may include fees for septic permits, land use permits and building inspection permits.

*(Ord.232, passed 03-23-06, Ord. 241, passed 02-08-07, Ord. No. 243, passed 8-23-07)*

## **CHAPTER 33: ELECTRONIC COMMUNICATIONS RESOURCES**

### **33.01: INTRODUCTION**

The City of Corcoran provides employees with access to and use of a variety of electronic communications resources. These resources are provided to employees in an effort to allow them to be more efficient, productive and have access to information that is necessary for them to carry out their responsibilities as an employee of the City. Use of the City's electronic communications resources in violation of the electronic communications resources ordinance may lead to discipline, up to and including termination of employment.

### **33.02 : SCOPE OF COVERAGE**

Application -- This ordinance applies to all employees (regular, full-time, seasonal, part-time, temporary), contractors, volunteers, interns, employees of other local or state unit of government working with the City of Corcoran, elected officials, and other individuals who have been granted access to and use of the City's electronic communications resources.

### **33.03 : DEFINITIONS**

***ELECTRONIC COMMUNICATIONS RESOURCES*** are all equipment and software that retain, transmit, copy, modify, analyze or process information in any form. Electronic communications resources include, but are not limited to, the City's telephone system, answering machine, desktop and laptop computers, printers, scanners, modems, facsimile (fax) machines, databases, electronic mail (e-mail) systems and files, pagers, Internet access, Internet browsers, computer applications, utilities and operating systems.

The ***INTERNET*** is a system comprised of, but not limited to, several services which may include the World Wide Web (www), Gopher, FTP, Email, Internet relay chat and Telnet, and which is generally reached by City employees via the City's computer system.

***ONLINE SERVICES*** include, but are not limited to, any computer network or bulletin board, whether commercial or private, which can be reached via the City's computer system or via modem. Services which are covered under this definition include, but are not limited to, CompuServe, America Online, MSN, Yahoo!, and any bulletin board systems, local or otherwise.

### **33.04 : USE OF CITY'S ELECTRONIC COMMUNICATIONS RESOURCES**

1. Business Use -- The City's electronic communications resources are City property and intended for City business. These resources are not to be used for employee personal gain or to support or advocate for non-city related business or purposes. All use of City electronic communication resources is subject to management access pursuant to this ordinance.

Incidental and occasional personal use of electronic communications resources is permitted if it does not interfere with the use of equipment for City purposes and is not excessive, or does not unduly interfere with an employee's work time, job activities, or the job activities of other employees. Such use and any messages or data created or accessed will be treated no differently from other messages or data. If the City's electronic communications resources are used for personal use, the employee assumes personal responsibility for the additional cost of any such personal use and will pay any cost incurred for such use (for example: telephone long distance charges or cellular phone time charges). The City reserves the right to reduce or eliminate any personal uses by an employee on a case-by-case basis, or take disciplinary action as needed or required.

2. Unacceptable Use – Unacceptable uses of the City's electronic communications resources include, but are not limited to, the following:
  - a. To transmit threatening, abusive, obscene, offensive, lewd, profane or harassing material or communications.
  - b. To transmit, receive, access, upload, download, or distribute obscene, pornographic, abusive, or sexually explicit materials or language or any material which suggests any lewd or lascivious act.
  - c. Disruption of network services, such as distributing computer viruses.
  - d. Sending messages likely to result in the loss of recipients' work or systems, and any other types of use that could cause congestion of the computer system, or otherwise interfere with the work of others.
  - e. Use of someone else's identity and/or password for access to information without proper authorization.
  - f. Misrepresenting one's identity or affiliation in any communications.
  - g. Attempt to evade, disable, or otherwise bypass password or other security provisions of systems on the computer.
  - h. Reproduction or distribution of copyrighted materials without proper authorization.
  - i. For commercial ventures, personal gains, religious or political causes, or other non-job-related solicitations.
  - j. To engage in any form of gambling via communications resources.
  - k. To advocate or access information advocating any type of unlawful violence, vandalism, or illegal activity.
  - l. To secure access to any form of City electronic communications resources without the authorization of the Administrator or designee.
  - m. Any use of City electronic communications resources for messages that are, or could reasonably be considered, offensive to another on the basis of race, sex, age, sexual orientation, religious or political beliefs, national origin, marital status, public assistance status or disability.
3. Privacy -- The City reserves the right, as is reasonably necessary, to search, review, audit, intercept, or access any employee's use of electronic communications resources. All materials created, developed, composed, sent or received using City electronic resources will remain the property of the City of Corcoran.

The use of electronic mail is not private. Messages sent via e-mail are subject to monitoring, interception, and forwarding, which is beyond the control of the person sending the message. Although e-mail messages may appear to the user to have been deleted, the message or the data that it contained may nevertheless continue to exist on the computer system in which the e-mail system operates. Stored e-mail messages and other computerized data are discoverable documents, which may be exchanged in litigation. The content of e-mail messages may subject the sender to civil liability, discipline and criminal sanctions.

Users should be aware that even though they may have a confidential password to access e-mail, this does not suggest that the e-mail is the property right of the employee. The City retains the right to and shall maintain the ability to, access any employee's e-mail or other electronic data on devices. An employee assigned a computer access account is responsible for all usage of that resource. Users should not share their passwords with anyone other than their supervisor and must take all reasonable precautions for password protection and maintenance.

The contents of electronic data sent by, between, and/or to individuals covered by this ordinance may be disclosed within or outside the City without the permission of the individual at any time for any purpose deemed necessary by the City, subject to any limitations imposed by law, including but not limited to, the Minnesota Government Data Practices Act. Under the Minnesota Government Data Practices Act, the public has broad access to government records. Government records include data that is in the possession of the government "regardless of its physical form, storage media, or conditions of use." Electronic data, including e-mail messages, is treated as government records subject to data practices requests.

Employees who resign, are terminated, laid off, suspended, or otherwise cease (permanently or temporarily) their employment with the City of Corcoran have no right to the contents of their e-mail messages and shall not be allowed access to the computer system. Supervisors may access an employee's e-mail if employees are on leave of absence, vacation or otherwise absent, or at any other time that the supervisor deems necessary for the City's business purposes.

4. Security Measures -- The user must scan application executables (.exe) or data files from all outside sources, including the Internet, with anti-virus software before first use.

Supervisors may review the usage of the City's electronic communications resources and the City's access to the Internet or Online services by employees they supervise to determine whether there have been any breaches of security, violations of City policy or ordinances, or other violation of duty on the part of the employee. The City, at its discretion, may also use computer programs that monitor the usage of the City's electronic communications resources and the City's access to the Internet and other online services, for purposes of assuring system security and compliance with City policies.



### **33.05 : SOFTWARE USE**

Only software purchased by or licensed to the City can be installed on City computers. The use of this software must be in compliance with the license agreement and cannot be copied to multiple computers, unless so permitted by the licensor. Employee-owned software, shareware, or freeware can only be installed on City computers with prior authorization of the City Administrator.

### **33.06 : INTERNET USE**

1. Business Use – The City of Corcoran provides certain employees with access to and use of the Internet if necessary for business purposes. All of the provisions of this ordinance apply to Internet use. Internet resources are provided to employees in an effort to allow them to be more efficient, productive, and to have access to information that is necessary for them to carry out their responsibilities as an employee of the City. Employees are expected and required to use the Internet in a manner consistent with their position and work responsibilities with the City.
2. Access – Approval by the City Administrator is required to acquire access to the Internet and/or Online services.
3. Monitoring Use – Employees should be aware that it is possible to track Internet sites visited by a particular workstation. The City reserves the rights to access, monitor, and disclose all Internet and online services for any purpose not specifically prohibited by statute or regulation. The City retains the right to keep, retrieve, and monitor all access to Internet or online service activity. Restrictions may be placed on use of the Internet or online services to protect the City and its resources. Inappropriate use of the City's Internet resources may result in discipline up to and including discharge of employment.

### **33.07 : LAPTOP/PORTABLE COMPUTER USE**

It is the responsibility of the employee using the City's laptop computer or other portable equipment to keep the equipment in a safe environment, protected to the extent possible from theft or damage. All data collected, stored, processed, or disseminated by City employees on portable computer equipment owned by the City is governed by the Data Practices Act. Additional software or programs may not be loaded on portable computers without prior authorization from the City Administrator or designee. Any copying of software on portable computers for personal use is prohibited. Any non-business use of portable computers is prohibited. Any use of portable computers by unauthorized persons is prohibited. Employees must immediately notify the Administrator if portable computers are damaged or stolen.

### **33.08 : COMPUTER USE**

Computers are provided to employees to be used as tools to help perform their job responsibilities. This equipment belongs to the City and has the same restrictions as set forth in Section F above for laptop and portable computers.



### **33.09 : PURCHASING**

Purchasing of data processing hardware and software shall be processed through the City Administrator for review based on need and appropriateness, procurement of quotations, and processing for approval by the City Council, with all such purchases subject to the City's purchasing policy.

### **33.10: TELEPHONE AND FAX MACHINE USAGE**

In addition to the provisions above, the following policies apply:

1. Business use – The City's telephone system and equipment are designed for City business use.
2. Personal calls – The City does understand that employees occasionally need to use the City phone system to make or receive personal phone calls. The employee should attempt to make personal phone calls during non-working hours (breaks or lunch). Excessive use of the City phone system for personal calls is prohibited and may lead to disciplinary action.
3. Long distance personal phone calls – Employees who find it necessary to make a personal long distance call must reimburse the City for the call within 60 days of making the call. It is the employee's responsibility to notify the Administrator or designee of the date and time of the call and request cost information of any personal long distance calls made, as necessary.
4. Personal use of fax machines – Employees shall reimburse the City at the designated rate set for the use of fax machines. Reimbursement shall be made at the time of use.

### **33.11: PENALTIES**

Any violation of this ordinance may be disciplined in accordance with the City of Corcoran Personnel ordinance and/or other applicable rules. Violations may be grounds for dismissal. Violations of this ordinance may be referred for criminal prosecution if there is cause to believe the activity complained of constitutes a crime.

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## **CHAPTER 34: PLANNING COMMISSION**

### **34.10: ESTABLISHMENT OF COMMISSION.**

The Planning Commission for the City shall be hereby established. The commission shall be the City planning agency.

### **34.11: COMPOSITION.**

The Planning Commission shall consist of five (5) regular members and one (1) City Council representative. The City Council representative shall act as a liaison to the Commission. The liaison shall attend meetings of the Planning Commission and act as a mode of communication between the Planning Commission and the City Council. The City Council representative shall not be a voting member of the Planning Commission. The City Council shall set the City Council representative rotation schedule annually.

Regular members of the Planning Commission appointed before August 1, 2014 may continue to serve on the Commission during their term of appointment and may be re-appointed by the City Council, though their service may result in a Commission comprised of more than five (5) regular members. However, if the term of any such member expires and that member is not re-appointed, or if any such member became unable or unwilling to fulfill his or her duties on the Commission or if such a member's seat otherwise becomes vacant, that vacancy shall not be filled if it results in a Commission comprised of more than five (5) regular members. Alternate members of the Planning Commission appointed before August 1, 2014 shall not be re-appointed after expiration of their term.

In the event of a Commission comprised of more than five (5) members, a quorum shall consist of any combination of four (4) regular members. The City Council representative shall not count towards a quorum of the members.

- A. All regular and alternate members shall be appointed by the City Council and may be removed by a three-fifths vote of the Council.
- B. Regular Members – Members of the Commission are appointed by the City Council for staggered three (3)-year terms. Terms shall begin on March 1 and end on the final day of February but, appointees shall hold their offices until their successors shall be appointed and qualified by the City Council. The City Council shall approve the necessary appointments to the Commission no later than the final day of February of each year. In the event any member fails to attend three (3) consecutive meetings or 30 percent of those meetings held in a calendar year, a vacancy may be declared to exist by majority vote of the commission. A new member shall be appointed to fill out the term of the individual whose seat has been vacated unless filling the vacancy will result in a Commission which exceeds five (5) members. If filling the vacancy will result in a Commission which exceeds five (5) members, the vacant seat shall not be filled. If a seat becomes vacant, leaving the Commission with

less than five (5) members, the vacancy shall be filled in the same manner as the appointment is made. All members shall serve without compensation but shall be allowed reasonable expenses as authorized by the City Council.

- C. The City Council may appoint a non-resident to any of the city commissions so long as there is no more than one (1) non-resident on a commission at any time and provided that the individual's non-residence status is determined to be temporary.
- D. A quorum shall consist of any combination of three (3) regular members.

The City Council representative shall not count towards a quorum of member.

#### **34.12 : ORGANIZATION; MEETINGS.**

- A. The commission shall elect a Chairperson and Vice-Chairperson from among its appointed members for a term of one year; and the Commission may create and fill such other offices as it may determine.
- B. All regular members of the Commission, including the Chairperson and Vice-Chairperson, may vote on any questions before the Commission, except that no member of the Commission shall partake in any discussion on or vote upon any question in which he or she has a conflict of interest.
- C. The Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record. Expenditures of the Commission shall be within amounts appropriated for the purpose by the City Council. The Commission shall submit to the City Council a monthly report of its work during the preceding month.
- D. The Commission shall determine the date and time of meetings and shall set such public hearings as are necessary and desirable, or required by law, or this Code.

#### **34.13 : POWERS AND DUTIES OF THE COMMISSION.**

The Planning Commission shall be the planning agency and shall have the powers and duties given such agencies generally by Minnesota Statutes § 462.351 - 462.364. It shall also exercise the duties conferred upon it by this Section.

#### **34.14 : ZONING ORDINANCES; PUBLIC HEARINGS.**

No zoning ordinances or amendments thereto shall be adopted by the Council until a public hearing has been held thereon by the Planning Commission upon notice as provided in Minnesota Statutes § 462.357, Subdivision 3.

**34.15 : PLATS; APPROVAL.**

Any plat of land submitted to the Council for approval shall be referred to the Planning Commission for review and recommendation.

**34.16 : REPORTS.**

The Commission shall annually report to the city council, not later than the last day of February of each calendar year, containing the Commission's recommendations for the ensuing year, and also a summary of activities in the prior year.

*(Ord.195, passed 05-13-04, Ord.217, passed 04-14-05, Ord. 296, passed 02-12-15)*

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## **CHAPTER 35: (WASTEWATER COMMISSION) REPEALED**

*(Ord. 242, passed 05-10-07)*

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## **CHAPTER 36: PARKS AND TRAILS COMMISSION**

### **36.10: ESTABLISHMENT OF THE COMMISSION.**

The Parks and Trails Commission for the City shall be hereby established.

### **36.11 : COMPOSITION.**

The Parks and Trails Commission shall consist of seven (7) regular members and student members that shall be appointed in the manner set forth in this subsection. The City Council representative shall act as a liaison to the Commission. The liaison shall attend meetings of the Parks and Trails Commission and act as a mode of communication between the Parks and Trails Commission and the City Council. The City Council representative shall not be a voting member of the Parks and Trails Commission. The City Council shall set the City Council representative rotation schedule annually.

Regular members of the Parks and Trails Commission appointed before August 1, 2014 may continue to serve on the Commission during their term of appointment and may be re-appointed by the City Council, though their service may result in a Commission comprised of more than seven (7) regular members. However, if the term of any such member expires and that member is not re-appointed, or if any such member became unable or unwilling to fulfill his or her duties on the Commission or if such a member's seat otherwise becomes vacant, that vacancy shall not be filled if it results in a Commission comprised of more than seven (7) regular members. Alternate members of the Parks and Trails Commission appointed before August 1, 2014 shall not be re-appointed after expiration of their term.

In the event of a Commission comprised of more than seven (7) members, a quorum shall consist of any combination of five (5) regular members. The City Council representative and student member shall not count towards a quorum of the members.

A. All members shall be appointed by the City Council and may be removed by a three- fifths (3/5) vote of the Council.

B. Regular Members – Members of the Commission are appointed by the City Council for staggered three (3)-year terms. Terms shall begin on March 1 and end on the final day of February but, appointees shall hold their offices until their successors are appointed and qualified by the City Council. The City Council shall approve the necessary appointments to the Commission no later than the final day of February of each year. In the event any member fails to attend three (3) consecutive meetings or 30 percent of those meetings held in a calendar year, a vacancy may be declared to exist by majority vote of the commission. A new member shall be appointed to fill out the term of the individual whose seat has been vacated unless filling the vacancy will result in a Commission which exceeds seven (7) members. If filling the vacancy will result in a Commission which exceeds seven (7) members, the vacant seat shall not be filled. If a seat becomes vacant, leaving the Commission with less than seven (7) members, the vacancy shall be filled in the same manner as the appointment is made. All

members shall serve without compensation, but shall be allowed reasonable expenses as authorized by the City Council.

C. Student Members – Shall be appointed at the pleasure of the City Council for one (1)-year calendar terms. Student members shall have no voting or office responsibility. All members shall serve without compensation.

D. The city council may appoint a non-resident to any of the city commissions so long as there is no more than one (1) non-resident on a commission at any time and provided that the individual's non-residence status is determined to be temporary.

E. A quorum shall consist of any combination of four (4) regular members.  
The City Council representative and student members shall not count towards a quorum of the members.

### **36.12 : ORGANIZATION; MEETINGS.**

A. The commission shall elect a Chairperson and Vice-Chairperson from among its appointed members, for a term of one year; and the Commission may create and fill such other offices as it may determine.

B. All regular members of the Commission, including the Chairperson and Vice-Chairperson, may vote on any questions before the Commission, except that no member of the Commission shall partake in any discussion on or vote upon any question in which he or she has a conflict of interest.

C. The Commission shall adopt rules for the transaction of business, with the approval of the Council, and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record. Expenditures of the Commission shall be within amounts appropriated for the purpose by the City Council. The Commission shall submit to the City Council a monthly report of its work during the preceding month.

D. The Commission shall determine the date and time of meetings and shall set such public hearings as are necessary and desirable, or required by law, or this Code.

### **36.13 : POWERS AND DUTIES OF THE COMMISSION.**

The Parks and Trails Commission shall have the powers and duties allowed under the City Charter and State law, including:

A. To hold meetings of its members, to consider such matters pertaining to parks and trails in the City as shall be referred to the Commission by the Council, or as the members of the Commission themselves deem proper.

B. To act in an advisory capacity to the Council on all matters pertaining to a parks and trails system in the City. All pertinent contracts of purchase, sale, employment, use and management

shall be made by the City through the City Council upon advice thereof from the Parks and Trails Commission.

**36.14: REPORTS.**

The Commission shall annually report to the city council, not later than the last day of February of each calendar year, containing the Commission's recommendations for the ensuing year, and also a summary of activities in the prior year.

*(Ord. No. 195, passed 05-13-04, Ord.219, passed 04-14-05, Ord.255, passed 02-10-11, Ord. 297, passed 02-12-15)*

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## **CHAPTER 37: (HOME OCCUPATION COMMISSION) REPEALED**

*(Ord. 238, passed 11-20-06)*

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## **TITLE IV: CONSTRUCTION REGULATIONS**

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## **CHAPTER 40: BUILDING CODE**

### **40.01: CODES ADOPTED BY REFERENCE.**

The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter 326B, including all the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

### **40.02 : APPLICATION, ADMINISTRATION AND ENFORCEMENT.**

The application, administration, and enforcement of the Code shall be in accordance with Minnesota State Building Code. The Code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 326B.121, subdivision 2(d), when so established by this ordinance.

This Code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the Code pursuant to Minnesota Statute 326B.133, Subdivision 1.

*(Ord. 269, passed 12-19-11, Ord 348, passed 05-25-17)*

### **40.03 : PERMITS AND FEES.**

The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300.

Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the municipality in Title III, Chapter 32. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statute 326B.148.

### **40.04 : VIOLATIONS AND PENALTIES.**

A violation of the Code is a misdemeanor (Minnesota Statutes 326B.082, Subd. 16). Any person or entity that fails to obtain a permit under this section prior to performing work shall pay a penalty of two times the original permit fee and shall be required to pay to the city all costs associated with enforcement, including reasonable attorney's fees.

#### **40.05 : CERTIFICATE OF SURVEY REQUIRED**

**Subd. 1. Certificate of Survey Requirement.** A certificate of survey shall be required with all building permit applications for new construction and building permits that enlarge or alter the footprint of an existing structure. A certificate of survey shall be required for all planning applications, including plats, land divisions, land consolidations, conditional use permits, variances, site plans, zoning amendments and any other type of planning application where the City Planner or City Administrator deems it necessary to process the application.

**Subd. 2. Certificate of Survey Standards.** The certificate of survey shall locate all existing permanent structures, as defined by the State, on the property with regard to size and location, including buildings, septic sites and wells. In addition, the survey shall include the size and locations of proposed structures, floodplain, wetlands and any recorded easements.

**Subd. 3. Application for Exemption (Building Permits Only)**

A. If the proposed structure meets all required setbacks from the property lines, floodplain, wetlands and easements by at least 2 times, then the applicant may request an exemption from the above-mentioned requirements as part of the building permit review. The Zoning Administrator may grant the exemption only if they find no potential negative impact, based on a review of the site-specific conditions.

*(Ord. 222, passed 07-14-05, Ord. 228, passed 01-26-06, Ord. 233, passed 03-23-06, Ord. 244, passed 09-27-07, Ord. 348, passed 05-25-17)*

#### **40.06 : EMERGENCY COMMUNICATION SYSTEMS FEE.**

**Subd. 1. Purpose.** This section is adopted to ensure that adequate emergency communication systems and early warning sirens are provided to meet the additional need created by new development within the city. It is believed by the City Council that emergency communication systems and early warning sirens are instrumental in providing for the health, safety and welfare of the community.

**Subd. 2. Definitions.** For the purposes of this section, the term "structure" means any newly constructed residential house or multiple residential complexes. Additions to previously built structures are not required to pay the fee required in this article.

**Subd. 3. General requirements.**

- A. Payment amount.** Any applicant for a residential building permit, single-family or multiple-family, for the construction of a new structure within the city shall pay a one-time emergency communication systems fee to be collected with the building permit; the fee shall be as established by ordinance.
- B. Use of funds.** All payments made under this article shall be designated and used exclusively for the acquisition, development, expansion, upgrading or maintenance of emergency communication systems or emergency sirens within the city.

**40.07 : EROSION AND SEDIMENT CONTROL**

**Subd. 1. General Requirements.** All grading and construction activity that results in disturbance of the ground shall comply with Minnesota Pollution Control Agency's General Stormwater Permit for Construction Activity No. MN R10001, the Minnesota Stormwater Manual, Chapter 54 of the City Code, and other applicable City Ordinances and may require a separate land disturbance permit.

**Subd. 2. Erosion Control Installation.** Satisfactory erosion control shall be installed prior to the initiation of any site grading or construction that will result in disturbing the soil. Noncompliance shall constitute grounds for a stop work order from the City to halt all construction. The City may require additional controls to correct specific site related problems as normal inspection are performed.

**40.08 : NEW HOME CONSTRUCTION ESCROW**

**Subd. 1. Purpose.** This section is adopted to ensure compliance with requirements related to construction and site work per applicable laws, ordinances, regulations, and policies as may be amended or updated from time to time and applies to all residential new construction. For the purposes of this Section 40.08, "residential new construction" shall include all construction activities which take place on a property used or intended for residential use, which require a building permit.

**Subd. 2. Responsible Party.** When a residential new construction permit is issued, the person or entity to whom the permit is issued shall be responsible for all site work from permit issuance to closure (the "Responsible Party"), unless the City approves a transfer of responsibility to a new owner or Responsible Party when the property is sold.

**Subd. 3. Financial Security Requirement.** All residential new construction shall require a financial security via cash escrow at building permit issuance and based on the most recent fee schedule adopted by City Council resolution and additional cash security shall be required prior to Certificate of Occupancy (C.O.) for any incomplete work. The City may also require additional cash security over that required in the fee schedule if the City reasonably anticipates its costs in reviewing the application and securing performance as to all requirements of this Chapter will exceed the amount listed in the fee schedule. The Responsible Party shall agree to pay the total cost of staff and consultant time spent exclusively in reviewing and inspecting the project and costs incurred related to enforcement, correcting deficiencies, and/or completing site work.

**Subd. 4. As-built Survey Requirement.** An as-built survey signed by a registered engineer or land surveyor shall be required and submitted to the City at final grading completion but prior to landscaping, seeding or sod installation and shall be reviewed and approved by staff to ensure conformance with the approved grading plan.

**Subd. 5. Inspection Requirements and Right of Entry.** The City may conduct site inspections to ensure compliance. The Responsible Party or representative shall request inspection from the City and allow the City to enter upon the site for the purpose of obtaining information, examination of records, conducting investigations, inspections, surveys, correcting deficiencies, and/or completing work.

**A. Final Grade Inspection.** After the as-built survey is approved, but prior to landscaping, seeding or sod installation, a final grading site inspection shall be completed. Depending on findings, corrections and follow-up inspections may be required. The city may require the Responsible Party to post additional escrow in the event the anticipated costs of securing the incomplete work exceed the escrow balance.

**B. Final Escrow Release Inspection.** Once all site work has been completed and all corrections made per the City's standards, a final site inspection shall be required prior to release of the posted escrow.

**Subd. 6. Enforcement Procedures.** The responsible party shall notify the City of the status of the site and request inspections as required.

**A.** If upon inspection by the city, any nonconformities or compliance issues are found to exist, the city shall send notice with corrective measures and timeline(s) for compliance to the Responsible Party.

**B.** If the required site work is not completed in the timeline(s) prescribed, the site is abandoned prior to completion, or other law, regulation, or policy violations occur including, without limitation, sediment and erosion control violations, damage to city infrastructure or neighboring property, and/or unapproved grading, the work may be completed by the city, or its nominated contractor or agent and action may be taken against the financial security to recover the costs incurred by the city in enforcing and/or completing the work.

**Subd. 7. Recovery of Costs.** Should the financial security/escrow account carry a negative balance anytime during or after the project, or should the city determine that additional escrow is necessary to secure incomplete work, the City shall send notice stating the deficit and amount due, including any amounts anticipated to come due related to the project, as well as terms for payment. In the event the invoice is not paid, or the escrow is not replenished/supplemented per the provided terms, the City shall collect the amount due from the property owner or the property owner's designated Responsible Party. To recover these costs, and in addition to any other remedies contemplated within this division, City Code, or other remedies available to the City at law or in equity, the City may approve a special assessment against the property on which the activity was proposed, pursuant to the process outlined in Minnesota Statute §429. By signing the application and directing the City to review and enforce the same, the Applicant agrees that the City's review and enforcement of the provisions of the permit provide a benefit to the affected property which is difficult to quantify but vital to the functionality of the property and removal of nuisance conditions thereon. Correspondingly, by signing the application and directing the City to review and enforce the same, Applicant waives any appeal to such special assessment related exclusively to the recovery of City costs incurred related to review and enforcement of the provisions of the permit.

**Subd. 8. Release of Security.** The security/any unused escrow funds deposited with the City for faithful performance of the work shall be released at the time when all conditions have been met and no action against such security is active. There shall be no phased or partial release of escrow.

*(Ord 360, passed 12-14-17, Ord. 450, passed 02-24-22, Ord 536 passed 11-25-24)*

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## **CHAPTER 50: STORMWATER ILLICIT DISCHARGE AND ILLICIT CONNECTIONS TO THE STORM SEWER SYSTEM**

### **50.01 : PURPOSE AND INTENT**

This ordinance is established to promote the health, safety and general welfare of the citizens of Corcoran by regulating non-stormwater discharges to the City's storm drainage system, known formally as the municipal separate storm drainage system (MS4). The ordinance establishes methods for controlling the introduction of pollutants into the MS4 to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

### **50.02 : STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to Minnesota Statute §462.351.

### **50.03 : FINDINGS**

The City Council hereby finds that non-storm water discharges to the City's municipal separate storm drainage system may contain higher levels of pollutants. These pollutants can enter into receiving water bodies and adversely affect the public health, safety and general welfare by impacting water quality, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City to preserve and enhance its natural resources.

### **50.04 : DEFINITIONS**

The following terms shall have the meanings given to them unless another meaning is clear from the context:

**Authorized Enforcement Agency:** Employees or designees of the director of the municipal agency designated to enforce this subchapter.

**Best Management Practices or BMPs:** Sediment and erosion control and stormwater management practices used to mitigate adverse effects of land use activities, runoff, sedimentation and non-point source pollution on stream bank erosion, stream hydrology and surface and groundwater replenishment.

**Clean Water Act:** The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), as it may be amended from time to time.

**Discharge:** Adding, introducing, releasing, leaking, spilling, casting, throwing or emitting any pollutant or placing any pollutant in a location where it is likely to pollute any waters of the state located in the City.

**Erosion:** The process by which ground surface is worn away by action of wind, water, ice or gravity.

**Groundwater:** Water that collects beneath the surface.

**Hazardous Materials:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristics may case or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illicit Connection:**

- a. Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the storm drainage system, including any non-storm water discharge such as sewage, process wastewater or wash water and any connections from indoor drains and sinks, regardless of whether such connection had been previously allowed, permitted, or approved by an authorized enforcement agency; *or*
- b. Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drainage system that has not been documented in plans, maps, or equivalent records or approved by an authorized enforcement agency.

**Illicit Discharge:** Any direct or indirect non-storm water discharge to the storm drainage system, except as exempted in section 51.07.

**Industrial Activity:** Activity subject to NPDES industrial permits as defined in 40 C.F.R. pt. 122.25(b)(14), as it may be amended from time to time.

**MPCA:** Minnesota Pollution Control Agency.

**Non-storm Water Discharge:** Any discharge to the storm drainage system that is not composed entirely of storm water.

**NPDES:** The National Pollutant Discharge Elimination System, the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits pursuant to Sections 301, 318, 402 and 405 of the Clean Water Act (33 C.F.R. §§ 1317, 1328, 1342, and 1345), authorizing the discharge of pollutants to waters of the United States.

**Person:** Any individual, firm, corporation, partnership, franchise, association or governmental entity.

**Pollutant:** Any substance which, when discharged, has the potential to or does interfere with state-designated water uses; obstructs or causes damage to waters of the state; changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater; adds an unnatural surface film to the water; adversely changes other chemical, biological, thermal,

or physical conditions in any surface water or stream channel; degrades the quality of groundwater; or harms human life, aquatic life, terrestrial plant or wildlife. Pollutants include, but are not limited to, dredged soil, solid waste, incinerator residue, garbage, wastewater, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substances, pesticides, herbicides, trace metals, automotive fluids, petroleum-based substances and oxygen-demanding materials.

**Pollute:** To discharge pollutants into the waters of the state. Pollution means the direct or indirect distribution of pollutants into the waters of the state.

**Premises:** Any building, lot, parcel of land or portion of land, whether improved or unimproved including adjacent sidewalks and parking strips.

**State Designated Water Uses:** Uses specified in the State of Minnesota water quality standards.

**Storm Drainage System:** A conveyance or system of conveyances that is owned and operated by the City or other entity and designed or used for collecting or conveying storm water. This includes but is not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

**Storm Water:** Precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage or as otherwise defined by Minnesota Rule 7077.0 I 05, subpart 41 (b).

**Storm Water Pollution Prevention Plan:** A document that describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

**Surface Water:** All waters of the state other than groundwater, which includes, but is not limited to, ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches and public drainage systems except those designated and used to collect, convey or dispose of sanitary sewage.

**Wastewater:** Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**Waters of the State:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which

are contained within, flow through, or border upon the state or any portion thereof or as otherwise defined by Minnesota Statute §115.01, subdivision 22.

#### **50.05 : ADMINISTRATION**

The City engineer and/or other City representatives and staff are authorized to administer, implement and enforce the provisions of this section.

#### **50.06 : ILLEGAL DISPOSAL AND DUMPING OF SUBSTANCES AND MATERIALS**

- a. No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place or upon any public or private plot of land, so that the same might be or become a pollutant or hazardous material, except if secured within a container or bag or contained within a lawfully established waste disposal facility.
- b. No person shall intentionally dispose of grass, leaves, dirt or landscape material into a water resource, buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

#### **50.07 : ILLICIT DISCHARGES AND CONNECTIONS TO THE STORM DRAINAGE SYSTEM**

- a. No person shall cause any illicit discharge to enter the storm drainage system or any surface water unless such discharge:
  - i. Consists of non-storm water that is authorized by an NPDES point source permit obtained from the MPCA;
  - ii. Is associated with fire-fighting activities or other activities necessary to protect public health and safety; or
  - iii. Is one of the following exempt discharges: water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to a storm drain; uncontaminated pumped groundwater; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumping; air conditioning condensation; springs; non-commercial washing of vehicles; natural riparian habitat or wetland flow; emptying of dechlorinated swimming pools; and any other water discharge that does not contain a pollutant.
- b. Dye testing is an allowable discharge. Verbal notification to the City at least 48 hours prior to the time of the test is required.

- c. No person shall use any illicit connection to intentionally convey non-storm water to the storm drainage system.
- d. No person shall connect or convey water from floor drains to the storm drainage system.
- e. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, but is not limited to, illicit connections made in the past, regardless of whether the connection had been previously allowed, permitted, or approved by an authorized enforcement agency.
- f. No person shall connect a line conveying sewage to the storm drainage system, or allow such a connection to continue.

#### **50.08 : DISCHARGE PREVENTION REQUIREMENTS**

Any owner or occupant of property within the City shall comply with the following requirements to prevent discharges:

- a. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to a street or the storm drainage system may occur. This prohibition shall apply to both actual and potential discharges.
- b. Individual sewage treatment systems must be maintained in order to prevent failure, which has the potential to pollute surface water. No part of any individual sewage treatment system requiring on-land or in-ground disposal of waste shall be located in an area where effluent could immediately or gradually reach a body of water due to the existing physical characteristics of the site or the system.
- c. Recreational vehicle sewage shall be disposed of at a proper sanitary waste facility. Waste must not be discharged in an area where drainage to streets or drainage system may occur.
- d. Mobile washing companies, such as carpet cleaning and mobile vehicle washing services, shall not discharge wastewater to the streets or storm drainage system.
- e. Objects such as motor vehicle parts that contain grease, oil or other hazardous substances and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to runoff. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain any leaks, spills, or discharges.

- f. Debris and residue shall be removed, as required below:
- (i) All motor vehicle parking lots and paved private streets shall be swept, at a minimum of once a year in the spring to remove debris. Such debris shall be collected and be disposed of properly.
  - (ii) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be removed as soon as possible and disposed of properly. Household hazardous waste must be disposed of through the county collection program or at any other authorized disposal site. Household hazardous waste shall not be placed in a trash container.

#### **50.09 : INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES TO THE STORM DRAINAGE SYSTEM**

- a. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharge to the storm drainage system.
- b. All facilities that have storm water discharges associated with industrial activity must adhere to the following requirements: Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

#### **50.10 : SALT STORAGE**

Any commercial, institutional, and non-NPDES permitted industrial facilities must maintain salt storage in accordance with the most recent MS4 Phase II general permit (MNR040000). At a minimum, designated salt storage areas must be covered or indoors, located on impervious surface, and implement practices to reduce exposure when transferring material in designated salt storage areas (e.e., sweeping, diversions, and/or containment).

#### **50.11 : NOTIFICATION OF SPILLS**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into the storm drainage system, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall

immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City no later than the next business day.

#### **50.12 : ACCESS TO BUILDINGS FOR INSPECTION, SAMPLING, DYE TESTING AND EXAMINATION RELATED TO STORM WATER DISCHARGE**

- a. The City must be permitted to enter and inspect all buildings under this section as often as may be necessary to determine compliance with this section and for the purposes of sampling, dye testing and examinations that relate to the discharge of storm water. If a person does not wish to allow the City to enter a building to conduct the required activity, he or she may retain a private inspector to conduct the activity. The private inspector must have credentials that are acceptable to the City. The private inspector shall provide the City with the relevant samples, test results, reports, drawings, photos, or any other information that is being requested.
- b. Upon the request of the City, the discharger must provide the City with copies of records that relate to the discharge of storm water.
- c. The City may require the discharger to install monitoring equipment or other such devices as necessary to conduct monitoring, sampling or dye testing of the facility's storm water discharge.
- d. If the City has been refused access to any part of the premises from which storm water is being discharged, and is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect, test, examine or sample as part of a routine program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of an administrative search warrant from any court of competent jurisdiction.

#### **50.13 : SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS**

- a. The City may, without prior notice, suspend storm drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present an imminent and substantial danger to the environment; to the public health or welfare; to the storm drainage system; or to the waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system or waters of the state, or to minimize danger to the public.



- b. Any person discharging to the storm drainage system in violation of this section may have his or her storm drainage system access terminated if such termination will abate or reduce an illicit discharge. No person shall reinstate the storm drainage system access to premises terminated pursuant to this section without the prior approval of the City.

#### **50.14 : ENFORCEMENT**

- a. Notice of Violation. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this section, the City may order compliance by sending written notice of the violation to the responsible person. Such notice may require without limitation:
  - (i) The performance of monitoring, analyses and reporting;
  - (ii) The elimination of illicit connections or discharges;
  - (iii) Discharges, practices, or operations in violation of this section to cease and desist;
  - (iv) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
  - (v) The implementation of source control or treatment BMPs.
- b. The offending party may appeal the City's notice to the City Council. An appeal must be brought in writing no later than 10 days from the date of the notice.
- c. If abatement of a violation or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the offending party fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof will be charged to the offending party.
- d. In the event that the abatement or restoration work is performed by the City, the City may charge the violator for its costs and expenses associated with the work. If the bill received for abatement or restoration is not paid within 30 days, the City may draw the amount of the bill from any financial guarantees that the City may be holding or may certify the amount to the county for collection with the property taxes.

#### **50.15 : PENALTY**

Any person who violates any provision of this section shall be guilty of a misdemeanor and shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes Section 609.03. Each additional day that the property remains in violation of this section shall constitute a separate violation of this section and may be prosecuted

accordingly. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this section, including, but not limited to, seeking a civil injunction or a restraining order.

*Chapter 50 (Individual Sewage Treatment Systems) REPEALED (Ord. 242, Passed 05-10-07); Chapter 50 (Illicit Discharge) (Ord. 267, Passed 12-19-11); Chapter 50 (Illicit Discharge) (Ord. 478, Passed 03-09-23)*

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## CHAPTER 51: REGULATING PUBLIC SANITARY SEWER AND WATER WITHIN THE CITY OF CORCORAN

### 51.010: PURPOSE

#### Subdivision 1. **Purpose.**

The City sanitary sewer and water supply systems represent significant public investments and their operation in an efficient and sanitary manner is essential to protect public health, safety and welfare, to safeguard municipal finances and to support development and economic vitality within the community. It is the purpose of this ordinance to protect the integrity, the financial stability and adequacy of the City sanitary sewer and water supply systems by regulating the construction, maintenance and use of those systems, and restricting the installation and use of private water supply wells and individual sewage treatment systems when necessary or appropriate. Priority for extending service is new development and the existing downtown commercial district. It is not the intention of the City to extend service and require connection of existing residential or agricultural properties unless requested as referenced in this ordinance.

### 51.015: DEFINITIONS

Subdivision 1. **Definitions.** The following terms shall have the meanings given to them unless another meaning is clear from the context:

1.1 **Account.** A record of utility services used by each property and the periodic charges for those utility services.

1.2 **Available (Access to Sewer/Water Line).** A trunk or lateral sewer or water line is deemed available to a property when (i) that line is either abutting the property or may be accessed by the property by utility or road easement/ROW, and (ii) the City has included the property within a defined service area approved for immediate utility service.

1.3 **City.** The City of Corcoran, County of Hennepin, State of Minnesota.

1.4 **City Utility System.** Facilities used for providing public utility service owned or operated by City or agency thereof, including sewer, storm sewer and water service.

1.5 **Commercial.** Defined as non-residential and non-agricultural use, which is typically commercial, industrial, or retail; operations.

1.6 **Connection Charge.** Connection charges are paid to the City by benefitting property owners to cover the City's costs of connection to and administration and operation of the City utility. Connection charges are set by the City Council.

1.7 **Fee Schedule.** A schedule of all utility rates and charges set by City ordinance.

1.8 **Residential.** Single and multi-family use.

1.9 **SAC (Metropolitan Council Sewer Availability Charge).** The Sewer Availability Charge (SAC) is a one-time fee by Metropolitan Council Environmental Services for each new connection to or increase in capacity demand on the Metropolitan Disposal System. The City may pass the SAC charge, along with possible local fees, to benefitting property owners. SAC charge units will be based on the assumed generation of 274 daily gallons of waste water flow per unit. Single family residential units will pay one SAC charge unit and other properties will pay a number of units based on estimated daily flow calculations (but in no case less than one unit). The City may periodically revise the SAC charge calculation and unit charge.

1.10 **Trunk Line Availability Charges (TLAC).** Trunk Line Availability Charges (“TLAC”) are fees charged to all properties for which a water or sanitary sewer trunk line is available. Separate TLAC will be charged for each of water and sewer trunk lines. The TLAC are charged in recognition of the current benefit to properties for which a trunk line is available, regardless whether the property is connected to the trunk line (whether directly or via a lateral). The City will set and may periodically revise the TLAC.

1.11 **Unimproved Land.** Land that does not have certain basic services necessary to utilize it for other purposes. These include electricity, telephone, street access, or water available.

1.12 **Water and Sanitary Sewer Systems.** Water and sanitary sewer transmission pipes, lines, fixtures, meters and all necessary equipment and appurtenances owned or operated by the City utility system for the purpose of providing water and sewer services for public or private use.

## **51.020: UTILITY CONNECTION, PERMISSIVE OR MANDATORY**

### **Subdivision 1. Mandatory Connection.**

1.1 As defined in Chapter 51.010 Subdivision 1.2, all new residential and non-residential construction to which utility service is available shall connect to the line at the time of construction.

1.2 When a trunk or lateral water or sewer line is available to an existing non-residential property (with a structure), as defined in Chapter 51.010 Subdivision 1.2, all such non-residential properties shall connect to the line upon the earlier of (i) reconstruction (other than overlay or maintenance) of an adjacent roadway under which the line lies, or (ii) within one year following availability.

1.3 Limited Exception: For the purpose of determining the mandated time of connection to a trunk or lateral made available as a part of the Downtown Utility and Street Improvement Project (approved by the City in 2016), existing non-residential properties mandated to connect to such lines shall do so no later than October 31, 2024. This limited

exception shall only apply to existing non-residential properties to which lines were made available as a part of the Downtown Utility and Street Improvement Project, and shall only apply to connections mandated by the City as a direct result of the same.

Subdivision 2. **Permissive Connection.**

2.1 The City may extend a trunk or lateral sewer or water line to serve an existing residential neighborhood or commercial district upon petition by property owners within the neighborhood or district. The City may consider the following information in approving or denying the petition: comprehensive cost of the project; cost to individual properties; demonstrated need for the project; existing site conditions of the proposed project; geographic scope of the project area, and any other information the City deems relevant.

2.2 If as a result of a property owner petition, the City makes a water or sewer trunk or lateral line available to existing residential or commercial properties, as defined in Chapter 51.010 Subdivision 1.2, the City shall have the discretion and authority to either require connection to the trunk or lateral line upon construction of the trunk or lateral line, or to defer connection of individual properties on a case-by-case basis.

**51.030: CHARGES, RATES AND BILLING**

Subdivision 1. **Availability and Connection Charges.**

1.1 **Trunk Line Availability Charges (TLAC).** TLAC shall be charged to and collected from benefitting properties property as follows:

1.1.1 **New Construction.** TLAC shall be charged and collected upon approval of the final plat for new construction. New development of residential or commercial property shall be charged one (1) TLAC per acre of pre-developable area.

1.1.2 **Existing Construction.** In the event service is extended to existing construction as defined in Chapter 51.020 Subdivision 2.1, TLAC shall be charged to each benefitting, residential or commercial property when the trunk or lateral line is made available to the property. TLAC shall be collected within 30 days notice from the City or; at the discretion of the City, collection may be deferred and financed for a period not to exceed 20 years. In the event the City allows deferral of collection, the deferred charge shall bear interest at a rate 1% above the City's cost of borrowing in the year the deferral was approved. Existing developed residential property, commercial property, and unimproved land will be charged one (1) TLAC regardless of acreage.

1.1.3 **Additional New Construction Without Platting.** In the event of new construction on unimproved land or as a result of teardown on existing platted lots, TLAC shall be collected from each individual or entity requesting or receiving a connection to the City water system. Credit will be given for any prior TLAC paid on behalf of the platted lot.

1.2 **Connection Charge.** Connection charges shall be paid by all benefitting properties at the time of (a) building permit for new construction, or (b) issuance of connection permit for existing residential and commercial.

1.3 **SAC (Metropolitan Council Sewer Availability Charge).** SAC shall be charged and collected at time of building permit issuance.

1.4 **Deferrals.** Property owners may apply to the City, pursuant to Minn. Stat. §435.193-195 for a deferral of payment for sewer and water charges assessed to their property. The City shall have full discretion to consider and approve or deny the request for deferral. Interest shall be assessed upon and accrue against all deferred charges.

## Subdivision 2. **Utility Usage Charges.**

2.1 **Charge for Water Usage.** Utility customers shall be billed for water based on metered usage in per thousand gallon units.

2.2 **Charge for Sanitary Sewer System Usage.** Utility customers shall be billed for sanitary sewer based on metered usage of water in per thousand gallon units.

2.3 **Administrative Base Charge.** In addition to metered usage charges, utility customers shall be billed a minimum administrative base charge for water and sanitary sewer service. The administrative base charge shall be paid at the same time and in the same manner as metered usage payments.

2.4 **Water Treatment Surcharge.** Utility customers shall be billed for a water treatment surcharge in an amount set by the City Council and adopted by ordinance. This surcharge shall be paid at the same time and in the same manner as usage charge payments. The water treatment surcharge shall be used to offset the costs of water treatment performed by the City of Maple Grove.

2.5 **Fee Schedule.** A utility fee schedule shall be prepared annually by the City Administrator and presented to the City Council for approval and adoption in ordinance form. The charge schedule shall be comprehensive and list all utility charges, including incentive-based water conservation incentive charges.

2.6 **Frequency of Charges.** Utility customers shall be invoiced monthly for utility services. Utility customers shall pay utility invoices upon the terms established by the City and as stated in the invoice. The City may contract with third party vendors to perform billing services.

2.7 **Designation of Billing Address.** All bills and notices pertaining to water and sanitary sewer systems sent by the City shall be sent to the house or street number of the property. If an owner or agent desires that personal notice be sent to a different address, that person shall file an application therefore with the City. Any error or change in any address shall be promptly reported to the City.

2.8 **Late Charges; Delinquent Bills.** A late charge, in an amount established in ordinance, shall be charged if bills are not paid by the due date established in that bill. If a bill is not paid within 30 days of the date that it becomes due, it shall be deemed delinquent. When a bill becomes delinquent, the City shall notify the property owner, in writing, of the same. An additional late charge shall be added on each monthly calculation date upon which a delinquent bill, including any previous late charges, remains unpaid.

2.9 **Assessing Delinquent Charges.** The City maintains the authority to certify delinquent charges to the Hennepin County Auditor for collection with taxes and to shut off water to property in certain cases where delinquencies are greater than 80 days. It shall be the practice of the City to certify delinquent payments annually, but this may be done on a more frequent basis at the discretion of the City Council. Before certification for collection, or shut off, the City shall notify the property owner of the date and time of the meeting to address the delinquency. The City Council shall have final authority over actions related to delinquent payments or shut off for a property.

2.10 **Errors in Billing.** The City Administrator shall be authorized to make adjustments in water charges when, in the opinion of the City Administrator, the amount billed to a utility customer was erroneous due to an inaccurate or defective meter, or due to other mistake.

## **51.040 CONSTRUCTION, MAINTENANCE, OWNERSHIP**

### **Subdivision 1. Authority to Conduct Services**

1.1 **Permit Required for Connection Work.** No person shall open, connect with, use, alter, or disturb any public water line or public sewer line or appurtenance thereof without first obtaining a written permit from the City pursuant to this section.

1.2 **Persons Authorized to Work on City Water and Sewer System.** Only a duly authorized employee of the City or City contractors, are permitted to do any work on City water lines, or water meters connected to the City water system, .

1.3 **Damaging or Tampering Prohibited.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the municipal water line infrastructure.

1.4 **Inspections.** The Building Inspector and any other duly authorized City employee, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this section.



## Subdivision 2. **Water System.**

2.1 **Water Quality.** The City purchases all utility system water from the City of Maple Grove, which has the authority to establish and control water quality standards as well as ordinances and rules applicable to the preservation and use of the water it supplies to the City. The use and supply of water furnished by Maple Grove shall at all times be governed by the applicable Maple Grove ordinances and rules in effect for the preservation, use and protection of its water supply. The City hereby adopts the applicable City of Maple Grove preservation, use and protection ordinances and rules by reference, and shall enforce said ordinances and rules hereunder. The City reserves the right to adopt additional ordinances and rules affecting the preservation, use and protection of its utility system water.

2.2 **Maintenance and Repair of Water Mains.** The City shall be responsible for maintenance and repair of the water line infrastructure including the water shutoff valve out to the lateral connection. Maintenance and repair of water lines located on private property from the water shutoff valve to the home is the responsibility of the property owner. If a property owner fails to make the necessary repairs to the water line within 30 days after the owner is notified to do so by the City, in writing, the City may cause the repairs to be completed and charged to the property owner for all costs associated with the repair. In cases where an emergency is declared, the City shall cause repairs to the water system to be made immediately, which may include turning off the water to the property immediately.

### 2.3 **Water Meters.**

2.3.1 **Water Meter Required.** No person except authorized City employees shall use water from the City water supply system or permit water to be drawn therefrom, unless the water is metered by passing through a meter supplied or approved by the City.

2.3.2 **Tampering Prohibited.** No person shall connect, disconnect, disassemble, alter, cause to be altered, tamper, obstruct, or interfere with any City water meter, unless authorized by the City.

2.3.3 **Bypassing Meters or Taking Water.** No person shall bypass or tamper with any water meter for any reason.

2.3.4 **Ownership of Meters.** Water meters shall be and remain the property of the City. Meters may be removed, replaced, or changed by the City whenever the City deems it necessary.

2.3.5 **City Access to Read, Repair, and Replace Meters. Conduct Inspections.** Authorized City employees shall have access at reasonable hours of the day to all parts of every building and premises connected with the City water supply system to read, repair, and replace meters and conduct inspections. Before entering private property to do so, the City shall solicit the written consent of the property owner. If a property owner refuses to give consent or fails to respond, the City may pursue legal options to enter the property.

2.3.6 **Cost of Inspection.** City staff will set and impose a cost for inspecting a meter that is reported to be malfunctioning or defective. This cost shall be reimbursed to the property owner should the meter require replacement or repair.

2.3.7 **Cost of Repair.** The City shall be responsible for the repair and replacement of water meters unless a meter is damaged by a property owner intentionally or the damage is due to carelessness on the part of the property owner. In such instances, the property owner shall be responsible for the costs of repair and/or replacement.

2.3.8 **Meter Accuracy.** The City may charge a fee as established annually for investigating and testing meter accuracy. If the meter is determined to be faulty, the charge will be refunded.

2.4 **Water System Mapping.** The City shall maintain a comprehensive water system map detailing the following information: The number and line locations, the type and diameter of pipe, and the location of access points. The City shall maintain a program of regular inspection and maintenance performed on its water system lines. The City shall also maintain a program for lift station inspection and maintenance.

2.5 **Water Use Conservation.** The City reserves the right to impose water use restrictions pursuant to conservation efforts as required by regulatory authorities. The City may adopt administrative policies and procedures related to and regulating water conservation practices.

2.6 **Fire Hydrants.** Fire hydrants located within the limits of the City of Corcoran shall be the property of the City. Only persons authorized by the City shall be allowed to open and operate any fire hydrant in the City for any purpose. Temporary access to hydrants may be granted by the City to previously unauthorized persons via a permit issued by the City. Payment for water used, except for that used in firefighting, shall be made in accordance with adopted ordinance.

2.7 **City Not Liable for Damages Resulting from Interruption of Service.** The City shall not be liable for any damages which result from any stoppage or slowing of the supply or flow of water as a result of breaks in mains, service pipes, fixtures, or by reason of obstruction or the breakdown of machinery. The City shall also not be liable for any damages which result from such stoppage or slowing that is the result of any necessary repair, or any other interruption in service.

2.8 **Cross Connections Prohibited.** No City water pipe shall be connected with any pump, well, or tank that is connected with any other source of water supply. When such a connection is found, the City shall notify the owner of the property on which the connection is found and order that the cross connection be disconnected. If this is not accomplished immediately, the water supply to the property may be turned off at the direction of the City Council. Before any new connection to the water system is permitted, the City shall ascertain that no cross-connection will exist when the connection is made.

## 2.9 **Abandoned Services.**

2.9.1 **Disconnection Required.** All service installations connected to the water system that have been abandoned or have become useless for further service shall be disconnected at the main by the City. All pipe and appurtenances removed shall be the property of the City.

2.9.2 **Change to New Water Service.** When a new primary structure is erected on the site of an old structure, and it is desired to increase or alter the old water service, no connections with the City mains shall be permitted until all the old service is removed and the main plugged. If there is an existing water service to an accessory structure, it may remain in use.

2.10 **Irrigation Systems.** All irrigation systems connected to the municipal system shall be installed per plumbing code and have a rain detection device so as to prevent irrigation during rain events.

2.11 **Emergency Water Restrictions.** The authorized staff to act in a water emergency include the Mayor, Engineer, Public Works Superintendent and Administrator. When any two of the authorized staff determine pressure or quantities are (or may become) inadequate, a water emergency may be declared by posted notice and typical City communication methods (website, etc.).

2.11.1 Council will review the water emergency restrictions at the next regular Council meeting and confirm or remove the restriction.

## Subdivision 3. **Sewer System.**

3.1 **Maintenance and Repair of Sewer System.** The property owner shall be responsible for maintaining and repairing the sanitary sewer line from the structure to the connection with the public sewer main. The City shall be responsible for maintaining and repairing the remainder of the sanitary sewer infrastructure. If a property owner fails to make the necessary repairs to the sewer line infrastructure within 30 days after the owner is notified to do so by the City, in writing, the City may cause the repairs to be completed and charged to the property owner for all costs associated with the repair. In cases where an emergency is declared, the City shall cause repairs to the sewer system to be made immediately.

3.2 **Sewer Mapping.** The City shall maintain a comprehensive sanitary sewer system map detailing the following information: The number and location of manholes, the number and location of service connections, line locations, the type and diameter of pipe, and the location of lift stations. The City shall maintain a program of regular inspection and maintenance performed on sanitary sewer lines. The City shall also maintain a program for lift station inspection and maintenance.

3.3 **Damaging or Tampering Prohibited.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sanitary sewer system.

3.4 **Inspections.** Every person owning real estate that discharges into the City sanitary sewer system shall allow the Building Inspector, any duly authorized City employee, designated representative of the City, or a licensed plumber bearing proper credentials and identification, to enter the property for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this section. This includes to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person refusing to allow their property to be inspected shall immediately become subject to a surcharge in an amount established by the fee schedule. Any property found to be discharging storm water into the sanitary sewer system, either directly or indirectly shall make the necessary changes and furnish proof of the changes to the City within six months of the inspection. A surcharge in an amount established by the fee schedule shall be imposed on the property owner's sanitary sewer utility bill for properties in violation of this ordinance and continue until the property is found to be in compliance.

3.4.1 If a person does not wish to allow the City to enter a building to conduct the required activity, he or she may retain a licensed plumber to conduct the activity. The private inspector must have credentials that are acceptable to the City. The private inspector shall provide the City with the relevant samples, tests, reports, drawings, photos, or any other information that is being requested.

3.5 **City Not Liable for Damages Resulting Interruption of Service.** The City shall not be liable for any damages which result from the backup of sewer lines as a result of breaks in mains, service pipes, fixtures, or by reason of obstruction or the breakdown of machinery. The City shall also not be liable for any damages which result from such stoppage or slowing or backup that is the result of any necessary repair, or any other interruption in service.

3.6 **Discharge to Public Sewer.** No person shall discharge or cause to be discharged any prohibited waste discharges as defined in the Metropolitan Council's waste discharge rules (WDR), February 2013 or latest version. This includes harmful wastes, whether liquid, solid, or gas, capable of causing obstruction to the flow in the sewer system, damage, or hazard to sewer structures, equipment, or personnel. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, runoff, subsurface drainage, cooling water, or industrial processed waters to any City sanitary sewer, or otherwise interfere with the proper operation of the City sewer system. This includes sump discharges.

3.6.1 **Industrial and Commercial Strength.** Industrial users discharging wastewater into public sewers shall apply for an industrial discharge permit according to the WDR (February 2013 or latest version), unless MCES determines that the wastewater has an insignificant impact on public sewers.

### 3.7 **Abandoned Services.**

3.7.1 **Disconnection Required.** All service installations connected to the sanitary sewer system that have been abandoned or have become useless for further service shall be disconnected at the main by the City. All pipe and appurtenances removed shall be the property of the City.

3.7.2 **Change to New Sanitary Sewer Service.** When a new structure is erected on the site of an old structure, and it is desired to increase or alter the old sanitary sewer, no connections with the City mains shall be permitted until all the old service is removed and the main plugged.

## 51.050 ADMINISTRATION AND ENFORCEMENT

### Subdivision 1.

1.1 **Duties, Responsibilities, and Authority of City Administrator.** The City Administrator shall be responsible for the implementation of this section and shall report annually to the City Council, as a part of the annual City budget process. At that time, the City Administrator shall inform the City Council of the status of the condition of the infrastructure, replacement requirements, and the financial condition and performance of the utility enterprise fund.

### Subdivision 2. **Penalties.**

2.1 Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor. Each day that any violation is continued shall constitute a separate offense.

### Subdivision 3. **Liability for Damages.**

3.1 A person who violates any of the provisions of this ordinance is liable to the City for any expense, loss, or damage incurred by the City by reason of such violation.

### Subdivision 4. **Delinquent Accounts.**

Delinquent accounts shall be subject to the following procedures:

4.1 **Penalties.** A late payment penalty of ten percent shall be assessed on all accounts with a past due balance.

4.2 **Shut-off for non-payment.** Water shall not be shut-off until notice and an opportunity for a hearing before the city council has been provided to the occupant and owner of the premises involved.

4.2.1 If any bill is not paid by 30 days after the due date listed on the bill, the city shall send a letter by first class mail demanding payment within 30 days of the date of the letter.

4.2.2 If any bill is not paid by 60 days after the due date listed on the bill, the city shall send a second letter by first class mail stating that if payment is not made within 20 days of the date of the letter, water service to the premises will be shut-off for nonpayment.

4.2.3 The first and second letters shall contain the title, address and telephone number of the official in charge of billing.

4.2.4 The city clerk shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.

4.2.5 The letters shall also state that any occupant or owner has the right to a hearing before the water service is shut-off. The owner or occupant may be represented in person and by counsel or any other person of owner's choosing. The owner or occupant may present orally or in writing their complaint to the city council.

4.2.6 If an occupant or owner requests a hearing, the water shall not be shut-off until the hearing process is complete.

4.2.7 If a customer fails to pay a bill when due and fails to request a hearing under this part, service will be shut-off at the time specified in the notice. Any residential property for which water service has been terminated under this subdivision shall be deemed uninhabitable under City code.

#### 4.3 **Certification for collection with taxes.**

4.3.1 Unpaid charges on water, sewer, and other utility services shall not be certified to the county auditor until notice for a hearing has been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made by September 25, the entire amount unpaid plus a penalty of ten percent will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges.

4.3.2 The owner of the property shall have the option of paying the balance due on the account by September 25. After this date, the certified roll will be finalized. After the date the certified roll is finalized, payments will still be accepted but will include the ten percent penalty.

*(Ord. 277, passed 07-24-14, Ord. 396, passed 05-09-19, Ord. 404, passed 04-23-20, Ord. 481, passed 04-13-23)*

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## **CHAPTER 52: RIGHT OF WAY MANAGEMENT**

### **52.01: FINDINGS, PURPOSE, AND INTENT**

To provide for the health, safety, and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights of way, the city strives to keep its rights of way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the city hereby enacts this new chapter of this code relating to right of way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights of way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights of way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights of way.

This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minnesota Statutes, Section 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and 2017 Minnesota Laws, Chapter 94, Article 9, amending the Act, and the other laws governing applicable rights of the city and users of the right of way. This chapter shall also be interpreted consistent with Minnesota Rules 7819.0050–7819.9950 and Minnesota Rule, Chapter 7560 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

### **52.02 : ELECTION TO MANAGE THE PUBLIC RIGHTS OF WAY**

Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant to Minnesota Statutes, Section 237.163 subd. 2(b), to manage rights of way within its jurisdiction.

### **52.03 : DEFINITIONS**

The following definitions apply in this chapter of this code. References hereafter to “sections” are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

**Abandoned Facility.** A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right of way user.

**Applicant.** Any person requesting permission to excavate or obstruct a right of way.



**City.** The city of Corcoran, Minnesota. For purposes of section 52.29, city also means the City's elected officials, officers, employees, and agents.

**Collocate or Collocation.** To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit.

**Commission.** The State Public Utilities Commission.

**Congested Right of Way.** A crowded condition in the subsurface of the public right of way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statute, Section 216D.04, Subd. 3, over a continuous length in excess of 500 feet.

**Construction Performance Bond.** Any of the following forms of security provided at permittee's option:

- Individual project bond;
- Cash deposit;
- Security of a form listed or approved under Minnesota Statute, Section 15.73, Subd. 3;
- Letter of Credit, in a form acceptable to the city;
- Self-insurance, in a form acceptable to the city;
- A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

**Degradation.** A decrease in the useful life of the right of way caused by excavation in or disturbance of the right of way, resulting in the need to reconstruct such right of way earlier than would be required if the excavation or disturbance did not occur.

**Degradation Cost.** Subject to Minnesota Rule 7819.1100, means the cost to achieve a level of restoration, as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules 7819.9900 to 7819.9950.

**Degradation Fee.** The estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right of way caused by the excavation, and which equals the degradation cost.

**Department.** The department of public works of the city.

**Director.** The director of the department of public works of the city, or her or his designee.

**Delay Penalty.** The penalty imposed as a result of unreasonable delays in right of way excavation, obstruction, patching, or restoration as established by permit.

**Emergency.** A condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service

to a customer.

**Equipment.** Any tangible asset used to install, repair, or maintain facilities in any right of way.

**Excavate.** To dig into or in any way remove or physically disturb or penetrate any part of a right of way.

**Excavation permit.** The permit which, pursuant to this chapter, must be obtained before a person may excavate in a right of way. An Excavation permit allows the holder to excavate that part of the right of way described in such permit.

**Excavation Permit Fee.** Money paid to the city by an applicant to cover the costs as provided in Section 52.12.

**Facility or Facilities.** Any tangible asset in the right of way required to provide Utility Service.

**Hole.** An excavation in the pavement, with the excavation having a length less than the width of the pavement.

**Local Representative.** A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

**Management Costs.** The actual costs the city incurs in managing its rights of way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right of way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right of way work; determining the adequacy of right of way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right of way or small wireless facility permits. Management costs do not include payment by a telecommunications right of way user for the use of the right of way, unreasonable fees of a third-party contractor used by the city including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the city, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statute 237.162 or 237.163; or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to Section 52.31 of this chapter.

**Obstruct.** To place any tangible object in a right of way so as to hinder free and open passage over that or any part of the right of way.

**Obstruction Permit.** The permit which, pursuant to this chapter, must be obtained before a person may obstruct a right of way, allowing the holder to hinder free and open passage over the specified portion of that right of way, for the duration specified therein.

**Obstruction Permit Fee.** Money paid to the city by a permittee to cover the costs as provided

in Section 52.12.

**Patch or Patching.** A method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the city's five-year project plan.

**Pavement.** Any type of improved surface that is within the public right of way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

**Permit.** Has the meaning given "right of way permit" in Minnesota Statute 237.162.

**Permittee.** Any person to whom a permit to excavate or obstruct a right of way has been granted by the city under this chapter.

**Person.** An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

**Registrant.** Any person who (1) has or seeks to have its equipment or facilities located in any right of way, or (2) in any way occupies or uses, or seeks to occupy or use, the right of way or place its facilities or equipment in the right of way.

**Restore or Restoration.** The process by which an excavated right of way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

**Restoration Cost.** The amount of money paid to the city by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission rules.

**Public Right of Way or Right of Way.** The area on, below, or above a public roadway, highway, street, cartway, bicycle lane, or public sidewalk in which the city has an interest, including other dedicated rights of way for travel purposes and utility easements of the city. A right of way does not include the airwaves above a right of way with regard to cellular or other non-wire telecommunications or broadcast service.

**Right of Way Permit.** Either the excavation permit or the obstruction permit, or both, depending on the context, required by this chapter.

**Right of Way User.** (1) A telecommunications right of way user as defined by Minnesota Statute 237.162, Subd. 4; or (2) a person owning or controlling a facility in the right of way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right of way.

**Service or Utility Service.** Includes (1) those services provided by a public utility as defined in Minnesota Statute 216B.02, Subds. 4 and 6; (2) services of a telecommunications right of way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minnesota Statute, Chapter 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minnesota Statute, Chapter 308A; and (6) water, and sewer, including service laterals, steam, cooling, or heating services.

**Service Lateral.** An underground facility that is used to transmit, distribute or furnish 'gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.

**Small Wireless Facility.** A wireless facility that meets both of the following qualifications:

- (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- (ii) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

**Supplementary Application.** An application made to excavate or obstruct more of the right of way than allowed in, or to extend, a permit that had already been issued.

**Temporary Surface.** The compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the city's two-year plan, in which case it is considered full restoration.

**Trench.** An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

**Telecommunications Right of Way User.** A person owning or controlling a facility in the right of way, or seeking to own or control a facility in the right of way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minnesota Statute Chapter 238, and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minnesota Statute 216B.02, a municipality, a municipal gas or power agency organized under Minnesota Statute Chapter 453 and 453A, or a cooperative electric association organized under Minnesota Statute Chapter 308A, are not

telecommunications right of way users for purposes of this chapter except to the extent such entity is offering wireless service.

**Utility Pole.** A pole that is used in whole or in part to facilitate telecommunications or electric service.

**Wireless Facility.** Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

**Wireless Service.** Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

**Wireless Support Structure.** A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

#### **52.04 : ADMINISTRATION**

The public works director is the principal city official responsible for the administration of the rights of way, right of way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

#### **52.05 : REGISTRATION AND RIGHT OF WAY OCCUPANCY**

**Subd. 1. Registration.** Each person who occupies or uses, or seeks to occupy or use, the right of way or place any equipment or facilities in or on the right of way, including persons with installation and maintenance responsibilities by lease, sublease, or assignment, must register with the city. Registration will consist of providing application information.

**Subd. 2. Registration Prior to Work.** No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right of way without first being registered with the city.

**Subd. 3. Exceptions.** Nothing herein shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right of way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter. However, nothing herein

relieves a person from complying with the provisions of the Minnesota Statute Chapter 216D, Gopher One Call Law.

## **52.06 : REGISTRATION INFORMATION**

**Subd. 1. Information Required.** The information provided to the city at the time of registration shall include, but not be limited to:

- (a) Each registrant's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
- (b) The name, address, and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (c) A certificate of insurance or self-insurance:
  - (1) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state of Minnesota, or a form of self-insurance acceptable to the city;
  - (2) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right of way by the registrant, its officers, agents, employees, and permittees, and (ii) placement and use of facilities and equipment in the right of way by the registrant, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;
  - (3) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
  - (4) Requiring that the city be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and
  - (5) Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by the city in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.
  - (6) The city may require a copy of the actual insurance policies.
  - (7) If the person is a corporation, a copy of the certificate is required to be filed under state law as recorded and certified to by the secretary of state.
  - (8) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other authorization or approval from the applicable state or federal agency to lawfully operate, where the person is lawfully required to have such authorization or approval from said commission or other state or federal agency.

**Subd. 2. Notice of Changes.** The registrant shall keep all of the information listed above current at all times by providing to the city information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.



## 52.07 : FRANCHISES

The city may, in addition to the requirements of this article, require any person who has or seeks to have equipment located in any right-of-way to obtain a franchise to the full extent permitted by law, now or hereafter enacted. The terms of any franchise which are in direct conflict with any provisions of this article, whether granted prior or subsequent to enactment to this article (excluding the city's police powers, which shall always be reserved to the city), shall control and supersede the conflicting terms of this article; provided, however, that requirements relating to insurance, sureties, penalties, letters of credit, indemnification or any other security in favor of the city may be cumulative in the sole determination of the city or unless otherwise negotiated by the city and the franchise grantee. All other terms of this article shall be fully applicable to all persons, whether franchised or not. This section is subject to the requirements of Minn. Stats. § 237.163, subd. 7(a)(4).

## 52.08 : PERMIT REQUIREMENT

**Subd. 1. Permit Required.** Except as otherwise provided in this code, no person may obstruct or excavate any right of way, or install or place facilities in the right of way, without first having obtained the appropriate right of way permit from the city to do so.

- (a) *Excavation Permit.* An excavation permit is required by a registrant to excavate that part of the right of way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities described therein, to the extent and for the duration specified therein.
- (b) *Obstruction Permit.* An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right of way by placing equipment described therein on the right of way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.
- (c) *Small Wireless Facility Permit.* A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion or the right of way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

**Subd. 2. Permit Extensions.** No person may excavate or obstruct the right of way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right of way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

**Subd. 3. Delay Penalty.** In accordance with Minnesota Rule 7819.1000 Subp. 3 and notwithstanding Subd. 2 of this Section, the city shall establish and impose a delay penalty for unreasonable delays in right of way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.

**Subd. 4. Permit Display.** Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by

the city.

## **52.09 : PERMIT APPLICATIONS**

Application for a permit is made to the city. Right of way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

- (a) Registration with the city pursuant to this chapter.
- (b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
- (c) Payment of money due the city for:
  - (1) permit fees, estimated restoration costs, and other management costs;
  - (2) prior obstructions or excavations;
  - (3) any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights of way or any emergency actions taken by the city;
  - (4) franchise fees or other charges, if applicable.
- (d) Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least 110 percent of the amount owing.
- (e) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards.

## **52.10 : ISSUANCE OF PERMIT; CONDITIONS**

**Subd. 1. Permit Issuance.** If the applicant has satisfied the requirements of this chapter, the city shall issue a permit.

**Subd. 2. Conditions.** The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right of way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minnesota Statute 216D.01 - .09 (Gopher One Call Excavation Notice System) and Minnesota Rule, Chapter 7560.

**Subd. 3. Small Wireless Facility Conditions.** In addition to subdivision 2, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:

- (a) A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
- (b) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a



lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.

- (c) No wireless facility may extend more than 10 feet above its wireless support structure.
- (d) Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
- (e) Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.
- (f) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

**Subd. 4. Small Wireless Facility Agreement.** A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of the following:

- (a) Up to \$150 per year for rent to collocate on the city structure.
- (b) \$25 per year for maintenance associated with the collocation;
- (c) A monthly fee for electrical service as follows:
  - 1. \$73 per radio node less than or equal to 100 maximum watts;
  - 2. \$182 per radio node over 100 maximum watts; or
  - 3. The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant.

## **52.11 : ACTION ON SMALL WIRELESS FACILITY PERMIT APPLICATIONS**

**Subd. 1. Deadline for Action.** The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.

**Subd. 2. Consolidated Applications.** An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

- (a) are located within a two-mile radius;

- (b) consist of substantially similar equipment; and
- (c) are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

**Subd. 3. Tolling of Deadline.** The 90-day deadline for action on a small wireless facility permit application may be tolled if:

- (a) The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension.
- (b) The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.
- (c) The city and a small wireless facility applicant agree in writing to toll the review period

## **52.12 : PERMIT FEES**

**Subd. 1. Excavation Permit Fee.** The city shall impose an excavation permit fee in an amount sufficient to recover the following costs:

- (a) the city management costs;
- (b) degradation costs, if applicable.

**Subd. 2. Obstruction Permit Fee.** The city shall impose an obstruction permit fee in an amount sufficient to recover the city management costs.

**Subd 3. Small Wireless Facility Permit Fee.** The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

- (a) management costs, and;
- (b) city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

**Subd. 4. Payment of Permit Fees.** No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay such fees within thirty (30) days of billing.

**Subd. 5. Non- Refundable.** Permit fees that were paid for a permit that the city has revoked for a breach as stated in Section 52.23 are not refundable.

**Subd. 6. Application to Franchises.** Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right of way user in the franchise.

## **52.13 : INSTALLATION OF UNDERGROUND FACILITIES WITHIN PUBLIC RIGHT-OF-WAYS.**

**Subd. 1. Underground Facility Standards.** The permittee shall comply with the following requirements when installing underground facilities:

- (a) Underground facilities shall, where reasonably possible, be installed outside the paved or surface area in areas with the least potential future conflict. If unable to install outside the surfaced area, the installation shall be as close to the edge of the roadway surface as possible to allow access thereto without unnecessarily disturbing paved areas of the roadway.
- (b) Public right-of-way alignment and grade shall be maintained.
- (c) Fiber facilities shall be buried in a proper conduit and at a depth of no less than three feet deep and no more than four feet deep; copper facilities below concrete or bituminous paved roadway surfaces shall be buried no less than three feet deep and no more than four feet deep, and all other copper facilities shall be buried no less than 30 inches deep and no more than four feet deep.
- (d) All underground facilities which cross streets or hard surfaced driveways shall be bored and installed in conduit when requested by the City. Gas mains and services do not need to be installed in conduit.
- (e) When using trenchless installation methods to cross an area where an existing utility is located or when directed by the City, the permittee shall excavate an observation hole to expose the existing utility prior to crossing such utility to ensure that existing utilities aren't damaged. When an observation hole must be excavated in an existing pavement section, the pavement must be cut using the coring method.
- (f) If the project work involves an open cut, the permittee shall install visual tracers 18 inches over buried facilities. If other construction methods are used, substitute location methods may be used upon approval by the City.
- (g) During plowing or trenching of facilities, a warning tape shall be placed at a depth of 18 inches above copper cables with over 200 pairs and fiber facilities and a locating wire or conductive shield shall be installed above buried telecommunication facilities, except for di-electric cables.
- (h) All facilities shall be located so as to not interfere with existing and potential future traffic signals and signs.
- (i) Unless approved by the Director, all above ground appurtenances shall be located no closer than 10 feet to City hydrants, waterline valves, manholes, lift stations, catch basins; not in front of any City or private sign, monument or amenity for facilities or parks; and no closer than two feet from sidewalks and trails.
- (j) Underground facilities shall not be installed between a hydrant and an auxiliary valve.
- (k) Underground facilities shall not be installed within five feet of hydrants, waterline valves, lift stations, manholes or catch basins unless approved by the Director.

## **52.14 : RIGHT OF WAY PATCHING AND RESTORATION**

**Subd. 1. Timing.** The work to be done under the excavation permit, and the patching and restoration of the right of way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances

beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under Section 52.17.

**Subd. 2. Patch and Restoration.** Permittee shall patch its own work. The city may choose either to have the permittee restore the right of way or to restore the right of way itself.

- (a) **City Restoration.** If the city restores the right of way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with correcting the defective work.
- (b) **Permittee Restoration.** If the permittee restores the right of way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rule 7819.3000.
- (c) **Degradation Fee in Lieu of Restoration.** In lieu of right of way restoration, a right of way user may elect to pay a degradation fee. However, the right of way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

**Subd. 3. Standards.** The permittee shall perform excavation, backfilling, patching, and restoration according to the standards and with the materials specified by the city and shall comply with Minnesota Rule 7819.1100.

**Subd. 4. Duty to Correct Defects.** The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. Said work shall be completed within five (5) calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 52.17.

**Subd. 5. Failure to Restore.** If the permittee fails to restore the right of way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right of way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

## **52.15 : JOINT APPLICATIONS**

**Subd. 1. Joint application.** Registrants may jointly apply for permits to excavate or obstruct the right of way at the same place and time.

**Subd. 2. Shared fees.** Registrants who apply for permits for the same obstruction or excavation, which the city does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

**Subd. 3. With city projects.** Registrants who join in a scheduled obstruction or excavation performed by the city, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

#### **52.16 : SUPPLEMENTARY APPLICATIONS**

**Subd. 1. Limitation on Area.** A right of way permit is valid only for the area of the right of way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

**Subd. 2. Limitation on Dates.** A right of way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

#### **52.17 : OTHER OBLIGATIONS**

**Subd. 1. Compliance with Other Laws.** Obtaining a right of way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statute 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rule, Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right of way pursuant to its permit, regardless of who does the work.

**Subd. 2. Prohibited Work.** Except in an emergency, and with the approval of the city, no right of way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

**Subd. 3. Interference with Right of Way.** A permittee shall not so obstruct a right of way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right of way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

**Subd. 4. Trenchless Excavation.** As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statute Chapter 216D and

Minnesota Rule, Chapter 7560 and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the director.

#### **52.18 : DENIAL OR REVOCATION OF PERMIT**

**Subd. 1. Reasons for Denial.** The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare of the public or when necessary to protect the right of way and its current use.

**Subd. 2. Procedural Requirements.** The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

#### **52.19 : INSTALLATION REQUIREMENTS**

The excavation, backfilling, patching and restoration, and all other work performed in the right of way shall be done in conformance with Minnesota Rule 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minnesota Rule, Chapter 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits and/or agreements referenced in Section 52.24 Subd. 2 of this ordinance.

#### **52.20 : INSPECTION**

**Subd. 1. Notice of Completion.** When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rule 7819.1300.

**Subd. 2. Site Inspection.** Permittee shall make the work site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

#### **Subd 3. Authority of Director.**

- (a) At the time of inspection, the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.
- (b) The director may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit pursuant to Sec. 52.23.

## **52.21 : WORK DONE WITHOUT A PERMIT**

**Subd. 1. Emergency Situations.** Each registrant shall immediately notify the director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

**Subd. 2. Non-Emergency Situations.** Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right of way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by the city code, deposit with the city the fees necessary to correct any damage to the right of way, and comply with all of the requirements of this chapter.

## **52.22 : SUPPLEMENTARY NOTIFICATION**

If the obstruction or excavation of the right of way begins later or ends sooner than the date given on the permit, permittee shall notify the city of the accurate information as soon as this information is known.

## **52.23 : REVOCATION OF PERMITS**

**Subd. 1. Substantial Breach.** The city reserves its right, as provided herein, to revoke any right of way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

- (a) The violation of any material provision of the right of way permit.
- (b) An evasion or attempt to evade any material provision of the right of way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens.
- (c) Any material misrepresentation of fact in the application for a right of way permit.
- (d) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control.
- (e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Sec. 52.20.



**Subd. 2. Written Notice of Breach.** If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

**Subd. 3. Response to Notice of Breach.** Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. Permittee's failure to so contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

**Subd. 4. Reimbursement of city costs.** If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

## **52.24 : MAPPING DATA**

**Subd. 1. Information Required.** Each registrant and permittee shall provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the director accurate maps and drawings certifying the "as-built" location of all equipment installed, owned, and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city's electronic mapping system, when practical or as a condition imposed by the director. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.

**Subd. 2. Service Laterals.** All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rule 7560.0150, Subp. 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the director reasonably requires it. Permittees or their subcontractors shall submit to the director evidence satisfactory to the director of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals installed after Dec. 31, 2005, shall be a condition of any city approval necessary for:

- a) payments to contractors working on a public improvement project, including those under Minnesota Statute Chapter 429, and
- b) city approval under development agreements or other subdivision or site plan approval under Minnesota Statute Chapter 462. The director shall reasonably determine the appropriate method of providing such information to the city. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or future permits to the offending permittee or its subcontractors.



## **52.25 : LOCATION AND RELOCATION OF FACILITIES**

**Subd. 1.** Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

**Subd. 2. Nuisance.** One year after the passage of this chapter, any facilities found in a right of way that have not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right of way to a useable condition.

**Subd. 3. Limitation of Space.** To protect the health, safety, and welfare of the public, or when necessary to protect the right of way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right of way. In making such decisions, the city shall strive to the extent possible to accommodate all existing and potential users of the right of way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right of way, the time of year with respect to essential utilities, the protection of existing facilities in the right of way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

## **52.26 : PRE-EXCAVATION FACILITIES LOCATION**

In addition to complying with the requirements of Minnesota Statute 216D.01-.09 ("One Call Excavation Notice System") before the start date of any right of way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

## **52.27 : DAMAGE TO OTHER FACILITIES**

When the city does work in the right of way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right of way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

## **52.28 : RIGHT OF WAY VACATION**

**Reservation of right.** If the city vacates a right of way that contains the facilities of a

registrant, the registrant's rights in the vacated right of way are governed by Minnesota Rule 7819.3200.

#### **52.29 : INDEMNIFICATION AND LIABILITY**

By registering with the city, or by accepting a permit under this chapter, a registrant or permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250.

#### **52.30 : ABANDONED AND UNUSABLE FACILITIES**

**Subd. 1. Discontinued Operations.** A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right of way under this chapter have been lawfully assumed by another registrant.

**Subd. 2. Removal.** Any registrant who has abandoned facilities in any right of way shall remove it from that right of way if required in conjunction with other right of way repair, excavation, or construction, unless this requirement is waived by the city.

#### **52.31 : APPEAL**

A right of way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; (4) believes that the fees imposed are not in conformity with Minnesota Statute 237.163, Subd. 6; or (5) disputes a determination of the director regarding Section 52.23, Subd. 2 of this ordinance may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting, provided the right of way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

#### **52.32 : RESERVATION OF REGULATORY AND POLICE POWERS**

A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances as necessary to protect the health, safety, and welfare of the public.

#### **52.33 : SEVERABILITY**

If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

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## **CHAPTER 53: WETLAND CONSERVATION ACT ADMINISTRATION**

### **53.01: PURPOSE**

Effective March 1, 2019, the City of Corcoran will assume all Local Government Unit (LGU) duties and be solely responsible for the implementation of the Wetland Conservation Act of 1991 (the “Act”) within the City. Pursuant to 8420.0200, Subp. 2 of the Act, an LGU may charge reasonable fees to property owners or such owner’s designated responsible agent or representative to cover the implementation of the Act. The City desires to recover any such fees which go unpaid via a special assessment against the subject property.

### **53.02: SPECIAL ASSESSMENT OF UNPAID COSTS CHARGED TO THE PROPERTY OWNER**

The City of Corcoran shall maintain the right to recover from the responsible property owner or that owner’s designated responsible agent or representative those costs incurred by the City in implementing the Act. Such costs shall be invoiced to the applicable property owners or such owner’s designated responsible agent or representative and those costs not timely paid by the property owner may be collected via a special assessment against the subject property pursuant to the process outlined in Minnesota Statutes Chapter 429.

*(Ord. 386, passed 02-28-19)*

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## **CHAPTER 54: LAND DISTURBANCE AND EROSION AND SEDIMENT CONTROL**

### **54.01: INTENT**

The intent of this chapter is to promote the health, safety, and general welfare of the citizens of the City by requiring storm water management practices for construction activity.

### **54.02 : STATUTORY AUTHORIZATION**

This chapter is adopted pursuant to Minnesota Statute § 462.351 (for cities and towns), as it may be amended from time to time, and as required by the latest version of the Minnesota Pollution Control Agency's (MPCA) General Stormwater Permit for Construction Activity (MN R100001) and General Small Municipal Separate Storm System (MS4) Permit (MN R04000).

### **54.03 : FINDINGS**

The City hereby finds that uncontrolled Land Disturbing Activity, as defined herein, at construction sites are subject to soil erosion and other pollutants which enter into receiving water bodies adversely affecting the public health, safety, and general welfare by impacting water quality, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City to provide adequate water, sewage, flood control, and other community services.

### **54.04 : PURPOSE**

The purpose of this chapter is to promote, preserve, and enhance the natural resources within the City and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing activities that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land; by minimizing conflicts and encouraging property installation and maintenance of best management practices (BMPs) for land disturbing activities; and by requiring detailed review standards and procedures for land disturbing activities proposed for such areas thereby achieving a balance between development, redevelopment, and protection of water quality and natural areas.

### **54.05 : DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

**Applicant.** Any person or persons, firm, governmental agency, or other institution that signs a permit application submitted to the City.

**Best Management Practice (BMP).** Erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including avoidance of impacts, construction- phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area- wide planning agencies.

**Corcoran Engineering and Design Guide.** The Corcoran Engineering and Design Guide summarizes stormwater review and approval processes, outlines project submittal requirements, and provides guidance for the permanent stormwater management system design criteria. The Guide also outlines the standards and requirements that must be met for compliance with this Chapter of the City Code of Ordinances and for approval.

**Dewatering.** The removal of surface or ground water to dry and/or solidify a construction site to enable construction activity. Dewatering may require a Minnesota Department of Natural Resources water appropriation permit and, if dewatering is contaminated, a discharge of such water may require an individual Minnesota Pollution Control Agency (MPCA) National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permit.

**Discharge.** The release, conveyance, channeling, runoff, or drainage of storm water, including snowmelt, from a construction site.

**Exposed Soil Areas.** All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, and the like) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas, and disposal areas within the construction site. It does not include stockpiles or surcharge areas of gravel, concrete, or bituminous. Once soil is exposed, it is considered exposed soil until it meets the definition of “final stabilization”.

**Erosion.** The wearing down or washing away of the soil and land surface by the action of wind, water, gravity, ice, or a combination thereof.

**Final Stabilization.** All soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover of at least 70% of the expected final vegetative growth density or other permanent cover has been established over the entire pervious surfaces.

**Fully Reconstructed.** Areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not expose the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed.

**Issuing Authority.** A City employee or authorized designee who has the authority over application reviews, inspection, determinations of compliance, enforcement actions, and other matters, as it relates to this chapter.

**Land Disturbing Activity.** Any disturbance to the land that results in a change of the existing soil cover, both vegetative and nonvegetative, creates bare soil, alters hydrology, or may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, stripping, grubbing, excavating, filling, grading, logging, storing of materials, and the construction of any structure.

**Linear Project.** Construction of new or fully reconstructed roads, trails, sidewalks, or rail lines that are not part of a common plan of development or sale. For example, roads being constructed concurrently with a new residential development are not considered linear projects because they are part of a common plan of development or sale.

**Person.** Any individual, firm, corporation, partnership, franchise, association, or government entity.

**Perennial Vegetation.** Grass or other appropriate natural growing vegetation that provides substantial land cover, erosion protection, soil stability, and that is capable of sustained and healthy growth over multiple years. Annual grasses that do not regenerate after winter, ornamental plants or shrubs that do not offer effective erosion and sediment protection shall not be considered perennial vegetation.

**Permanent Cover.** Surface types that will prevent soil failure under erosive conditions. Examples include: concrete, perennial vegetation, or other landscaped material that will permanently arrest soil erosion. Permittees must establish a uniform perennial vegetative cover (i.e., evenly distributed, without large bare areas) with a density of 70 percent of the native background vegetative cover on all areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include temporary BMPs such as wood fiber blanket, mulch, and rolled erosion control products.

**Permit.** Written warrant or license granted for construction, subdivision approval, or to allow land disturbing activities.

**Permit Holder.** Person or persons, firm, governmental agency, or other institution that is issued a permit and is responsible for compliance with the terms and conditions of this chapter.

**Public Waters.** All water basins and water courses, as defined in Minnesota Statute § 103G.005, Subd. 15, as it may be amended from time to time.

**Responsible Person(s).** The responsible person(s) are the owner of the property upon which a Land Disturbing Activity takes place and any person(s) performing a Land Disturbing Activity.

**Sediment.** Solid matter carried by water, sewage, or other liquids.

**Storm Sewer System.** Any conveyance or system of conveyances for storm water, including road with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, ponds, or storm drains.



**Storm Water.** Water that is generated by rainfall or snowmelt which causes runoff.

**Storm Water Pollution Prevention Plan (SWPPP).** A plan for storm water discharge that includes all required content under Section 54.07 that describes the erosion prevention, sediment control, and waste control BMPs.

**Structure.** Anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, paved storage areas, fences and retaining walls.

**Waters of the State.** As defined in Minnesota Statute § 115.01, Subd. 22, the term “waters of the state” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

**Wetlands.** As defined in Minnesota Statute § 7050.0186, Subd. 1a.B, the term “wetlands” means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must have the following attributes:

- (A) A predominance of hydric soils;
- (B) Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
- (C) Under normal circumstance support a prevalence of such vegetation.

#### **54.06 : SCOPE AND EFFECT**

**Subd. 1. Applicability.** Every person, prior to commencing any land disturbing activities, shall apply for and secure a Land Disturbance Permit from the City. Land Disturbance Permits shall fall under two main categories: *over one acre* and *under one acre*. Where the area to be disturbed is greater than or equal to one acre or part of a larger common plan or development greater than or equal to one acre, a Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Issuing Authority. No land disturbance permit, grading permit, building permit, subdivision approval, or other permit to allow land disturbing activities shall be issued until approval of the SWPPP or a waiver of the approval requirement has been obtained in strict conformance with the provisions of this chapter.

All Land Disturbing Activity, including without limitation such Activity which disturbs less than one acre of land, must meet the requirements of this section. The provisions of Subd. 2. Below apply to all land, public or private.

**Subd. 2. Exemptions.** The permitting provisions of this chapter do not apply to:

- (a) Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date of this chapter;
- (b) A lot for which a building permit has been approved on or before the effective date of this chapter;
- (c) Emergency work to protect life, limb, or property, provided that erosion control measures, including any necessary remedial action, are implemented as soon as possible;
- (d) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops, or other agricultural production operations, including private gardens;
- (e) An excavation below finished grade and backfilling for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit;
- (f) Cemetery graves;
- (g) A separate grading permit may not be required in cases where a grading and drainage plan for a private development has been approved as part of a subdivision or other land use approval;
- (h) Construction and installation or abandonment of individual subsurface sewage treatment systems (septic), including tanks, piping, and drain fields, authorized by a valid permit;
- (i) Any land disturbing or land filling activities relating to general yard maintenance or landscaping, unless the volume of soil or earth stored or moved exceeds 50 cubic yards or has the potential to impact drainage; or
- (j) Mining, quarrying, excavating, processing, stockpiling operations subject to an alternative City regulatory process.

**Subd. 3. Termination of Exemption.** If the land disturbance activity threatens or impedes the ability of the City to meet its own permit requirements under the National Pollutant Discharge Elimination System (NPDES) program, obstructs a water course, or has the potential to impact drainage, the Issuing Authority may terminate the exemption and require the Applicant to obtain a land disturbance permit in full compliance with this chapter.

**Subd. 4. Responsible Person(s).** When a permit is issued, the person or entity to whom the permit is issued shall be responsible for all Land Disturbing Activities from permit issuance to closure, unless the Issuing Authority approves a transfer of responsibility to a new owner or Responsible Person when the land is sold.

#### **54.07 : LAND DISTURBANCE PERMIT SUBMITTAL PROCEDURES**

**Subd. 1. Land Disturbance Permit Application.** A land disturbance permit shall be submitted to the City on a City-approved application and shall conform to the standards set forth in this chapter. The Issuing Authority shall review the application and submitted documents to determine if the application is complete. Incomplete applications will be returned to the Applicant, the Issuing Authority shall advise the Applicant which elements are not in compliance.

**Subd. 2. Application and Regulations.** The City shall make available the necessary application forms for the permits required. Application for a grading and land disturbance permit shall be filed with the City by the property owner or designated agent on an official application form.

**Subd. 3. Fees and Financial Security.**

- (a) Permit fees shall be charged to the Applicant based on the most recent fee schedule adopted by City Council resolution.
- (b) The Applicant may also be required to provide an escrow and shall agree to pay the total cost of staff and consultant time spent exclusively in reviewing and inspecting the project.
- (c) All Applicants, except in those situations in which the Applicant is performing the work for which the permit is sought under contract with the City, shall file with the City a letter of credit or cash surety in an amount and form to be determined by the City Engineer, based on the type of work to be performed. The letter of credit or cash surety shall guaranty the Applicant's performance of all requirements related to the permit.

**Subd. 4. Site Map and Plan.** A site map and plan must be submitted with the application, which shall meet all erosion, sediment, and waste control standards established by the MPCA's NPDES/SDS Construction Stormwater General Permit MNR100001 and include the following (no application will be reviewed until all necessary information has been submitted):

(a) *Project Information:*

- (1) A project description, including the nature and purpose of the Land Disturbing Activity and the amount of grading, utilities, and building construction involved.
  - (2) A project narrative describing the timing for installation of all erosion prevention and sediment control BMPs.
  - (3) Site location and property address.
  - (4) Property owner's name, address, and telephone number.
  - (5) The name, address, and telephone number of the Applicant.
  - (6) Names, addresses, telephone numbers, and responsibilities of all contractors, subcontractors, and other persons who will engage in the Land Disturbing Activities.
  - (7) Name, address, and telephone number of a single individual responsible for overseeing implementation of the erosion control plan on site.
  - (8) Number of acres to be disturbed, number of acres of impervious surface for pre- and post-construction.
  - (9) Phasing of construction, including time frames and schedules.
  - (10) Date SWPPP was prepared and name of preparer.
- (b) *Existing Site Map.* A map of existing site conditions showing the site and immediately adjacent areas, including:
- (1) Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivision, towns, and districts or other landmarks.

- (2) Existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two feet.
  - (3) A delineation of all receiving waterbodies, including streams, rivers, public waters, and wetlands located on, immediately adjacent or to which the site discharges to. Including any designations for special or impaired waters. The classification given to water body or wetland shall be consistent with the State Department of Natural Resources, the State Pollution Control Agency and/or the United States Army Corps of Engineers.
  - (4) Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects.
  - (5) A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the Applicant to render the soils suitable.
  - (6) Existing vegetative cover and clearly delineating any vegetation proposed for removal.
  - (7) Locations of existing buffer strips.
  - (8) One-hundred-year floodplain, flood fringes, and floodways.
- (c) Site Construction Plan. A site construction plan including:
- (1) Schedule of anticipated starting and completion date of each Land Disturbing Activity, including the timing of installation of construction site erosion and sediment control measures.
  - (2) Locations and dimensions of all proposed land disturbing activities.
  - (3) Locations and dimensions of all temporary stockpiles.
  - (4) Description of all BMPs for the site and the sequence and schedule of when BMPs will be implemented.
  - (5) Location and type of all temporary and permanent erosion prevention and sediment control BMPs.
  - (6) Estimated quantities for all erosion prevention and sediment control BMPs.
  - (7) Standard details and/or specifications for all BMPs.
  - (8) Identify temporary sediment basins, if more than ten acres are disturbed and drain to a single point of discharge.
  - (9) Calculations used for the design of temporary sediment basins.
  - (10) Dewatering practices.
  - (11) Procedures used to establish additional temporary BMPs as necessary for the site conditions during construction.
  - (12) Any vehicular access locations for the site.
  - (13) Locations of areas to be phased to minimize duration of exposed soils.
  - (14) Final stabilization plan for each phase.
  - (15) Methods used for permanent cover of all exposed soil areas.
  - (16) Areas not to be disturbed on site.
  - (17) Identification of required buffer zone areas.

- (18) A description of construction and waste materials to be stored on-site, and a description of controls and storage practices to minimize exposure of the materials to stormwater.
- (19) A description of spill prevention controls.
- (d) *Plan of Final Site Conditions.* A plan of final site conditions on the same scale as the existing site map showing the site changes including:
  - (1) Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship or proposed changes to existing topography and remaining features.
  - (2) A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size, and description of all proposed landscape materials which will be added to the site as part of the development.
  - (3) A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect.
  - (4) The proposed size, alignments and intended use of any structures to be erected on the site.
  - (5) A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used.
  - (6) Any other information pertinent to the project which, in the opinion of the applicant, is necessary for the review of the project.
- (e) *Post-Construction Stormwater Management Plan.*
- (f) *MPCA Construction Permit.* The Applicant of construction activity is responsible for obtaining a MPCA Construction Stormwater Permit for discharging stormwater from construction activity (MN R100001).
- (g) *Other Permits.* The Applicant of construction activity is responsible for obtaining any other required permits from the Issuing Authority and other State, Federal, or local governmental agencies having any authority over the work to be performed. Typically, such agencies may include, but are not limited to, the U.S. Army Corps of Engineers, the MPCA, the Minnesota Department of Transportation, and the State Historical Preservation Office.

#### **54.08 : PLAN REVIEW PROCESS**

**Subd. 1. Permit Approval/Denial.** City staff shall review all documents submitted pursuant to this section, and, if necessary, shall require additional data or clarification of data submitted. City staff shall notify the Applicant of the decision on the permit. In the event that the permit is denied by staff the Applicant shall have the right to request a hearing before the City Council within five days of notification of permit denial. Failure to timely make a request for such review hearing, in writing, shall be deemed a waiver of such appeal right.

**Subd. 2. SWPPP Process.** SWPPPs meeting the requirements of Section 54.07 of this chapter and minimum BMP requirements of Section 54.09 of this chapter will be reviewed by the Issuing Authority which may approve, approve with conditions, or deny the SWPPP.

- (a) *Duration.* Approval of a SWPPP submitted under the provisions of this chapter shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the Permit Holder makes a written request to the City for an extension of time to commence construction setting forth the reason for the requested extension, the City may grant one extension of not greater than one additional year. Receipt of any request for an extension shall be acknowledged by the City within 15 days. The City shall make a decision on the extension within 30 days of receipt
- (b) *Condition.* A SWPPP may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this chapter are met. Such conditions may, among other matters, limit the size, kind, or character of the proposed development, require replacement of vegetation, establish required monitoring procedures, stage the work over time, or require alteration of the site design to ensure buffering.
- (c) *Financial Security.* Prior to approval of any SWPPP, the Applicant shall submit a financial security in the amount specified by the current City fee and security structure, or as determined by the City Engineer. The securities shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with Subd. 2. (a) above. The adequacy, conditions, form, and acceptability of any financial security shall be determined by the City.

#### **54.09 : MINIMUM CONSTRUCTION SITE BEST MANAGEMENT PRACTICES**

**Subd. 1. General.** No land disturbance which fails to meet the standards contained in this section shall be approved by the City Council or Issuing Authority. Temporary and permanent erosion and sediment control methods to be used, may include, but are not limited to, types of mulches, vegetation, diverters, silt fence, bio-logs, rock construction entrances, dikes, and drains. The method to be used shall be identified on the application and will be performance based and must be installed prior to any land disturbance. All grading and construction activity that results in disturbance of the ground shall comply with MPCA's General Permit to Discharge Stormwater Associated with Construction Activity (MN R100001) and the Minnesota Stormwater Manual.

**Subd. 2. Site Dewatering.** Waters related to Dewatering or basin draining must be discharged to a temporary or permanent sediment basin on the project site unless infeasible. If discharging to a sediment basin is infeasible, it must be treated with appropriate BMPs such that the discharge does not adversely affect the surface water or downstream properties. All discharge from dewatering activities must be done in a manner that does not cause erosion, scour, or flooding.

#### **Subd. 3. Construction Site Waste.**

- (a) *Solid Waste.* Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris, and other wastes must be disposed of properly and must comply with MPCA disposal requirements.



- (b) *Hazardous Materials*. Oil, gasoline, paint, and any hazardous substances must be properly stored, including secondary containment, to prevent spill, leaks, or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA regulations.
- (c) *Liquid Waste*. All other non-storm water discharges (concrete truck washout, vehicle washing, maintenance spills, and the like) conducted during the construction activity shall be managed and disposed of in a way that will prevent discharge to the municipal storm sewer, wetlands, natural drainageways, or waters of the state.
- (d) *Erosion Prevention Practices*. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as necessary to prevent erosion. Sheet flow runoff from adjacent areas shall also be diverted around disturbed areas, if practical. Diverted runoff shall be conveyed in a manner that will not cause erosion, scour, or flooding.
- (e) *Sequencing*. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
- (f) *Stabilization*. Exposed soils shall be stabilized, including stockpiles, whenever it is known that Land Disturbing Activity will cease for 14 days or more. The stabilization must be initiated immediately and completed within 14 days.
- (g) *Stockpiles*. Stockpiles must be located outside of buffers and stormwater conveyances and have effective sediment controls in place to prevent discharge. For soil stockpiles greater than ten cubic yards, the toe of the pile must be more than 25 feet from a road, drainage channel, or stormwater inlet. If such stockpiles will be left for 14 days, they shall be stabilized by mulching, vegetative cover, tarps, or other means. If left for less than 14 days, stockpiles shall be controlled by placing effective sediment controls around the base of the pile. In-street utility repair or construction storage piles must be covered with tarps or a suitable alternative control, and storm drain inlets must be protected with an appropriate filtering barrier.

**Subd. 4. Sediment Control Practices.**

- (a) *Perimeter Controls*. Establish sediment control BMPs on all downgradient perimeters of the site and downgradient areas of the site that drain to any surface water, including curb and gutter systems.
- (b) *Inlet Protection*. All storm drain inlets shall be protected during construction until final stabilization has been established or until approval from the City.
- (c) *Vehicle Tracking*. Vehicle tracking of sediment from the site must be minimized by BMPs such as rock construction entrances, track pads, wash racks, or equivalent systems. Vehicle tracking of sediment onto paved surfaces must be removed by street sweeping as needed to prevent discharge of sediment laden water from entering the City storm sewer system.
- (d) *Buffer*. Maintain a 50-foot natural buffer or, if a buffer is infeasible on the site, provide redundant (double) perimeter sediment controls when a surface water is located within 50 feet of the land disturbances and storm water flows to the surface water. Redundant perimeter controls must be at least five feet apart unless limited by lack of available space.

## **54.10 : POST-CONSTRUCTION STORMWATER MANAGEMENT**

### **Subd. 1. Submittal of Site Plans Consisting of Post-Construction Plans.**

- (a) Site plans must be submitted for review and confirmation that Ordinance requirements have been met, prior to start of construction activity.
- (b) Site plans must consist of the following:
  - (1) All calculations for the permanent stormwater treatment system;
  - (2) The water quality volume that will be treated through volume reduction practices;
  - (3) Rationale and documentation supporting the location of any off-site permanent stormwater treatment projects;
  - (4) If applicable, the amount paid to the City in lieu of off-site treatment under Subd. 2.f.4.; and
  - (5) All legal mechanisms related to Subd. 3. (Long-Term Maintenance).

### **Subd. 2. Post-Construction Stormwater Management BMPs.** Post-Construction Stormwater Management BMPs must meet the following criteria:

- (a) Designed with accepted engineering practices and in accordance with the Corcoran Engineering and Design Guide.
- (b) Treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres.
- (c) For non-linear projects, water quality volume (calculated as an instantaneous volume) must be calculated as 1.1-inch times the sum of the new and fully reconstructed impervious surface.
- (d) For linear project, water quality volume (calculated as an instantaneous volume) must be calculated as the larger of 1.1-inch times the new impervious surface or 0.55-inch times the sum of the new and the fully reconstructed impervious surface. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first, as described in Subd. 2.e. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easement, or other permission cannot be obtained, the owner/operator of construction activity must maximize the treatment of the water quality volume prior to discharge from the City's MS4.
- (e) Volume reduction practices (e.g., infiltration) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. Wet sedimentation basins and filtration systems are not considered volume reduction practices. If infiltration is prohibited, as described in the Infiltration System section of the Corcoran Engineering and Design Guide, other volume reduction practices, a wet sedimentation basin, or a filtration basin may be considered.
- (f) *Off-Site Treatment.*
  - (1) For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment



and meet the following requirements (must be selected in the following order of preference):

- (A) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
  - (B) Locations within the same DNR catchment areas as the original construction activity.
  - (C) Locations in the next adjacent DNR catchment area up-stream.
  - (D) Locations anywhere within the City's jurisdiction.
- (2) Off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs owned or operated by the City cannot be used to meet this requirement.
  - (3) Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity.
  - (4) The applicant may provide payment to the City in lieu of off-site treatment.

**Subd. 3. Long-Term Maintenance.**

- (a) The Permit Holder must enter into a long-term maintenance agreement with the City that documents all responsibilities for long-term operation and maintenance of stormwater treatment practices that are not owned or operated by the City. At a minimum, the long-term maintenance agreement must include provisions that satisfy the following:
  - (1) Allow the City to conduct inspections of structural stormwater BMPs not owned or operated by the City, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the City determines the owner of that structural stormwater BMP has not ensured proper function.
  - (2) Preserve the City's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the City, when those responsibilities are legally transferred to another party; and
  - (3) Protect/preserve structural stormwater BMPs. If structural stormwater BMPs change, causing decreased effectiveness, new, repaired, or improved structural stormwater BMPs must be implemented to provide equivalent treatment to the original BMP.

**54.11 : INSPECTIONS AND MAINTENANCE**

**Subd. 1. Initial Inspection.** The Permit Holder shall notify the Issuing Authority when initial erosion and sediment control measures are installed in accordance with the permit. No Land Disturbance Activities shall begin prior to approval from the Issuing Authority that all pre-construction erosion and sediment control measures are correctly installed per the approved plans and/or BMPs.

**Subd. 2. Routine Inspection.**

- (a) For permits under one acre, the Permit Holder, upon completion of rough grading, shall notify the City to perform an inspection. Once that inspection has been completed and

any corrections or modifications to the grade are completed, the Permit Holder may then complete the finished grade and set the appropriate erosion control devices in place and complete any planting or seeding as required by the permit. The Issuing Authority may require additional inspections or re-inspections as needed and deemed necessary.

- (b) For permits requiring a SWPPP, the Permit Holder shall ensure the entire construction site is inspected on a regular schedule and that BMPs on the site are maintained and functioning. The Permit Holder shall inspect the construction site at least once every seven days during active construction and within 24 hours after a rainfall event greater than one-half inch in 24 hours. A written record must be kept of each inspection. The inspection frequency may be reduced to once per month on areas of the site with permanent cover. If there is no active construction at the site and permanent cover is in place, monthly inspections may cease after 12 months. Inspections may cease during frozen conditions when construction has stopped but must resume within 24 hours of runoff or if construction begins again. Any deficiencies shall be noted in a report and shall be signed by the person performing the inspection. All site inspection reports are subject to review by the City at any time and the Permit Holder shall promptly provide such documentation to the City, upon request.

- (1) Applicants must record all inspections and maintenance activities within 24 hours of being conducted and retain records with the SWPPP. The inspection report shall include the following minimum information:

- (A) Date and time of inspection.
    - (B) Name of persons conducting inspection.
    - (C) Findings of inspections, including specific location where corrective actions are needed.
    - (D) Corrective actions taken (including dates, times, and party completing maintenance activities).
    - (E) Date of all rainfall events greater than one-half inch in 24 hours.
    - (F) Any observed discharges during the inspection, with photographs, locations, and a description of the discharge.
    - (G) Any amendments to the SWPPP proposed as a result of the inspection.

- (c) The Issuing Authority may also perform inspections of the site to verify compliance with the approved plans and/or SWPPP. Should it be found that the control methods are ineffective or not being maintained properly, the Issuing Authority may take enforcement actions described within this chapter, and may utilize any posted escrow or security funds to finance such enforcement actions.

**Subd. 3. Final Inspection.** Once the site is stabilized a final inspection shall be requested. The site shall be considered stabilized when a final inspection performed by the City determines that the following conditions are met:

- (a) All soil disturbing activities have been completed.
  - (b) All areas that have been disturbed are covered with perennial vegetation or permanent cover. Perennial vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a uniform cover of at least 70 percent of the expected final vegetative growth density.

- (c) The permanent stormwater management system has been constructed and is operational.
- (d) Sediment has been removed from basins, ditches, and other conveyance systems.
- (e) Temporary BMPs have been removed.

**Subd. 4. Maintenance.** The Permit Holder must inspect and maintain all erosion and sediment control BMPs to ensure integrity and effectiveness. The Permit Holder must repair, replace, or supplement all nonfunctional BMPs with functional BMPs by the end of the next business days after discovery. Permit Holders may take additional time if field conditions prevent access to the area.

#### **54.12 : COMPLETION OF WORK**

Work will be considered complete when all exposed soil areas have undergone final stabilization and have permanent cover as defined in Section 54.05 of this chapter, is constructed to finish grade, is in conformance with all permit conditions of approval to the satisfaction of the City, including post-construction stormwater management, and has passed a final inspection. The Permit Holder or representative shall notify the Issuing Authority when the land disturbing operations are ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed and final stabilization has occurred in accordance with this chapter.

#### **54.13 : ENFORCEMENT PROCEDURES**

The Issuing Authority may also perform inspections of the site to verify compliance with the approved plans and this chapter. Should it be found that the site control methods are ineffective or not being maintained properly, the Issuing Authority may proceed with any or all of the following enforcement actions:

**Subd. 1. Right of Entry.** The Permit Holder shall allow Issuing Authority to:

- (a) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections, surveys, or correcting deficiencies in erosion and sediment control.
- (b) Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.
- (c) Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.
- (d) Inspect the storm water pollution control measures.
- (e) Sample and monitor any items or activities pertaining to storm water pollution. Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be borne by the Applicant.

**Subd. 2. Warning Letter.** If, upon inspection by the Issuing Authority, the Permit Holder fails to implement the erosion and sediment control practices outlined in the approved SWPPP or minimum BMP standards outlined in this chapter, the Issuing Authority will notify the Permit Holder with a letter of warning which outlines the issues of non-compliance and a timeline for completion of any work to bring the site into compliance. However, nothing in this paragraph shall prohibit the City from taking Emergency Action, without the provision of such Warning Letter, pursuant to subdivision 9 below.

**Subd. 3. Refusal of Inspection.** Request for an inspection of any permitted activity may be denied if it is found that the erosion and sediment control measures have not been implemented or are found to be ineffective or are not maintained. No permits will be issued until the erosion and sediment control measures have been implemented and any violations have been abated.

**Subd. 4. Denial of Permit Issuance.** The Issuing Authority is authorized to deny the issuance of any permit to the Permit Holder or other Responsible Persons if it is found that the erosions and sediment control measures have not been implemented or are found to be ineffective or are not maintained. No permits will be issued until the erosion and sediment control measures have been implemented and any violations have been abated.

**Subd. 5. Stop Work Order.** The Issuing Authority is authorized to issue a stop work order for any or all construction activity within the established boundary of the permit. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's agent, or the person doing the work. In addition, notice of the stop work order shall be posted on the site. Upon issuances of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the work will be permitted to resume. Any person who shall continue to work after having been served a stop work order, except such work as directed by the City to perform to remove a violation or unsafe condition, is guilty of a public offense and may be subject to penalties as prescribed herein.

**Subd. 6. Abatement.** Should any person fail to comply with the provisions of this chapter, the Issuing Authority is authorized to correct or abate such violation. The work will be done by a designated governmental agency, or a contractor, and the expense thereof will be charged to the Permit Holder and/or recovered from Permit Holder's posted escrow or security. This action can be taken in lieu of, or in conjunction with, any enforcement actions set forth in this chapter.

**Subd. 7. Notice of Violation.** The Issuing Authority is authorized to serve a Notice of Violation or order on the Permit Holder or any person or entity found to be doing work in violation of the provision of this chapter. Such order shall direct the discontinuance of the illegal action or condition and order the abatement of the violation by the Responsible Person. Delivery of such Notice to a contractor or other person or entity performing the work shall be deemed as the provision of Notice to the Permit Holder as well.

**Subd. 8. Action Against the Financial Security.** The Issuing Authority may act against the financial security, if any of the conditions listed below exist. The Issuing Authority shall use funds from this security to finance any corrective or remedial work undertaken by the Issuing Authority or a contractor under contract to the City and to reimburse the City for all direct cost

incurred in the process of remedial work including, but not limited to, staff time, costs, and attorneys' fees:

- a. The Permit Holder ceases land disturbing activities and/or filling and abandons the work site prior to completion.
- b. The Permit Holder fails to conform to any Issuing Authority approved grading plan and/or the SWPPP, or related supplementary instructions, or any other permit requirement.
- c. The techniques utilized under the SWPPP fail within one year of installation.
- d. The Permit Holder fails to reimburse the City for corrective action taken, or for other costs incurred by the City in processing, reviewing, or otherwise enforcing the applicable permit.
- e. Emergency action under Subd. 9 below.

**Subd. 9. Emergency Action.** If circumstances exist such that non-compliance with this chapter poses an immediate danger to the public health, safety, and welfare, as determined by the Issuing Authority, the Issuing Authority may take emergency preventative action. The work will be done by a designated governmental agency, or a contractor and the expense thereof will be charged to the Permit Holder. The Issuing Authority shall also take every reasonable action possible to contact and direct the Permit Holder to take any necessary action.

**Subd. 10. Recovery of Costs.** Should the financial security/surety or escrow account carry a negative balance anytime during or after the project, the City shall send notice stating the deficit and amount due, including any amounts anticipated to come due related to the project, as well as terms for payment. In the event the invoice is not paid or the escrow is not replenished per the provided terms, the City shall collect the amount due from the property owner or the property owner's designated Responsible Person. To recover these costs, and in addition to any other remedies contemplated within this division, City Code, or other remedies available to the City at law or in equity, the City may approve a special assessment against the property on which the Land Disturbing Activity was proposed, pursuant to the process outlined in Minnesota Statute §429. By signing the application and directing the City to review and enforce the same, the Applicant agrees that the City's review and enforcement of the provisions of the permit provide a benefit to the affected property which is difficult to quantify but vital to the functionality of the property and removal of nuisance conditions thereon. Correspondingly, by signing the application and directing the City to review and enforce the same, Applicant waives any appeal to such special assessment related exclusively to the recovery of City costs incurred related to review and enforcement of the provisions of the permit. The City may issue a stop work order and/or discontinue City work on and review of the project at any time should the balance go negative.

#### **54.14: RELEASE OF SECURITY**

The security and any unused escrow funds deposited with the City for faithful performance of the land disturbances, grading, and erosion control work shall be released at the time when all conditions have been met and no action against such security has been filed.

#### **54.15 : PENALTY**

Any person, firm, corporation, or agency acting as principal agent, employee, or otherwise, who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor and upon convictions thereof shall be punishable by a fine of not more than \$1,000.00, or by imprisonment in jail for not more than 90 days, or by both, for each separate offense. Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense.

#### **54.16 : SEVERABILITY**

Should any portion of this division be determined to be unenforceable or contrary to applicable federal or state law, such determination shall not affect the validity of all remaining portions of this division.

*(Ord. 450, passed 02-24-22, Ord. 467, passed 10-13-22)*

**TITLE VI: RESERVED**  
**TITLE VII: TRAFFIC CODE**

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## CHAPTER 70: TRAFFIC RULES

### 70.01: STATE PROVISIONS ADOPTED.

The regulatory provisions of M.S. Chapters 169 and 171 Annotated, together with all amendments thereto, are hereby adopted as a traffic code regulating use of highways, streets and alleys within the city and are hereby incorporated and made a part of this section as completely as if set out herein full.

The penalty for violations of the provisions of state statutes adopted by reference in this section shall be identical with the penalties provided for in the statutes for the same offence.

### 70.02 : WEIGHT RESTRICTIONS.

The City Council finds that it is in the public interest to regulate the weight of vehicles on city roads and hereby adopts the following regulations:

- a. **Seasonal Weight Limits; Posting.** The Public Works Department may prohibit the operation of vehicles upon any street under the jurisdiction of the city or impose restrictions as to the weight of vehicles to be operated upon any city street when, by reason of deterioration, rain, snow, or climatic conditions, such city street may be damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The Public Works Department shall cause to be posted on any such city street appropriate signs designating such restrictions. The city will follow the State of Minnesota Commissioner of Transportation dates of seasonal load limits. Seasonal load limits shall start with the Metro Zone and end with the Central Zone. However, the City may deem necessary to extend the date or remove the limits early as recommended by the Public Works Department.
- b. **Administrative Regulation of Trucks.** The Public Works Department shall monitor the condition of all streets under the jurisdiction of the city and the use thereof by vehicles over 9,000 pounds gross weight, which vehicles are defined as trucks for purposes of this section. Whenever the Department determines that the excessive use of any city street by trucks has or is likely to endanger public health or safety or that such use has or may damage or destroy the street due to any condition, including but not limited to, street deterioration, rain, snow, climatic conditions, soil or subsurface conditions, or sight lines, the Department may regulate, restrict, or prohibit truck traffic on the street. The Department may set conditions or limitations on the use of the street to protect public health and safety or to prevent damage to the street, including requiring that a letter of credit or other financial guarantee be posted to compensate the city for damage to the street, establishing haul routes and restricting hours of operation. Any person aggrieved by a decision of the Public Works Department regarding regulation of truck traffic under this section may appeal that decision to the City Council. The City Council may continue, modify or terminate the regulations as it deems appropriate in order to protect public health and safety and to prevent or minimize damage to the city streets.

- c. **Weight Limits; Seasonal Restrictions.** Subdivision 1, Probation: Weight. It is unlawful to operate any vehicle or a combination of vehicles upon any public street, alley or highway within the city, between the dates set by the Commissioner of Transportation each calendar year where the gross weight on any single axle exceeds 10,000 pounds on all city roads, unless otherwise posted, except that this limitation does not apply to emergency vehicles of public utilities used incidental to making emergency repairs to its plant or equipment within the city; nor to vehicles identified in Minnesota Statute, section 169.87, Subds. 2-6; and section 169.801 nor shall this limitation apply to roads paved with concrete.

**Subd. 1.** Posting of Signs. Upon the adoption of any prohibition or restriction as provided for in this Section, the Public Works Department and/or City Engineer shall cause to be posted or erected, signs plainly indicating the prohibition or restriction at each end of the street or alley or that portion of any street or alley affected thereby, and the prohibition or restriction is effective until after such signs so posted or erected are removed.

- d. **Restrictions Generally.** Prohibited vehicles – All motor vehicles, tractors, trailers, or any machine or instrument that is driven, pulled, pushed, or parked having axle weights over five tons per axle are prohibited from traveling on any city street posted with weight restrictions in the city.
- e. **Permits for Vehicles in Excess Of Weight Limitations.**
1. The Public Works Department may issue an “emergency overweight permit” authorizing an individual to travel with a vehicle having axle weight exceeding the restrictions herein set forth or otherwise posted on the street. The individual must make written application to the Public Works Department showing good cause for the emergency overweight permit. The application shall specifically describe the vehicle or vehicles, and the streets and particular routes to be traveled. Emergency overweight permits shall be valid for only a 24-hour period. If granted, the emergency overweight permit shall be carried in the vehicle and shall be open to inspection.
  2. The Public Works Director or designee may issue an “overweight permit” authorizing an individual to travel with a vehicle having an axle weight exceeding the restrictions herein set forth or otherwise posted on the street. The individual receiving such overweight permit must make written application to the Public Works Director or designee showing good cause for the permit. The application shall specifically describe the vehicle or vehicles, the street and particular routes traveled, the period of time for which the permit is requested, and may require a financial guarantee be posted to compensate the City for damage to the street. The application will be reviewed by the City Engineer and the Public Works Department for recommendation, and may, at the discretion of the Public Works Director, be forwarded to the City Council for review. If granted, the permit shall be carried in the vehicle at all times and shall be open to inspection.
  3. Issuance of an emergency overweight permit or overweight permit imposes upon the holder of the permit all responsibility for damage caused to the designated routes by such excess

load and the holder of the permit shall reimburse the city for all reasonable and necessary expenditures to repair and replace the street to its formed condition.

- f. The City Council shall set fees for the issuance of the above permits, from time to time by Council Resolution.

**Penalty.** A person convicted of a violation of this Ordinance, shall be guilty of a misdemeanor and punished by a fine of not more than \$1,000, imprisonment for a term not exceeding ninety (90) days, or any combination thereof; provided, however, that if the violation is declared to be a petty misdemeanor, the penalty shall be a fine not to exceed \$300. Additionally, a person convicted of a violation of this Ordinance shall pay the costs of prosecution

#### **70.03 : UNREASONABLE ACCELERATION.**

No person shall unreasonably and/or unnecessarily accelerate a motor vehicle so rapidly and abruptly that a tire or tires break traction with the street surface, causing a squealing sound or dislodging sand, gravel or other objects by the tires. The unreasonable or unnecessary acceleration is prohibited on any public street or highway or any private property within the city. Penalty, see § 10.99

#### **70.04 : DRIVING THROUGH PRIVATE PROPERTY.**

It is unlawful for any person to avoid obedience to any traffic control device by driving upon or through private property. Penalty, see § 10.99

#### **70.05 : UNSAFE OPERATION.**

1. No person shall drive or operate a motor vehicle, motorized bicycle or motorized foot scooter on any street, highway, road, roadway or private property in a manner which is unsafe. Unsafe means, but is not limited to, speeds and/or maneuvers which are not reasonable or prudent or safe given the weather, road conditions, vehicle conditions, the proximity of persons and other vehicles and includes such driving or operation which is unsafe for the driver or operator.
2. **Penalty.** A person convicted of a violation of this Ordinance, shall be guilty of a misdemeanor and punished by a fine of not more than \$1,000, imprisonment for a term not exceeding ninety (90) days, or any combination thereof; provided, however, that if the violation is declared to be a petty misdemeanor, the penalty shall be a fine not to exceed \$300. Additionally, a person convicted of a violation of this Ordinance shall pay the costs of prosecution.

*(Ord. No. 251, passed 02-25-10, Ord. no. 253, passed 03-11-10, Ord. no. 256, passed 03-10-11, Ord. no. 503, passed 10-26-23)*

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## **CHAPTER 71: PARKING REGULATIONS**

### **71.01: RESTRICTED PARKING.**

- A. No person shall park a motor vehicle on any public street within the city between the months of November 1 and April 1, between the hours of 1:00 AM to 7:00 AM. Penalty, see ' 10.99
- B. No parking on any city street shall be allowed at any times if snowfall is 2" or greater. This will be in effect until such roads are plowed and snow has been removed from such roads.
- C. No vehicle of 10,000 gross weight or greater shall park on any city street unless authorized by the Police Chief or Public Works Director.

### **71.02 : OWNER RESPONSIBILITY.**

The registered owner of a motor vehicle shall be deemed responsible for any violation of ' 71.01.

### **71.03 : EMERGENCY PARKING REGULATIONS**

- A. **Definitions.** For purposes of this section, the term "emergency" shall mean any condition upon any public street, including the presence of snow, freezing rain, sleet, ice or other phenomenon, which condition creates or is likely to create any hazardous road condition or impedes or is likely to impede the free movement of traffic, when such condition shall have been declared by the City Administrator, or a designated agent of the City Administrator.
- B. **Declaration.** Upon the existence of an emergency as defined herein, the City Administrator, or a designated agent of the City Administrator may, in the discretion of such person, declare that an emergency exists, whereupon such person shall notify any radio or television station having facilities within or near the City, and request that such media cooperate with the City in giving notice of such emergency to the community. The emergency regulations set forth below shall become effective two (2) hours after such notice has been given by the City to such news media.
- C. **Unlawful Acts.** During an emergency, it is unlawful for any person, as driver or operator of a vehicle, or as the registered owner of such vehicle, to park, stop or leave standing, or cause, allow, or permit to be parked, stopped or left standing, whether knowingly or unknowingly, any such vehicle upon any street until the conclusion of the declared parking emergency.

### **71.04 : IMPOUNDING OF VEHICLES**

A vehicle parked in violation of this Chapter may be removed from any public street or public grounds by any police officer or City official when the vehicle is left unattended and constitutes an obstruction of traffic or hinders snow removal, street improvement, maintenance operations, firefighting, or other lawful purpose. The vehicle may be towed away to any garage, service station, or other place of safekeeping. Such vehicles shall not be released until the fees for towing and storage are paid in addition to any fine imposed for any violation of this chapter. The removal of a vehicle by or under the direction of the police officer or other City official does not prevent the prosecution of a violation of this chapter.

*(Ord. no. 503, passed 10-26-23)*

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## CHAPTER 72: RECREATIONAL VEHICLES

### 72.10: PURPOSE AND AUTHORITY.

- 1) The purpose of this article is to provide reasonable regulations for the use of recreational vehicles on public and private property in the city. This article is not intended to allow what the Minnesota state statutes expressly prohibit. It is intended to prevent public nuisance.
- 2) Section 84.87, Subdivision 3 of the Minnesota State Statutes states that a city, acting through its City Council, may regulate the operation of snowmobiles on public lands, waters, and property under the city's jurisdiction and on streets and highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice, provided such regulations are not inconsistent with the provisions of sections 84.81 to 84.88 of the Minnesota State Statutes.
- 3) Section 84.928, Subdivision 6 of the Minnesota State Statutes states that a city, acting through its City Council, may regulate the operation of all-terrain vehicles on public lands, waters, and property under the city's jurisdiction and on streets and highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice, provided such regulations are not inconsistent with the provisions of sections 84.92 to 84.928 and the rules adopted under section 84.924 of the Minnesota State Statutes.

### 72.11 : DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ALL-TERRAIN VEHICLE (ATV)** means a motorized flotation-tired vehicle of not less than three but not more than six low-pressure tires with a total dry weight of less than 2,000 pounds and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. It includes Class 1 (width 50 inches or less) and Class 2 (width greater than 50 inches but not more than 65 inches) ATVs as per Minnesota State Statute.

**BOULEVARD** means that portion of the street or highway between the roadway and private property.

**DESIGNATED TRAIL** means a clearly marked route for recreational vehicles to follow.

**ESTABLISHED RIDING AREA** shall mean a trail, course, track, or area on a lot the surface of which has been altered due to or in contemplation of repetitive operation of recreational vehicles over the same.

**GO-CART** means a low, four-wheeled motorized device with an open or closed frame designed and used for off-street operation only.



**GOLF-CART** means a passenger conveyance, electric or gasoline motor powered vehicle, with four low pressure tires and an engine displacement not exceeding 800 cubic centimeters and a total dry weight not exceeding 800 pounds.

**MINI-BIKE** means a small, two-wheeled motorized device designed for off-street operation. Mini-bikes may include miniature motorcycles and do not qualify as a moped, motorcycle or an ATV.

**OFF-HIGHWAY MOTORCYCLE (OHM)** means vehicles traveling on two wheels with a seat to be straddled by the operator with handlebars for steering control. OHMs may include some mini-bikes.

**OPERATE** means to ride in or on and control the operation of a recreational vehicle.

**OPERATOR** means every person who operates or is in actual physical control of a recreational vehicle.

**PUBLIC PROPERTY** means property that may be used by the public, subject to reasonable regulation by a governmental body. Such property includes city parks, city parking lots and public school parking lots and grounds.

**PUBLIC ROAD RIGHT-OF-WAY** means the entire right of way of a roadway that is controlled by a public entity, including the traveled portions, banks, ditches, shoulders, medians, and other adjacent areas dedicated for public use.

**RECREATIONAL VEHICLE** means all-terrain vehicles, utility task vehicles, golf carts, snowmobiles, off-highway motorcycles, mini-bikes, go-carts, and other motorized vehicles, that by their use fit this definition.

**ROADWAY** means that portion of a street or highway improved, designed or ordinarily used for vehicular travel but not including the boulevard. For the purposes of this article, roadways not dedicated for public use and not maintained by the city are not included within this definition.

**SEMI-PUBLIC PROPERTY** means private property generally open for use by the public but not owned or maintained by a governmental body. Such property includes without limitation: church property, shopping center property and other property generally used by patrons of a commercial or private business establishment.

**SNOWMOBILE** means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

**STREET OR HIGHWAY** means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic (includes the right-of-way or boulevard). For the purposes of

this article, streets or highways not dedicated for public use and not maintained by the city are not included within this definition.

**UTILITY TASK VEHICLE** means a side-by-side, four wheeled vehicle propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less and has a total dry weight of 1,800 but less than 2,600 pounds.

#### **72.12 : RECREATIONAL VEHICLES GENERAL OPERATION REGULATIONS.**

RECREATIONAL VEHICLES MAY NOT BE OPERATED IN THE FOLLOWING AREAS OF THE CITY:

- 1) On or adjacent to sidewalks, bike trails, or pedestrian trails.
- 2) On private property by persons other than the owner, or by anyone on semi-public or public property, unless permission is clearly visible and posted by the owner or person(s) in lawful control of the property, indicating the types of recreational vehicles allowed, subject to the provisions of this ordinance.
- 3) Within a city parking ramp.
- 4) Within the boulevard of a city roadway.
- 5) On county or state highways.
- 6) Within a county or state highway right-of-way except as allowed in the specific limitations listed in this ordinance.
- 7) Within a county or state highway right-of-way from April 1 to August 1 as part of Minnesota's Agricultural Zone.
- 8) On any area posted that recreation vehicles are not allowed. These may be general or specific to the type of recreational vehicle regulated. It is unlawful to remove signs or fences installed by the property owner or person in lawful control of the property.

#### **72.13 : RECREATIONAL VEHICLES SPECIFIC LIMITATIONS.**

- 1) Recreational vehicles may not operate with a greater number of passengers than the vehicle is designed to carry.
- 2) No person shall operate a recreational vehicle in any place in a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.

- 3) No person shall operate a recreational vehicle so as to create a loud, unnecessary or unusual noise that would disturb, annoy or interfere with the peace, safety and general welfare of others.
- 4) All recreational vehicles must have a factory approved exhaust. Mufflers may not be altered to increase motor noise, or have a cut-out bypass, or similar device. No exhaust system shall emit a loud, sharp popping or crackling sound.
- 5) Use of recreational vehicles on any single property shall not exceed four hours in any 24-hour period. ATVs and Utility Task Vehicles engaged in property maintenance or agricultural purposes are exempt from this restriction.
- 6) The operation of recreational vehicles on an Established Riding Area on a lot or parcel of land of less than two (2) acres in size requires written consent from the property owners and all occupied residences within a 250' radius of all property lines.
- 7) Off-road hours of operation of ATVs, Utility Task Vehicles, off-highway motorcycles, go-carts, and mini-bikes shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Friday, and 10:00 p.m. and 9:00 a.m. on weekends and federal holidays. ATVs and Utility Task Vehicles engaged in property maintenance or agricultural purposes are exempt from this restriction.
- 8) Snowmobiles may not be operated off the operator's property or the property of another on which the operator has been given specific, written permission to operate a snowmobile from April 2 to November 30. Hours of operation of snowmobiles throughout the year shall be prohibited between the hours of 1:00 a.m. and 7:00 a.m., except on a recognized trail or county road right-of-way. Snowmobile operation within the Metropolitan Urban Service Area (MUSA), as defined by the most recently adopted City of Corcoran Comprehensive plan, or amended plan, is prohibited from 10:00 p.m. to 7:00 a.m. on Monday through Friday, and 10:00 p.m. and 9:00 a.m. on weekends and federal holidays. Snowmobiles traveling to or from home using the most direct route to or from a recognized trail or county road right-of-way are exempt from these time restrictions.
- 9) It is unlawful to intentionally chase, run over, or to kill any animal, wild or domestic, with a recreation vehicle.
- 10) It is unlawful to intentionally operate a recreational vehicle on either primary or secondary septic sites.
- 11) A direct crossing of a street, roadway, county or state highway is prohibited when operating a recreational vehicle unless the operator complies with all of the following:
  - a) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.

- b) In the case of a divided highway, the crossing shall be made only at an intersection of the highway with another street or road.
  - c) The crossing is made at an angle of approximately 90 degrees to the roadway at a place where no obstruction prevents a quick and safe crossing or blocks the view of oncoming traffic for 300 feet.
  - d) The vehicle is brought to a complete stop before crossing the shoulder or entering upon the traveled portion of the street, road or highway.
  - e) If the crossing is made during the period of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, the front and rear lights of the vehicle are operational and illuminated.
- 12) Operation of off-highway motorcycles, mini-bikes, and go-carts on public property or in the public right of way is prohibited.
- 13) Recreational vehicles may be operated in the following areas of the City under these conditions, and subject to the limitations of section 72.16 of this ordinance:
- a) On the owner's property or the property of another with written permission, subject to the provisions of this ordinance.
  - b) On privately owned property if the property owner has posted a clearly visible notice indicating "ATVs allowed," "utility task vehicles allowed," "snowmobiles allowed," "golf carts allowed," or words substantially similar. Only those types of recreational vehicles which are specifically authorized by such notice shall be permitted on the applicable privately owned property. Such postings shall only permit use on the property on which the notice is posted.
  - c) On public or semi-public property only where there is clearly visible notice indicating "ATVs allowed," "utility task vehicles allowed," "snowmobiles allowed," "golf carts allowed," or words substantially similar. Only those types of recreational vehicles which are specifically authorized by such notice shall be permitted on the applicable public or semi-public property. Such postings shall only permit use on the property on which the notice is posted.
  - d) Golf Carts, ATVs, and utility task vehicles which have been issued and maintain a valid on-road permit may be operated on all city roadways pursuant to state law, this ordinance, and the terms of the valid permit.
- 14) Golf Cart, ATV, or utility task vehicle on-road permits.
- a) A permit application containing the following information must be submitted to the city's police department, prior to receiving an on-road permit.

1. Applicant name, address, and telephone number.
  2. Registered owner name, address, and telephone number.
  3. Make, model, vehicle identification number of the golf cart, ATV, or utility task vehicle.
  4. Proof of ownership of the vehicle to be registered or written consent from the registered owner to register the vehicle.
  5. Proof of liability insurance for the vehicle.
  6. DNR registration number and class description (ATV and utility task vehicles only).
  7. Payment in accordance with the city fee schedule. Payments shall be non-refundable.
- b) On-road permit applicants must be residents of Corcoran and applicants may only register vehicles owned by the applicant or by a member of the applicant's household.
- c) An on-road permit application may be denied for failure to completely and accurately provide the permitting requirements set forth within this ordinance, prior violations of this ordinance, or other substantial traffic violations by the applicant or registered owner. Any denial may be appealed to the city council by providing a request for appeal in writing to the Corcoran City Administrator within 14 days of the final decision on the permit. Failure to provide timely notice of a request for appeal shall be deemed a waiver of an appeal of the permitting decision. Any applicant who is denied an on-road permit pursuant to this paragraph shall be ineligible for an on-road permit from the City for a period of six (6) months from the date of a final decision on the permit.
- d) A granted on-road permit will be valid for the term set forth in the permit, subject to any revocation thereof, and shall not exceed a maximum term of three years.
- e) On-road permits must be affixed to the front center handlebar, lower center windshield area, or other location visible from the front center of the recreational vehicle.
- f) Scooters, mopeds, off-highway motorcycles, go-carts, and mini-bikes are not eligible for on-road permits.
- g) An on-road permit may be revoked for a violation of any provision of this ordinance after due investigation by the city's police department and final determination by the police chief or the chief's designee. Any revocation may be appealed to the city

council by providing a request for appeal in writing to the Corcoran City Administrator within 14 days of the final decision to revoke the permit. Failure to provide timely notice of a request for appeal shall be deemed a waiver of an appeal of the decision to revoke. The revocation will remain in force until the appeal process has been completed. No permit fees will be refunded in the event of a permit revocation. A permit holder who has an on-road permit revoked shall be ineligible to apply for a new on-road permit for a period of six (6) months from the date of the revocation.

15) Golf carts, ATVs, and utility task vehicles may be operated on all city roadways with a valid city on-road permit as allowed by Minnesota State Statute, this ordinance, and the terms of the permit, however, such permit does not validate use on county or state highways. Permitted golf cart, ATV, and utility task vehicle operation shall be subject to the terms of the permit and the following:

- a) Every person operating a golf cart, ATV, or utility task vehicle on a roadway must be 18 years of age or older.
- b) Every person operating a golf cart, ATV, or utility task vehicle on a roadway must have a valid Minnesota driver's license or a driver's license with appropriate reciprocity to operate a motor vehicle on Minnesota roadways.
- c) Every person operating a golf cart, ATV, or utility task vehicle on a roadway must abide by all speed limits and follow all applicable posted traffic signs.
- d) Every person operating a golf cart, ATV, or utility task vehicle on a roadway has the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stats. Chapters 169 and 84, as they may be amended from time to time, except those provisions that cannot be reasonably applied.
- e) Every operator/owner of a golf cart, ATV, or utility task vehicle must possess and provide, upon lawful demand, proof of insurance complying with Minn. Stats. § 65B.48, subd 5.
- f) All golf cart, ATV, or utility task vehicles operated on a roadway after sunset, before sunrise, or in inclement weather, must display an illuminated headlight, an illuminated taillight, and a working brake light.
- g) Golf carts operated on the roadway shall be required to have an operable horn and a prominently displayed slow moving vehicle emblem.

#### **72.14 : SNOWMOBILE SPECIFIC LIMITATIONS.**

##### **1) General Limitations.**

- a) As regulated by and subject to state law, snowmobiles may operate in a city, county, or state roadway right-of-way.
- b) No person shall operate a snowmobile on any public or semi-public land including, but not limited to, the school grounds, park property, playgrounds, recreational areas, golf courses, church properties, and cemeteries.
- c) Snowmobiles may not be operated in the designated non-use areas except as follows:
  - 1. Loading and unloading of snowmobiles in parking lots.
  - 2. On any clearly marked and designated trail.
- d) No person shall operate a snowmobile on any public trail system unless said trail system is clearly identified by proper signage and maintained by a recognized snowmobile club or other organization registered with the City.
- e) From April 2 to November 30, snowmobiles may not be operated off the operator's property or the property of another on which the operator has been given specific, written permission to operate a snowmobile. From December 1 to April 1, snowmobiles may not be operated off the operator's property or the property of another on which the operator has been given specific, written permission to operate a snowmobile, unless there is a minimum of six inches of snow cover on the ground. In the event an operator is operating a snowmobile on private property pursuant to written authorization, the operator shall keep such authorization in the operator's immediate possession at all times during operation and provide it to City representatives upon lawful demand.
- f) No person shall operate a snowmobile at a rate of speed greater than is reasonable or proper under all of the surrounding circumstances, not to exceed 30 miles per hour in any road right-of way or greater than 50 miles per hour on any designated trail system. No person shall operate a snowmobile so as to tow any person or thing in an unsafe manner or at a speed greater than 10 mph.
- g) A snowmobile may operate on the inside slope of the ditch or the shoulder of a city road only to circumvent an obstruction in the road ditch. The snowmobile must return to the outside slope of the ditch immediately after passing the obstruction.
- h) A snowmobile may be operated upon a public street or highway only in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impossible.
- i) No person shall operate a snowmobile within 100 feet of any designated sliding area, or where the operation would conflict with the lawful use of the property or would endanger other persons or property.

## **2) Equipment.**

- a) It is unlawful for any person to operate a snowmobile within the City of Corcoran unless it is equipped with the following:
  - 1.Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.
  - 2.A safety, or so-called “dead man” throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the drive track.
  - 3.Headlights, taillights, and brake lights consistent with the regulations used by the Minnesota Department of Natural Resources.
  - 4.Reflective material of at least 16 square inches on each side forward of the handlebar, so as to reflect a beam of light at a ninety-degree angle.
  - 5.Any sled, trailer, or other device being towed by a snowmobile must be equipped with reflective materials as required by the commissioner.

## **72.15 : SNOWMOBILE CLUBS AND ORGANIZATIONS.**

Any club or organization wishing to construct or develop a trail system within the City of Corcoran for snowmobile use, must register the name of the club or organization with the City Administrative Services Director, and list the names, addresses and phone numbers of the club's contact persons, along with a map of the trail system.

## **72.16 : ESTABLISHED RIDING AREA SPECIFIC LIMITATIONS.**

### **1) General Limitations.**

- a) An Established Riding Area for recreational vehicles shall not be located within a two hundred fifty feet (250') radius of any building occupied by humans or livestock, unless written permission is granted by all landowners within the 250' radius.
- b) Any unvegetated Established Riding Area the dust from which adversely affects any neighboring property must be watered down, before, during, and after usage as needed to limit dust.
- c) Dust and noise control measures are to be maintained by the property owner or occupant. These dust and noise control measures may be enforced by the City if other properties are adversely affected by dust and noise due to recreational vehicle



use. The adversely affected property owners must file a written complaint with the City with enough information to permit a meaningful investigation by the City.

(A) After its investigation, the City may require mitigation measures be taken by a property owner prior to permitting further recreational vehicle operation on Established Riding Areas on the property. These mitigation measures may include, but are not limited to, the planting of twelve foot (12') high coniferous trees planted ten feet (10') on center, or the construction of a six foot (6) minimum board on board style fence, as approved by the City. A mandate of mitigation measures does not eliminate a property owner's permitting obligations pursuant to City Code.

- d) At any one time, no more than four (4) recreational vehicle operators who are not the owner or a household member of the owner, may operate a recreational vehicle on the property. All operators who are not the owner or a member of the owner's household must possess, and immediately produce upon lawful demand, written permission to use the established riding area.
- e) Operation of a recreational vehicle on an Established Riding Area must cease for a minimum of one (1) hour after every two hours of operation.

#### **72.17 : OPERATOR QUALIFICATIONS.**

##### **1) Snowmobile operator qualifications.**

- a) No person under 14 years of age shall operate a snowmobile alone within the City of Corcoran except on property owned or occupied by a relative or legal guardian.
- b) A person 14 years of age or older but less than 18 years of age may operate a snowmobile within the City of Corcoran only if they have in their immediate possession proof of a valid snowmobile safety certificate issued by the Commissioner of Conservation as provided by Minnesota Statute 1969, Section 84.96.
- c) It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

##### **2) ATV and utility task vehicle operator qualifications.**

- a) No person under the age of sixteen (16) years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state-aid, county highway, or city street as the operator of an ATV or utility task vehicle. A person sixteen (16) years of age or older, but less than eighteen (18) years of age, may operate an ATV or utility task vehicle as permitted under this section, only if he/she has in possession proof of a safety certificate issued by the commissioner as

provided by Minn. Stat. 84.872 and is obeying all applicable ordinances and state laws.

- b) A person born after July 1, 1987 operating an ATV or utility task vehicle must possess a MN DNR ATV safety certificate.
- c) It is unlawful for the owner of an ATV or utility task vehicle to permit the vehicle to be operated contrary to the provisions of this section.

#### **72.18 : EXEMPTIONS.**

The following uses are exempt from this Ordinance:

- 1) Any agent or employee of any governmental body, public safety agency, or road authority in conducting official business.
- 2) Any organized track-racing event that is required to be registered with the DNR, and which receives the applicable DNR approval.

#### **72.19 : PERMIT FEE.**

The permit fee for a Recreational Vehicle required by this section shall be set by council in the city fee schedule, as may be amended from time to time.

#### **72.20 : PENALTY.**

Any operator of a recreational vehicle, and/or any owner or person in lawful control of a recreational vehicle or real property within the City of Corcoran who violates or allows any violation of this ordinance shall be subject the penalties below.

- 1) The first violation of this chapter shall constitute a petty misdemeanor. Every person convicted of a petty misdemeanor violation of the provisions of this Ordinance shall be punished by a fine of not more than \$300 plus any applicable surcharges.
- 2) Any 2<sup>nd</sup> violation within 2 years of a violation of this ordinance, and each subsequent violation within a 2-year period, shall constitute a misdemeanor. Every person convicted of a misdemeanor violation of the provisions of this Ordinance shall be punished by a fine of not more than \$1000 plus any applicable surcharges or by imprisonment of not more than 90 days or both, but in either case the cost of prosecution may be added.

#### **72.21 : SEVERABILITY.**

Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part held to be invalid.

*(Ord. 429, passed 08-26-21)*

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## **TITLE VIII: GENERAL REGULATIONS**

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## **CHAPTER 80: ABANDONED AND JUNK VEHICLES**

### **80.01 : DISPOSITION OF ABANDONED PROPERTY.**

(A) *Procedure.* In accordance with Minn. Stat. §471.195, as may be amended from time to time, all property, except for abandoned and junked vehicles, lawfully coming into possession of the city shall be disposed of as provided in this section. Abandoned and junked vehicles shall be disposed of according to the procedures of 80.10

(B) *Storage.* The department of the city acquiring possession of the property shall arrange for its storage. If city facilities are unavailable or inadequate, the department may arrange for storage at a privately owned facility.

(C) *Claim by owner.* The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

(D) *Sale.* If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the city or the city's designee after two weeks' published notice setting forth the time and place of the sale and the property to be sold.

(E) *Disposition of proceeds.* The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

### **80.02 : FINDINGS AND PURPOSE.**

Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the city in that such vehicles can harbor noxious materials; furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. Abandoned motor vehicles and other scrap metals also constitute blight on the landscape of the city and therefore a detriment to the environment.

### **80.03 : DEFINITIONS.**

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

#### ***ABANDONED VEHICLE.***

- (1) A motor vehicle, as defined in Minn. Stat. §169.01, that has remained illegally:
1. For a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or
  2. On private property for a period of time, as determined under 80.05(B), without the consent of the person in control of the property; and lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
- (2) Vehicles on the premises of junkyards and automobile graveyards that are defined, maintained, and licensed in accordance with Minn. Stat. §161.242, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles.

***DEPARTMENT.*** The Minnesota Department of Public Safety.

***GARAGEKEEPER*** is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles. (Minn. Stat. §168B.07)

***IMPOUND.*** To take and hold a vehicle in legal custody. There are two types of impound: public and nonpublic.

***IMPOUND LOT OPERATOR*** or ***OPERATOR.*** A person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. ***OPERATOR*** includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.

***INOPERABLE VEHICLE.*** Any car, truck, van, recreational vehicle, motorcycle, snowmobile or other vehicle typically powered by an engine or motor, excepting properly licensed and registered watercraft, that has been in a stationary position for more than 30 calendar days, is apparently inoperable or requires repairs in order to be operable, or is unable to move a significant distance under its own power on a flat surface, or on which there are displayed neither valid license plates nor a valid registration decal.

**JUNK VEHICLE.** Any motor vehicle which cannot meet all of the following criteria:

1. The vehicle must be able to be driven or propelled under its own power upon demand in its existing condition; and
2. The vehicle must be able to be driven or propelled under its own power in a safe manner and not be wrecked, junked, or dismantled at the time of inspection and/or abatement; and
3. The vehicle must have current license plates and tabs; and
4. The vehicle must have current proof of liability insurance, as required by state law.

A classic car or pioneer car, as defined in Minn. Stat. §168.10, is not considered an abandoned vehicle.

**MOTOR VEHICLE** or **VEHICLE.** Has the meaning given motor vehicle in Minn. Stat. §169.01.

**MOTOR VEHICLE WASTE.** Solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

**MPCA** or **AGENCY.** The Minnesota Pollution Control Agency.

**NONPUBLIC IMPOUND LOT.** An impound lot that is not a public impound lot.

**PUBLIC IMPOUND LOT.** An impound lot owned by or contracting with a unit of government under section 80.24.

**UNAUTHORIZED VEHICLE.** A vehicle that is subject to removal and impoundment pursuant to 80.05(B), or Minn. Stat. §169.041, but is not a junk vehicle or an abandoned vehicle.

**UNIT OF GOVERNMENT.** Includes a state department or agency, a special purpose district, and a county, statutory or home rule charter city, or town.

**VITAL COMPONENT PARTS.** Those parts of a motor vehicle those are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train and wheels.  
(Minn. Stat. §168B.011)

#### **80.04 : VIOLATION TO ABANDON MOTOR VEHICLE.**

Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, is guilty of a misdemeanor.  
(Minn. Stat. §168B.03)



**80.05 : VIOLATION TO STORE INOPERABLE VEHICLE OR JUNK MOTOR VEHICLE.**

No person shall store, outside of an enclosed garage or similar building, any inoperable or junk motor vehicle on his or her property. The property owner shall not give permission to store inoperable junk vehicle(s) on his or her property. The property owner shall be responsible for compliance with this section and shall be guilty of a misdemeanor if violated. Vehicles on the premises of junkyards and automobile graveyards that are defined, maintained, and licensed in accordance with Minn. Stat. §161.242, or that are maintained in accordance with local laws and zoning regulations, may be stored on the business property.

**80.06 : AUTHORITY TO IMPOUND VEHICLES.**

(A) *Abandoned or junk vehicles.* Units of government and peace officers may take into custody and impound any abandoned or junk vehicle.

(B) *Unauthorized vehicles.* Units of government and peace officers may take into custody and impound any unauthorized vehicle under Minn. Stat. §169.041. A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

1. In a public location not governed by Minn. Stat. §169.041:
  - a. On a highway and properly tagged by a peace officer, four hours;
  - b. Located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; or
  - c. That is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or
2. On private property:
  - a. That is single-family or duplex residential property, immediately;
  - b. That is private, nonresidential property, properly posted, immediately;
  - c. That is private, nonresidential property, not posted, 24 hours; or
  - d. That is any residential property, properly posted, immediately. (Minn. Stat. §168B.04)

**80.07 : SALE; WAITING PERIODS.**

(A) *Sale after 15 days.* An impounded vehicle is eligible for disposal or sale under 80.09, 15 days after notice to the owner, if the vehicle is determined to be:

1. A junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale under this subdivision; or
2. An abandoned vehicle.

(B) *Sale after 45 days.* An impounded vehicle is eligible for disposal or sale under 80.09, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle. (Minn. Stat. §168B.051)

**80.08 : NOTICE OF TAKING AND SALE.**

(A) *Contents; notice given within five days.* When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give notice of the taking within five days. The notice shall:

1. Set forth the date and place of the taking; the year, make, model and serial number of the impounded motor vehicle if such information can be reasonably obtained; and the place where the vehicle is being held;
2. Inform the owner and any lien holders of their right to reclaim the vehicle under 80.08; and
3. State that failure of the owner or lien holders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under 80.06 shall be deemed a waiver by them of all right, title and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to 80.09.

(B) *Notice by mail or publication.* The notice shall be sent by mail to the registered owner, if any, of an impounded vehicle and to all readily identifiable lien holders of record. The Department makes this information available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

(C) *Unauthorized vehicles; notice.* If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under division (B) of this section, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lien holders of record. (Minn. Stat. §168B.06)

**80.09 : RIGHT TO RECLAIM.**

(A) *Payment of charges.* The owner or any lien holder of an impounded vehicle shall have a right to reclaim such vehicle from the unit of government or impound lot operator taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days, as applicable under 80.06, after the date of the notice required by 80.07.

(B) *Lien holders.* Nothing in this chapter shall be construed to impair any lien of a garage keeper under the laws of this state, or the right of a lien holder to foreclose.

**80.10 : OPERATOR'S DEFICIENCY CLAIM; CONSENT TO SALE.**

(A) *Deficiency claim.* The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage and inspection of the vehicle minus the proceeds of the sale or auction. The claim for storage costs may not exceed the costs of:

1. 25 days storage for a vehicle described in section 80.05(A); and
2. 55 days storage for a vehicle described in 80.05(B).

(B) *Implied consent to sale.* A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under section 80.06 is deemed to waive any right to reclaim the vehicle and consents to the disposal or sale of the vehicle and its contents and transfer of title. (Minn. Stat. §168B.087)

#### **80.11 : DISPOSITION BY IMPOUND LOT.**

(A) *Auction or sale.*

1. If an abandoned or unauthorized vehicle and contents taken into custody by a unit of government or any impound lot is not reclaimed under 80.08, it may be disposed of or sold at auction or sale when eligible pursuant to 80.06 and 80.07.
2. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles, which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

(B) *Unsold vehicles.* Abandoned or junk vehicles not sold by units of government or public impound lots pursuant to division (A) of this section shall be disposed of in accordance with section 80.11.

(C) *Sale proceeds; public entities.* From the proceeds of a sale under this section by a unit of government or public impound lot of an abandoned or unauthorized motor vehicle, the unit of government shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to this chapter. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the treasury of the unit of government.

(D) *Sale proceeds; nonpublic impound lots.* The operator of a nonpublic impound lot may retain any proceeds derived from a sale conducted under the authority of division (A) of this section. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency. (Minn. Stat. §168B.08)

**80.12 : DISPOSAL AUTHORITY.**

A unit of government may contract with others or may utilize its own equipment and personnel for the inventory of impounded motor vehicles and abandoned scrap metal and, if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of these vehicles and abandoned scrap metal; provided, however, that a unit of government may utilize its own equipment and personnel for the collection and storage of not more than five abandoned or unauthorized vehicles without advertising for or receiving bids in any 120-day period. (Minn. Stat. §168B.09(1))

*(Ord. 348, passed 05-25-17, Ord. 380, passed 10-25-18)*

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## CHAPTER 81: ANIMALS

### 81.01 : DEFINITIONS.

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

**ANIMAL.** Shall mean any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom.

Animals shall be classified as follows:

**DOMESTIC.** Shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, ferrets, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

**NON-DOMESTIC.** Shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:

- a. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
- b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
- c. Any crossbreeds.
- d. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, or squirrel, but excluding those members otherwise defined or commonly accepted as domesticated pets.
- e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile and amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
- f. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

**FARM ANIMALS.** Shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chicken, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, and other animals associated with a farm, ranch, or stable.

**NON-TRADITIONAL FARM ANIMAL.** Shall mean those animals recently associated with farm or performing work in an agricultural setting. Such animals shall include buffalo, bison, elk, llamas, wild boar, ostrich, quail, pheasant, or similar animal used for commercial agricultural purposes.

**ANIMAL UNIT EQUIVALENT.** For purposes of this ordinance, “One Animal Unit Equivalent” is herein defined using the unit equivalent spreadsheet. The following are also defined as one Animal Unit Equivalent: one elk, one bison or buffalo, two llamas, two ostrich, or twenty-five rabbits. Animal Unit Equivalents not included in the schedule or in this definition shall be calculated as follows: average weight of species  $\div$  1000 lbs. = the Animal Unit Equivalent. Any disputes concerning the calculation of an Animal Unit Equivalent shall be resolved by the City Council.

**APIARY.** The assembly of one or more managed colonies of bees at a single location.

**AT LARGE.** Shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other responsible person.

**BEEKEEPER.** A person who owns or has charge of one or more colonies of bees.

**BEEKEEPING EQUIPMENT.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

**COLONY.** An aggregate of bees consisting principally of workers and a developing or adult queen, and at times drones, brood, combs, and honey.

**COMMERCIAL KENNEL.** A structure or premises where dogs are kept or possessed for the business of boarding, breeding, grooming and or training for profit.

**DOG.** Shall be intended to mean both the male and female of the canine species, commonly accepted as domesticated household pets.

**DANGEROUS DOG.** Shall mean any dog that has:

- a. Without provocation, inflicted substantial bodily harm on a human being on public or private property;
- b. Killed a domestic animal without provocation while off the owner’s property;
- c. Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

**HIVE.** A manufactured receptacle inhabited by a colony. A hive that is not under management by a beekeeper but has been occupied by a swarm shall be deemed a hive under the control of the owner of the property on which the hive is located and is subject to the requirements of this Chapter.

**HOBBY KENNEL.** A structure or premises that is located in a residential area that is not operated as a business for the sale, breeding, grooming, boarding, or training but rather as a hobby. Wherein the dogs are kept exclusively as personal/family pets.

**HONEY BEE.** All life stages of the common domestic honey bee, *apis mellifera*.

**LOT.** A contiguous parcel of land under common ownership.

**NUCLEUS.** A colony temporarily maintained for swarm management, re-queening, re-establishing, or wintering a permanent colony, where honey supers are not maintained as a part of the nucleus hive.

**OWNER.** Any person or persons, firm, association or corporation owning, keeping or harboring an animal. In the event a minor is considered to be the owner, the responsible property owner shall be considered the owner of record for purposes of enforcement of the ordinance.

**POTENTIALLY DANGEROUS DOG.** Shall mean any dog that has:

- a. When unprovoked, inflicts bites on a human or domestic animal on public or private property;
- b. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in a n apparent attitude of attack; or
- c. Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

**POLICE DOG.** A dog that has been trained and may be used to assist one or more law enforcement officers in the performance of their official duties.

**RELEASE PERMIT** - Shall mean a permit issued by the Police Department for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be incremental based on a 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and subsequent offence scale to be established from time to time by resolution of the city council. For the purpose of a release permit, any change in the registered ownership to a person of a different residence from the current owner, of an animal subsequent to its impoundment and release shall reset that animal's impoundment count to the beginning of the fee scale.

**SWARM.** A compact cluster of bees located outside a hive and containing a queen, in the process of establishing a new hive.

#### **81.02 : DOGS.**

1. *Running at Large Prohibited* – It shall be unlawful for the dog to run at large. A person who owns a dog, which runs at large, shall be guilty of a misdemeanor. Dogs on a leash or otherwise under direct control of a responsible person shall be permitted in streets or on public land unless the City has posted an area with signs readings “Dogs Prohibited”.
2. *ID Required* – The owner of a dog over the age of six months kept, harbored, or maintained in the City, shall provide the dog with a collar, and shall see that the collar is constantly worn.



An identification tag shall be affixed to the collar showing the name, address and phone number of the dog's owner. A rabies vaccination tag shall be affixed to the dog's collar showing the date of vaccination.

3. *Vaccination* – All dogs harbored, maintained, or transported within the City shall be vaccinated at least once every three years by a licensed veterinarian for Rabies and Distemper. A certificate of vaccination must be kept which states the date of vaccination.

*(Ord. 191, passed 2-1-04, Ord. no. 252, passed 02-25-10)*

### **81.03 : IMPOUNDING**

1. The police, or any other duly appointed person, may take and impound any animal which is not being kept, confined or restrained in a manner consistent with the requirements of this chapter.
2. Immediately upon the impounding of an animal wearing a current license tag, the police shall make every reasonable effort to notify the owner or harbored of such impoundment, and of the conditions whereby the owner or harbored may regain custody of the animal. The police shall immediately confirm verbal notice in writing.
3. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under §347.50 in which case it shall be kept for seven regular business days or the times specified in §347.54, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this Section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provide for in this code or established from time to time by resolution of the City Council.
  - a. Payment of a processing fee, as set from time to time by city council resolution, and receipt of a release permit from the police; (this processing fee is in addition to the release permit fee specified in §81.01)
  - b. Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in said pound; and
  - c. If a dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies and distemper shots is required.
  - d. At the expiration of the times established herein, if the animal has not been reclaimed in accordance with the provisions of this Section, the appointed authority to enforce this Section may let any person claim the animal by complying with all provisions in this Section, or may sell the animal to the University of Minnesota, or cause the animal to be destroyed in a proper and humane manner and shall property dispose of the remains thereof.
  - e. The owners shall be responsible for all costs associated with the impounding of their animal. If the owner fails to collect the animal from the pound they shall be responsible for impound and disposition costs. Any costs not paid within 30 days of written notice from the city shall be certified to the owners' property taxes along with interest and a processing

fee to be set by city council resolution.

4. If an animal is rabid, or otherwise diseased, vicious or dangerous, and cannot be impounded after a reasonable effort or without serious risk to the impounder or others, such animal may be immediately killed.

#### **81.04 : CONFINEMENT OF DANGEROUS DOGS.**

In accordance with Minnesota Statutes Chapter 347 regulating dangerous dogs, the City shall seize any dangerous dog if the owner hasn't registered the dog within 14 days of being told it is dangerous, or if the owner later fails to comply with any of the other requirements and conditions of registration. A dog shall be formally on record as a Dangerous or Potentially Dangerous Dog in order to be considered as such.

#### **81.05 : PROHIBITED CONDUCT; NUISANCES.**

1. Each owner shall exercise proper care and control of his or her dog so as to prevent the following actions by such animal:
  - a. Molesting of passersby;
  - b. Chasing of passing vehicles;
  - c. Attacking other domestic animals;
  - d. Trespassing upon private property or school property;
  - e. Damaging private or public property;
  - f. Foul or noxious odors, which offend people in the neighborhood.
  - g. No owner, keeper or harbinger of a dog shall permit or allow such dog to annoy or disturb one or more of the inhabitants of this city by the frequent or habitual howling, yelping, barking or making of any other unreasonably loud and disturbing noises of such character, intensity or duration as to disturb the peace, quiet and good order of the city.

#### **81.06 : ANIMAL WASTE.**

The owner of every animal shall be responsible for the prompt removal of any excreta deposited by his or her animal on public walks, recreational or public property.

#### **81.07 : ANIMALS TO BE QUARANTINED.**

Any animal, which bites a person, shall be quarantined for such time as may be directed by the City. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the discretion of the City, the quarantine may be on the premises of the Owner, however if the City requires other confinement, the Owner shall surrender the animal for the quarantine period to the City Pound or a veterinary hospital. All expenses incurred in the keeping of the animal shall be the responsibility of the owner.

#### **81.08 : ILLEGAL RELEASE.**

No unauthorized person shall break into the pound or release any animal legally impounded.

#### **81.09 : POSSESSION OR SALE OF NON-DOMESTIC ANIMALS**

1. No person shall keep, own, harbor, have charge of, maintain or have control of within the city a non-domestic animal.
2. For the purposes of this section, the phrase non-domestic animal does not include an animal that is in the possession or control of any of the following agencies, organizations, its employees or agents:
  - a. The Minnesota Department of Natural Resources;
  - b. The Minnesota Agriculture Department;
  - c. An incorporated humane society;
  - d. A veterinarian holding a valid license under state law who has custody of the animal for the purpose of providing medical treatment of the animal;
  - e. Any organization that is an accredited member of the American Association of Zoological Parks and Aquariums;
  - f. An agency or official of the United States government acting in its official capacity;
  - g. Any research facility within the meaning of the Animal Welfare Act, being 7 USC 2131, as amended;
  - h. A common carrier with possession of the animal for the purpose of transportation;
  - i. Any person who is not currently dwelling in the city, who is traveling through the city with any wild or potentially dangerous animal, and who is in the city for no more than 24 hours and the wild or potentially dangerous animal is maintained in quarters so constructed which are humane and will prevent escape;
  - j. The International Society for the Preservation of Wild Animals;
  - k. Research facilities of the International Society for Endangered Cats; or
  - l. Any circus or professional entertainer present within the city for the purpose of entertainment to the general public; provided, that the non-domestic or potentially dangerous animal is maintained in quarters so constructed that are humane and will prevent escape.
3. In addition to the penalty provided in 81.13 for a violation of this section, any person found guilty of violating this section shall be liable to the city for all expenses, whether incurred by the city or advanced by the city, for the shelter, food, veterinary expenses, boarding and transportation of the seized non-domestic or dangerous animal, and such other expenses as may be required in the relocation or destruction of any such non-domestic animal.

#### **81.10 : KENNEL LICENSING REQUIREMENTS**

**COMMERCIAL KENNEL** – The Zoning Ordinance shall govern any commercial activity involving dogs including, but not limited to, breeding, sales, grooming, or boarding. All commercial kennels shall be required to apply for a Conditional Use Permit, as described in the Zoning Ordinance.

**HOBBY KENNEL LICENSE** – Person’s owning four (4) or more dogs over six months of age, whom are not involved in commercial activity must obtain a hobby license. The fee for said license shall be set from time to time by city council resolution.

The premises shall have a secure fenced area of at least thirty-five (35) square feet per dog and shelter from the weather. The dogs shall be fed and watered properly so as to maintain a healthy condition. A site inspection by the city councils duly authorized agent shall be done to assure compliance with such standards.

#### **81.11 : KEEPING OF FARM ANIMALS & NON-TRADITIONAL FARM ANIMALS**

Any person keeping a farm animal or non-traditional farm animal within the City of Corcoran must adhere to the following requirements at a minimum:

1. Properties of less than 3 acres, but at least one-half acre, are allowed to have .5 Animal Unit Equivalent per acre, as calculated to the nearest one-tenth acre:

|                 |      |     |
|-----------------|------|-----|
| .5 acre         | .25  | AUE |
| .6 acre         | .3   | AUE |
| .7 acre         | .35  | AUE |
| .8 acre         | .4   | AUE |
| .9 acre         | .45  | AUE |
| 1.0 acres       | .5   | AUE |
| 1.1 acres       | .55  | AUE |
| 1.2 acres       | .6   | AUE |
| 1.3 acres       | .65  | AUE |
| 1.4 acres       | .7   | AUE |
| 1.5 acres       | .75  | AUE |
| 1.6 acres       | .8   | AUE |
| 1.7 acres       | .85  | AUE |
| 1.8 acres       | .9   | AUE |
| 1.9 acres       | .95  | AUE |
| 2.0 acres       | 1.0  | AUE |
| 2.1 acres       | 1.05 | AUE |
| 2.2 acres       | 1.1  | AUE |
| 2.3 acres       | 1.15 | AUE |
| 2.4 acres       | 1.2  | AUE |
| 2.5 acres       | 1.25 | AUE |
| 2.6 – 2.9 acres | 1.5  | AUE |
| 3.0 acres       | 2.0  | AUE |

2. Minimum of 2 acres is required to allow one Animal Unit Equivalent to be kept.
3. For each additional whole acre over 3 acres, one additional Animal Unit Equivalent is permitted. Partial acres on parcels greater than three acres do not increase the available Animal Unit Equivalents. There are no animal unit restrictions on parcels greater than 30 acres.
4. For the purpose of calculating acreage under this section, adjoining parcels under the same ownership shall be considered one parcel if actually used together for the keeping of the Animal Unit Equivalents.

5. For the purpose of calculating acreage under this section, adjoining parcels not under the same ownership may be combined if:
  - a. The adjoining property owner agrees to allow his/her property to be used for this purpose;
  - b. The agreement is in writing and contains the following:
    - i. Names of both landowners and the addresses and legal descriptions of their respective properties;
    - ii. A statement indicating the amount of acreage the adjoining property owner is allowing the animal owner to utilize for this purpose;
    - iii. A statement indicating the duration of the agreement;
    - iv. An acknowledgment by the adjoining property owner that the agreement reduces the available Animal Unit Equivalent, if any, on his/her property for the duration of the agreement; and
    - v. The signatures of all property owners of record for all parcels involved.
  - c. The agreement shall be filed with the City Administrator.
6. All animals must be kept in an enclosed pen or corral with fences or enclosures of sufficient size, height and strength to ensure safe and humane retention of animals.
7. In addition to the pen required on number 6, a shelter or stabling facility shall be provided of at least 100 square feet per animal unit. The shelter or facility shall be at least 75 feet from any residential structure of another person and must comply with all setback requirements as identified in Section 1030.020 (Accessory Buildings) of the Zoning Ordinance.
8. Manure, bedding compost and other waste materials must not be piled or allowed to accumulate closer than 75 feet from any lot line and 140 feet from neighboring residences. On parcels less than 3 acres, such materials shall be removed from the premises at least once within a six (6) month period, unless the materials are accumulated within 140 feet from a property line, in which case they must be removed every 14 days.

#### **81.12 : BEES**

1. Location and Hive Density.
  - a. Subject to the restrictions stated in this Chapter 81, beekeeping shall be a permitted use in all zoning districts within the City.
  - b. No apiary shall occupy a front yard. For the purposes of this section, a corner lot is considered to have two front yards.
  - c. Hives may be maintained on rooftops, subject to Section 2.
  - d. African bee subspecies and Africanized hybrids are prohibited within the City.

- e. No person may keep an apiary on a lot less than one acre in size. No colonies may be maintained inside dwellings, garages, or any other structure requiring a building permit.
  - f. On lots one acre or greater, the following maximum number of colonies may be kept:
    - i. At least one acre but less than 2 ½ acres : 4 colonies
    - ii. At least 2 ½ acres but less than 5 acres : 6 colonies
    - iii. Greater than 5 acres : no restriction
  - g. Compliance with the requirements of this Chapter shall be the obligation of the owner of any property on which an apiary is maintained, regardless whether the property owner owns or directly manages the apiary, beekeeping equipment or hives located on the owner's property.
  - h. Sale to the general public of products derived from beekeeping within the City shall be governed by applicable zoning standards, including ordinances regulating Home Occupations.
  - i. Beekeepers maintaining hives on lots zoned commercial, industrial or public institutional shall post signage in an area open to the general public, identifying the location of the apiary on the lot.
2. Required Beekeeping Practices. All apiaries and persons keeping bees in the City shall comply with the following standards of practice:
- a. Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
  - b. Each beekeeper shall ensure that so long as colonies remain active outside of the hive, a source of water is available on the apiary lot in close proximity to the colony.
  - c. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left exposed at or about the apiary. Such materials, once removed from the apiary, shall be stored in sealed containers, placed in an insect-proof structure, or destroyed.
  - d. For each colony permitted to be maintained under this chapter, there may also be maintained upon the same lot one nucleus colony in a hive structure not to exceed one standard nine and five-eighths (9 5/8) inch ten (10) frame hive body with no supers.
  - e. Each beekeeper shall maintain beekeeping hives and equipment in good condition and if the beekeeper is not actively managing a colony within any

hive maintained by the beekeeper, the beekeeper shall remove the hive from the apiary and store the unused hive in a manner to prevent occupation of the unused hive by a swarm.

f. Setbacks and Barriers.

- i. Except as provided in this sub-section F, no hive shall be kept within ten (10) feet of any lot line. In each instance where a hive is kept less than twenty-five (25) feet from any lot line, the beekeeper shall establish and maintain between the hive and the lot line a flyway barrier at least six (6) feet in height. The flyway barrier shall be of a reasonably impervious nature so that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive.
- ii. A ten (10) foot lot line setback and a flyway barrier are not required if the property adjoining the apiary lot line is either (a) an undeveloped parcel greater than one (1) acre, (b) agricultural or industrial, or (c) a wildlife management area or nature park land with no public trails or facilities within twenty-five (25) feet of the hive, and in the case of any of (a), (b), or (c) the hive entrances face away from the adjoining property.
- iii. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story and all hives are located not less than five (5) feet from the side of the structure. Rooftop hives remain subject to any screening requirements contained in applicable zoning standards.

### **81.13 : PENALTIES AND VIOLATIONS**

Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Section. Violations of this Chapter shall constitute a misdemeanor and shall be punishable accordingly.

*(Ord. 213, passed 12-21-04, Ord. 238, passed 11-20-06, Ord. 247, passed 06-11-09, Ord. 348, passed 05-25-17, Ord. 365, passed 06-28-18, Ord. 389, passed 02-28-19)*

ANIMAL UNITS  
 1 UNIT WITH 2 ACRES AND 1 ADDITIONAL UNIT FOR EACH 1 ACRE THEREAFTER  
 After 30 acres it is considered "true farming" and animal units are not restricted"

| <u>Type of Animal</u>        |                        | <u>Less than 3 Acres</u> | <u>3.0-3.9</u>      | <u>4.0-4.9</u>      | <u>5.0-5.9</u>      | <u>6.0-6.9</u>      |
|------------------------------|------------------------|--------------------------|---------------------|---------------------|---------------------|---------------------|
|                              |                        | <u>See Ordinance</u>     | <u>Animal Units</u> | <u>Animal Units</u> | <u>Animal Units</u> | <u>Animal Units</u> |
| <b>Dairy Cattle</b>          | <b>Unit Equivalent</b> | <b>Text</b>              | <b>2</b>            | <b>3</b>            | <b>4</b>            | <b>5</b>            |
| Mature Cow - over 1000 lbs.  | 1.4                    |                          | 1.4                 | 2.1                 | 2.9                 | 3.6                 |
| Mature Cow - under 1000 lbs. | 1.0                    |                          | 2.0                 | 3.0                 | 4.0                 | 5.0                 |
| One Heifer                   | 0.7                    |                          | 2.9                 | 4.3                 | 5.7                 | 7.1                 |
| One Calf                     | 0.2                    |                          | 10.0                | 15.0                | 20.0                | 25.0                |
| <b>Beef Cattle</b>           |                        |                          |                     |                     |                     |                     |
| One slaughter or stock cow   | 1.0                    |                          | 2.0                 | 3.0                 | 4.0                 | 5.0                 |
| One feeder or heifer         | 0.7                    |                          | 2.9                 | 4.3                 | 5.7                 | 7.1                 |
| One cow and calf pair        | 1.2                    |                          | 1.7                 | 2.5                 | 3.3                 | 4.2                 |
| One calf                     | 0.2                    |                          | 10.0                | 15.0                | 20.0                | 25.0                |
| <b>Swine</b>                 |                        |                          |                     |                     |                     |                     |
| Over 300 lbs.                | 0.4                    |                          | 5.0                 | 7.5                 | 10.0                | 12.5                |
| 55 lbs. to 300 lbs.          | 0.3                    |                          | 6.7                 | 10.0                | 13.3                | 16.7                |
| under 55 lbs.                | 0.05                   |                          | 40.0                | 60.0                | 80.0                | 100.0               |
| <b>One Horse</b>             | 1.0                    |                          | 2.0                 | 3.0                 | 4.0                 | 5.0                 |
| <b>One Sheep or Lamb</b>     | 0.1                    |                          | 20.0                | 30.0                | 40.0                | 50.0                |
| <b>Chickens</b>              |                        |                          |                     |                     |                     |                     |
| Liquid Manure                | 0.033                  |                          | 60.6                | 90.9                | 121.2               | 151.5               |
| Dry Manure - over 5 lbs.     | 0.005                  |                          | 400.0               | 600.0               | 800.0               | 1000.0              |
| Dry Manure - under 5 lbs.    | 0.003                  |                          | 666.7               | 1000.0              | 1333.3              | 1666.7              |
| <b>Turkey</b>                |                        |                          |                     |                     |                     |                     |
| Over 5 lbs.                  | 0.018                  |                          | 111.1               | 166.7               | 222.2               | 277.8               |
| Under 5 lbs.                 | 0.005                  |                          | 400.0               | 600.0               | 800.0               | 1000.0              |
| <b>Duck</b>                  | 0.01                   |                          | 200.0               | 300.0               | 400.0               | 500.0               |



**ANIMAL UNITS**

1 UNIT WITH 2 ACRES AND 1 ADDITIONAL UNIT FOR EACH 1 ACRE THEREAFTER  
After 30 acres it is considered "true farming" and animal units are not restricted"

| <u>Type of Animal</u>        |                        | <u>Acres</u><br><u>7.0-7.9</u> | <u>Acres</u><br><u>8.0-8.9</u> | <u>Acres</u><br><u>9.0-9.9</u> | <u>Acres</u><br><u>10.0-10.9</u> | <u>Acres</u><br><u>11.0-11.9</u> | <u>Acres</u><br><u>12.0-12.9</u> | <u>Acres</u><br><u>13.0-13.9</u> |
|------------------------------|------------------------|--------------------------------|--------------------------------|--------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
|                              |                        | <i>Animal Units</i>            | <i>Animal Units</i>            | <i>Animal Units</i>            | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              |
| <b>Dairy Cattle</b>          | <b>Unit Equivalent</b> | <b>6</b>                       | <b>7</b>                       | <b>8</b>                       | <b>9</b>                         | <b>10</b>                        | <b>11</b>                        | <b>12</b>                        |
| Mature Cow - over 1000 lbs.  | 1.4                    | 4.3                            | 5.0                            | 5.7                            | 6.4                              | 7.1                              | 7.9                              | 8.6                              |
| Mature Cow - under 1000 lbs. | 1.0                    | 6.0                            | 7.0                            | 8.0                            | 9.0                              | 10.0                             | 11.0                             | 12.0                             |
| One Heifer                   | 0.7                    | 8.6                            | 10.0                           | 11.4                           | 12.9                             | 14.3                             | 15.7                             | 17.1                             |
| One Calf                     | 0.2                    | 30.0                           | 35.0                           | 40.0                           | 45.0                             | 50.0                             | 55.0                             | 60.0                             |
| <b>Beef Cattle</b>           |                        |                                |                                |                                |                                  |                                  |                                  |                                  |
| One slaughter or stock cow   | 1.0                    | 6.0                            | 7.0                            | 8.0                            | 9.0                              | 10.0                             | 11.0                             | 12.0                             |
| One feeder or heifer         | 0.7                    | 8.6                            | 10.0                           | 11.4                           | 12.9                             | 14.3                             | 15.7                             | 17.1                             |
| One cow and calf pair        | 1.2                    | 5.0                            | 5.8                            | 6.7                            | 7.5                              | 8.3                              | 9.2                              | 10.0                             |
| One calf                     | 0.2                    | 30.0                           | 35.0                           | 40.0                           | 45.0                             | 50.0                             | 55.0                             | 60.0                             |
| <b>Swine</b>                 |                        |                                |                                |                                |                                  |                                  |                                  |                                  |
| Over 300 lbs.                | 0.4                    | 15.0                           | 17.5                           | 20.0                           | 22.5                             | 25.0                             | 27.5                             | 30.0                             |
| 55 lbs. to 300 lbs.          | 0.3                    | 20.0                           | 23.3                           | 26.7                           | 30.0                             | 33.3                             | 36.7                             | 40.0                             |
| under 55 lbs.                | 0.05                   | 120.0                          | 140.0                          | 160.0                          | 180.0                            | 200.0                            | 220.0                            | 240.0                            |
| <b>One Horse</b>             | <b>1.0</b>             | <b>6.0</b>                     | <b>7.0</b>                     | <b>8.0</b>                     | <b>9.0</b>                       | <b>10.0</b>                      | <b>11.0</b>                      | <b>12.0</b>                      |
| <b>One Sheep or Lamb</b>     | <b>0.1</b>             | <b>60.0</b>                    | <b>70.0</b>                    | <b>80.0</b>                    | <b>90.0</b>                      | <b>100.0</b>                     | <b>110.0</b>                     | <b>120.0</b>                     |
| <b>Chickens</b>              |                        |                                |                                |                                |                                  |                                  |                                  |                                  |
| Liquid Manure                | 0.033                  | 181.8                          | 212.1                          | 242.4                          | 272.7                            | 303.0                            | 333.3                            | 363.6                            |
| Dry Manure - over 5 lbs.     | 0.005                  | 1200.0                         | 1400.0                         | 1600.0                         | 1800.0                           | 2000.0                           | 2200.0                           | 2400.0                           |
| Dry Manure - under 5 lbs.    | 0.003                  | 2000.0                         | 2333.3                         | 2666.7                         | 3000.0                           | 3333.3                           | 3666.7                           | 4000.0                           |
| <b>Turkey</b>                |                        |                                |                                |                                |                                  |                                  |                                  |                                  |
| Over 5 lbs.                  | 0.018                  | 333.3                          | 388.9                          | 444.4                          | 500.0                            | 555.6                            | 611.1                            | 666.7                            |
| Under 5 lbs.                 | 0.005                  | 1200.0                         | 1400.0                         | 1600.0                         | 1800.0                           | 2000.0                           | 2200.0                           | 2400.0                           |
| <b>Duck</b>                  | <b>0.01</b>            | <b>600.0</b>                   | <b>700.0</b>                   | <b>800.0</b>                   | <b>900.0</b>                     | <b>1000.0</b>                    | <b>1100.0</b>                    | <b>1200.0</b>                    |

ANIMAL UNITS  
1 UNIT WITH 2 ACRES AND 1 ADDITIONAL UNIT FOR EACH 1 ACRE THEREAFTER  
After 30 acres it is considered "true farming" and animal units are not restricted"

| <u>Type of Animal</u>        |                        | <u>Acres</u><br><u>14.0-14.9</u> | <u>Acres</u><br><u>15.0-15.9</u> | <u>Acres</u><br><u>16.0-16.9</u> | <u>Acres</u><br><u>17.0-17.9</u> | <u>Acres</u><br><u>18.0-18.9</u> | <u>Acres</u><br><u>19.0-19.9</u> |
|------------------------------|------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
|                              |                        | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              |
| <b>Dairy Cattle</b>          | <b>Unit Equivalent</b> | <b>13</b>                        | <b>14</b>                        | <b>15</b>                        | <b>16</b>                        | <b>17</b>                        | <b>18</b>                        |
| Mature Cow - over 1000 lbs.  | 1.4                    | 9.3                              | 10.0                             | 10.7                             | 11.4                             | 12.1                             | 12.9                             |
| Mature Cow - under 1000 lbs. | 1.0                    | 13.0                             | 14.0                             | 15.0                             | 16.0                             | 17.0                             | 18.0                             |
| One Heifer                   | 0.7                    | 18.6                             | 20.0                             | 21.4                             | 22.9                             | 24.3                             | 25.7                             |
| One Calf                     | 0.2                    | 65.0                             | 70.0                             | 75.0                             | 80.0                             | 85.0                             | 90.0                             |
| <b>Beef Cattle</b>           |                        |                                  |                                  |                                  |                                  |                                  |                                  |
| One slaughter or stock cow   | 1.0                    | 13.0                             | 14.0                             | 15.0                             | 16.0                             | 17.0                             | 18.0                             |
| One feeder or heifer         | 0.7                    | 18.6                             | 20.0                             | 21.4                             | 22.9                             | 24.3                             | 25.7                             |
| One cow and calf pair        | 1.2                    | 10.8                             | 11.7                             | 12.5                             | 13.3                             | 14.2                             | 15.0                             |
| One calf                     | 0.2                    | 65.0                             | 70.0                             | 75.0                             | 80.0                             | 85.0                             | 90.0                             |
| <b>Swine</b>                 |                        |                                  |                                  |                                  |                                  |                                  |                                  |
| Over 300 lbs.                | 0.4                    | 32.5                             | 35.0                             | 37.5                             | 40.0                             | 42.5                             | 45.0                             |
| 55 lbs. to 300 lbs.          | 0.3                    | 43.3                             | 46.7                             | 50.0                             | 53.3                             | 56.7                             | 60.0                             |
| under 55 lbs.                | 0.05                   | 260.0                            | 280.0                            | 300.0                            | 320.0                            | 340.0                            | 360.0                            |
| <b>One Horse</b>             | 1.0                    | 13.0                             | 14.0                             | 15.0                             | 16.0                             | 17.0                             | 18.0                             |
| <b>One Sheep or Lamb</b>     | 0.1                    | 130.0                            | 140.0                            | 150.0                            | 160.0                            | 170.0                            | 180.0                            |
| <b>Chickens</b>              |                        |                                  |                                  |                                  |                                  |                                  |                                  |
| Liquid Manure                | 0.033                  | 393.9                            | 424.2                            | 454.5                            | 484.8                            | 515.2                            | 545.5                            |
| Dry Manure - over 5 lbs.     | 0.005                  | 2600.0                           | 2800.0                           | 3000.0                           | 3200.0                           | 3400.0                           | 3600.0                           |
| Dry Manure - under 5 lbs.    | 0.003                  | 4333.3                           | 4666.7                           | 5000.0                           | 5333.3                           | 5666.7                           | 6000.0                           |
| <b>Turkey</b>                |                        |                                  |                                  |                                  |                                  |                                  |                                  |
| Over 5 lbs.                  | 0.018                  | 722.2                            | 777.8                            | 833.3                            | 888.9                            | 944.4                            | 1000.0                           |
| Under 5 lbs.                 | 0.005                  | 2600.0                           | 2800.0                           | 3000.0                           | 3200.0                           | 3400.0                           | 3600.0                           |
| <b>Duck</b>                  | 0.01                   | 1300.0                           | 1400.0                           | 1500.0                           | 1600.0                           | 1700.0                           | 1800.0                           |

# ANIMAL UNITS

1 UNIT WITH 2 ACRES AND 1 ADDITIONAL UNIT FOR EACH 1 ACRE THEREAFTER  
After 30 acres it is considered "true farming" and animal units are not restricted"

| <u>Type of Animal</u>        |                        | <u>Acres</u><br><u>20.0-20.9</u> | <u>Acres</u><br><u>21.0-21.9</u> | <u>Acres</u><br><u>22.0-22.9</u> | <u>Acres</u><br><u>23.0-23.9</u> | <u>Acres</u><br><u>24.0-24.9</u> | <u>Acres</u><br><u>25.0-25.9</u> |
|------------------------------|------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
|                              |                        | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              | <i>Animal Units</i>              |
| <b>Dairy Cattle</b>          | <b>Unit Equivalent</b> | <b>19</b>                        | <b>20</b>                        | <b>21</b>                        | <b>22</b>                        | <b>23</b>                        | <b>24</b>                        |
| Mature Cow - over 1000 lbs.  | 1.4                    | 13.6                             | 14.3                             | 15.0                             | 15.7                             | 16.4                             | 17.1                             |
| Mature Cow - under 1000 lbs. | 1.0                    | 19.0                             | 20.0                             | 21.0                             | 22.0                             | 23.0                             | 24.0                             |
| One Heifer                   | 0.7                    | 27.1                             | 28.6                             | 30.0                             | 31.4                             | 32.9                             | 34.3                             |
| One Calf                     | 0.2                    | 95.0                             | 100.0                            | 105.0                            | 110.0                            | 115.0                            | 120.0                            |
| <b>Beef Cattle</b>           |                        |                                  |                                  |                                  |                                  |                                  |                                  |
| One slaughter or stock cow   | 1.0                    | 19.0                             | 20.0                             | 21.0                             | 22.0                             | 23.0                             | 24.0                             |
| One feeder or heifer         | 0.7                    | 27.1                             | 28.6                             | 30.0                             | 31.4                             | 32.9                             | 34.3                             |
| One cow and calf pair        | 1.2                    | 15.8                             | 16.7                             | 17.5                             | 18.3                             | 19.2                             | 20.0                             |
| One calf                     | 0.2                    | 95.0                             | 100.0                            | 105.0                            | 110.0                            | 115.0                            | 120.0                            |
| <b>Swine</b>                 |                        |                                  |                                  |                                  |                                  |                                  |                                  |
| Over 300 lbs.                | 0.4                    | 47.5                             |                                  | 52.5                             | 55.0                             | 57.5                             | 60.0                             |
| 55 lbs. to 300 lbs.          | 0.3                    | 63.3                             | 66.7                             | 70.0                             | 73.3                             | 76.7                             | 80.0                             |
| under 55 lbs.                | 0.05                   | 380.0                            | 400.0                            | 420.0                            | 440.0                            | 460.0                            | 480.0                            |
| <b>One Horse</b>             | 1.0                    | 19.0                             | 20.0                             | 21.0                             | 22.0                             | 23.0                             | 24.0                             |
| <b>One Sheep or Lamb</b>     | 0.1                    | 190.0                            | 200.0                            | 210.0                            | 220.0                            | 230.0                            | 240.0                            |
| <b>Chickens</b>              |                        |                                  |                                  |                                  |                                  |                                  |                                  |
| Liquid Manure                | 0.033                  | 575.8                            | 606.1                            | 636.4                            | 666.7                            | 697.0                            | 727.3                            |
| Dry Manure - over 5 lbs.     | 0.005                  | 3800.0                           | 4000.0                           | 4200.0                           | 4400.0                           | 4600.0                           | 4800.0                           |
| Dry Manure - under 5 lbs.    | 0.003                  | 6333.3                           | 6666.7                           | 7000.0                           | 7333.3                           | 7666.7                           | 8000.0                           |
| <b>Turkey</b>                |                        |                                  |                                  |                                  |                                  |                                  |                                  |
| Over 5 lbs.                  | 0.018                  | 1055.6                           | 1111.1                           | 1166.7                           | 1222.2                           | 1277.8                           | 1333.3                           |
| Under 5 lbs.                 | 0.005                  | 3800.0                           | 4000.0                           | 4200.0                           | 4400.0                           | 4600.0                           | 4800.0                           |
| <b>Duck</b>                  | 0.01                   | 1900.0                           | 2000.0                           | 2100.0                           | 2200.0                           | 2300.0                           | 2400.0                           |

ANIMAL UNITS  
 1 UNIT WITH 2 ACRES AND 1 ADDITIONAL UNIT FOR EACH 1 ACRE THEREAFTER  
 After 30 acres it is considered "true farming" and animal units are not restricted

|                              |       | <u>Acres</u><br><u>26.0-26.9</u><br><u>29.9</u> |        | <u>Acres</u><br><u>27.0-27.9</u> |        | <u>Acres</u><br><u>28.0-28.9</u> |  | <u>Acres</u><br><u>29.0-</u>     |  |
|------------------------------|-------|-------------------------------------------------|--------|----------------------------------|--------|----------------------------------|--|----------------------------------|--|
| <u>Type of Animal</u>        |       | <i>Animal Units</i><br><b>25</b>                |        | <i>Animal Units</i><br><b>26</b> |        | <i>Animal Units</i><br><b>27</b> |  | <i>Animal Units</i><br><b>28</b> |  |
| <b>Dairy Cattle</b>          |       | <b>Unit Equivalent</b>                          |        |                                  |        |                                  |  |                                  |  |
| Mature Cow - over 1000 lbs.  | 1.4   | 17.9                                            | 18.6   | 19.3                             | 20.0   |                                  |  |                                  |  |
| Mature Cow - under 1000 lbs. | 1.0   | 25.0                                            | 26.0   | 27.0                             | 28.0   |                                  |  |                                  |  |
| One Heifer                   | 0.7   | 35.7                                            | 37.1   | 38.6                             | 40.0   |                                  |  |                                  |  |
| One Calf                     | 0.2   | 125.0                                           | 130.0  | 135.0                            | 140.0  |                                  |  |                                  |  |
| <b>Beef Cattle</b>           |       |                                                 |        |                                  |        |                                  |  |                                  |  |
| One slaughter or stock cow   | 1.0   | 25.0                                            | 26.0   | 27.0                             | 28.0   |                                  |  |                                  |  |
| One feeder or heifer         | 0.7   | 35.7                                            | 37.1   | 38.6                             | 40.0   |                                  |  |                                  |  |
| One cow and calf pair        | 1.2   | 20.8                                            | 21.7   | 22.5                             | 23.3   |                                  |  |                                  |  |
| One calf                     | 0.2   | 125.0                                           | 130.0  | 135.0                            | 140.0  |                                  |  |                                  |  |
| <b>Swine</b>                 |       |                                                 |        |                                  |        |                                  |  |                                  |  |
| Over 300 lbs.                | 0.4   | 62.5                                            | 65.0   | 67.5                             | 70.0   |                                  |  |                                  |  |
| 55 lbs. to 300 lbs.          | 0.3   | 83.3                                            | 86.7   | 90.0                             | 93.3   |                                  |  |                                  |  |
| under 55 lbs.                | 0.05  | 500.0                                           | 520.0  | 540.0                            | 560.0  |                                  |  |                                  |  |
| <b>One Horse</b>             | 1.0   | 25.0                                            | 26.0   | 27.0                             | 28.0   |                                  |  |                                  |  |
| <b>One Sheep or Lamb</b>     | 0.1   | 250.0                                           | 260.0  | 270.0                            | 280.0  |                                  |  |                                  |  |
| <b>Chickens</b>              |       |                                                 |        |                                  |        |                                  |  |                                  |  |
| Liquid Manure                | 0.033 | 757.6                                           | 787.9  | 818.2                            | 848.5  |                                  |  |                                  |  |
| Dry Manure - over 5 lbs.     | 0.005 | 5000.0                                          | 5200.0 | 5400.0                           | 5600.0 |                                  |  |                                  |  |
| Dry Manure - under 5 lbs.    | 0.003 | 8333.3                                          | 8666.7 | 9000.0                           | 9333.3 |                                  |  |                                  |  |
| <b>Turkey</b>                |       |                                                 |        |                                  |        |                                  |  |                                  |  |
| Over 5 lbs.                  | 0.018 | 1388.9                                          | 1444.4 | 1500.0                           | 1555.6 |                                  |  |                                  |  |
| Under 5 lbs.                 | 0.005 | 5000.0                                          | 5200.0 | 5400.0                           | 5600.0 |                                  |  |                                  |  |
| <b>Duck</b>                  | 0.01  | 2500.0                                          | 2600.0 | 2700.0                           | 2800.0 |                                  |  |                                  |  |

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## **CHAPTER 82: NUISANCES**

### **82.01: FINDINGS AND PURPOSE**

The purpose of this chapter of the City Code is to prohibit certain conduct that is harmful to the health, safety and welfare of the community and to prevent and abate nuisance conduct, events, characteristics or conditions and their harmful effects on city neighborhoods. The City Council finds that excessive noise, disruption and other public nuisance activities are injurious to the public health, safety and welfare and interfere with the quiet enjoyment of life and property. Nothing herein is meant to limit constitutional rights under the federal or state constitution.

### **82.02 : DEFINITIONS**

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

**ENFORCEMENT OFFICER.** Code Compliance Official, member of city staff, or persons authorized by the City to enforce the provisions of this chapter.

**GARBAGE.** All putrescible animal, vegetable or other matter, including the cans, containers or wrappers wasted along with such materials.

**LOT LINE.** The property line bounding a lot except that where any portion of a lot extends into an easement for public right-of-way, the line of such public right-of-way shall be the lot line for applying this Ordinance.

**LOT LINE, FRONT.** That boundary of a lot which abuts an existing or dedicated public street or private drive easement, and in the case of a corner lot it shall be the shortest dimension on a public street or private drive easement. If the dimensions of a corner lot are reasonably equal, the front lot line shall be designated by the owner and filed with the City. However, all front lot lines shall be subject to the front setback requirements.

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

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

**LOT LINE, WIDTH.** The maximum horizontal distance between the side lot lines of a lot measured at the required front lot line or ordinary high water level of the shoreline.

**OWNER.** Any person, firm, corporation, or other partnership or organization who alone, jointly, or severally with others may be in ownership of, or have charge, care, or control of, any premises or business within the City as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder.

**OFF-ROAD VEHICLE (ORV).** Motorized recreational vehicles capable of cross-country travel on natural terrain. Vehicles not considered ORVs include snowmobiles, all-terrain vehicles (ATVs), off-highway motorcycles (OHMs), motorcycles, watercraft, or aircraft. Farm, logging, military, emergency, law enforcement, utility, trail grooming, and construction vehicles are not considered to be ORVs when used for their intended purposes.

**PROPERTY.** A parcel or contiguous parcels of real property, including buildings and other structures thereon owned by the same legal entity and under common management. In the case of multi-unit residential or commercial property, the term shall apply to the entire complex.

**PERSONAL RECREATIONAL VEHICLE.** All-terrain vehicles, utility task vehicles, golf carts, snowmobiles, off-highway motorcycles, mini-bikes, go-carts, and other motorized vehicles, that by their use fit this definition.

**PUBLIC PLACE.** An area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not) and buildings open to the general public, including those buildings in which food or drink is served or entertainment or lodging is provided.

**RECREATIONAL VEHICLE.** A motor home, travel trailer, truck camper, or camping trailer with or without machine propelled power designed for temporary living quarters for recreation, camping, or travel.

**REFUSE.** All putrescible and non-putrescible solid waste (except body waste) including, but not limited to, garbage, rubbish, ashes, street cleanings, abandoned automobiles, automobile parts, tires, demolition and construction debris, and market and industrial solid waste.

**REFUSE ENCLOSURE.** An enclosure capable of containing all refuse and garbage stored by an establishment between pickups. All refuse enclosure construction plans shall be approved by the Building Official.

**RESIDENTIAL PROPERTY.** Any real property containing a structure suitable for affording shelter for human beings, including any appurtenant or connected structure, including trailers, mobile homes, multiple-family dwellings, buildings containing multiple dwelling units and any property situated within a residential zoning district, as defined by this City Code.

**RUBBISH.** Non-putrescible solid wastes such as wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings, sawdust, excelsior, wooden waste, printed matter, paper, paper board, paste board, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term garbage.

**UNOCCUPIED TRAILER.** A trailer designed to be pulled by an automobile, van, or pick-up truck and used to transport personal property.

**VEHICLE.** A self-propelled machine designed and originally manufactured to operate primarily on roadways and shall include, automobiles, trucks, and motorcycles.

**WASTE MATTER.** Non-putrescible solid waste such as soil, earth, sand, clay, gravel, loam, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal, and all other noncombustible material which has been or is to be discarded.

**WEEDS, and RANK VEGETATION.** Includes but is not limited to the following:

1. Noxious weeds and rank vegetation shall include but not be limited to: alum (alliums), Buckthorn, Bur Cucumber, Canada Thistle, Corn cockle, Cress leaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy White top, Hedge Bindweed, Hoary Cress, Horse nettle, Johnson grass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sow thistle, Poison Hemlock, Purple Loosestrife, Quack grass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip, Velvet weed, Bull Thistle, Chokeberries, Burning Nettles
2. Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants.
3. In no event shall cultivated plants or crops include plants that have been defined by state statute or administrative rule as being noxious or detrimental plants.

**YARD, FRONT.** An area extending the full width of a lot between the front line and the nearest principal structure. For the purposes of Chapter 82.04, Subd. 3., a corner lot shall have one front yard and it shall be the area extending the full width of a lot between the principal structure and the front lot line with driveway access to the principal structure.

### **82.03 : DECLARATION AND NOTICE OF PUBLIC NUISANCE**

The enforcement officer may apply and enforce any provision of this chapter relating to public nuisances within this jurisdiction. The enforcement officer or other designated City official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life or public safety, or to facilitate, after proper notice, the abatement of a weed nuisance as defined by section 82.04 subd. 7 of this chapter, or as otherwise authorized by law, no enforcement officer or designated City official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry or for the purpose of making preliminary contact.

### **82.04 : ACTIONS CONSTITUTING PUBLIC NUISANCES**

- Subd. 1. In addition to those activities or conditions which fall within the definition of a nuisance in Minn. Stat. § 609.74, as it may be amended from time to time, all acts described, regulated and prohibited in the provisions of this section are hereby



deemed to be, and are hereby declared to be, nuisances. Any person who shall cause or create any nuisance or permit a nuisance to be created to or to be placed upon or remain upon any premises shall, upon conviction thereof, be guilty of a misdemeanor. It shall be a misdemeanor for anyone to aid, abet, advise, encourage or assist another to violate any of the provisions of this section. All of such acts shall constitute misdemeanors. In addition, the City may enforce this section by injunctive action or other appropriate civil remedy. The following property conditions are declared to be nuisances affecting public peace, welfare and safety.

Subd. 2. Public Obstruction Nuisance

- A. All snow and ice not removed from public sidewalks within 24 hours after the snow and ice has ceased to be deposited thereon. Snow and ice remaining after 24 hours may be removed by the city or city's contractor and the property owner shall be liable for all costs for removal.
- B. All limbs of trees which are less than eight feet above the surface of any public sidewalk or nine feet above the surface of any street.
- C. The allowing of rain water, ice or snow to repeatedly fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- D. Depositing or storing snow or ice in the public right of way.
- E. Obstructions and excavations affecting the ordinary use of a public street, alley, sidewalk, public right of way, or other public property, except by a public agency or private contractor approved by the Public Works Director or designee.
- F. An unsecured hole or opening caused by an abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, foundation, mine shaft or tunnel, or any other hole or opening in the ground of sufficient size or depth to pose a danger to the public or an attractive nuisance

Subd. 3. Storage Nuisance

- A. Construction materials, including, but not limited to, piles of dirt, sand, lumber, bricks, concrete blocks or sod, left in the open on property more than 60 days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.
- B. Discarded construction material or other litter at a construction site that is not placed in an adequate waste container or that is allowed to blow around or off the site.

- C. A recreational vehicle, personal recreational vehicle, ORV, and unoccupied trailer is considered a storage nuisance when remaining in the same location for 72 hours. Except that:
  - 1. Recreational vehicles, personal recreational vehicles, ORVs and unoccupied trailers may be stored in the side or rear yard, provided they comply with a minimum setback of 10 feet.
  - 2. No more than two of any recreational vehicle, personal recreational vehicle, ORV, and unoccupied trailer may be stored in the front yard, provided it is stored on an improved surface and complies with a minimum setback of 25 feet from the front property line.
- D. Vehicles may be stored in the side or rear yard, provided they comply with a minimum setback of 10 feet and are screened according to Chapter 1060.070.
- E. In accordance with City Code governing junk vehicles there shall be no collection of junk or inoperable vehicles as defined in chapter 80, unused or unusable motor vehicle bodies, parts and engines and related accessories, with the exception of appropriately licensed pioneer, classic or collector vehicles as defined in Minn. Stat. § 168.10.
- F. The accumulation of rubbish, waste matter, disused furniture, appliances, machinery, automobiles and parts thereof, accumulations, which may become a harborage for rats, snakes or vermin or which may be conducive to fire, or which endangers the health, safety or welfare of the public or otherwise not allowed by Section 1060.010.
- G. Wood for burning in a fireplace, stove, furnace, or recreational fire site shall be considered a nuisance unless it is properly stored as follows:
  - 1. In a neat and secure stack, not exceeding 4 feet in height.
  - 2. The wood stack is not infested with rodents.

Subd. 4.      Parking Nuisance

- A. A person must not cause, undertake, permit, or allow the outside parking of vehicles on residential property unless it complies with the following requirements:
  - 1. Vehicles that are parked or outside in the front yard areas must be on a paved, gravel, or otherwise improved parking surface or driveway area.
  - 2. Vehicles stored outside on residential property must be owned by a person who resides on that property. Students who are away attending school for

periods of time but still claim the property as their legal residence will be considered residents on the property.

3. A vehicle is considered to be parked if it remains in one location for less than 72 hours. For the purposes of this section a vehicle is considered to be stored when remaining in one location for 72 hours or more.

Subd. 5. Noise Nuisance

A. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably, disturbs, injures, or endangers the, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition shall not be limited by the specific restriction of the following sections:

1. Any noise that is in violation of Minn. Rule 7030.0030, as may be amended from time to time.
2. No person shall sound any audible signaling device on any vehicle except as a warning of danger pursuant to Minn. Stat. § 169.68.
3. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motorboat, motor vehicle, or snowmobile, except through a muffler or other device that effectively prevents loud or explosive noises there from and complies with all applicable State laws and regulations.
4. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
5. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, loudspeaker, sound amplifier, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet and comfort of any person nearby.
6. No person shall operate a motor vehicle within the City in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency, or in violation of any Section of this Code relating to motor vehicles.
7. No person shall participate in any party or other gathering of people giving rise to unreasonable noise, disturbing the peace, quiet or repose of another person. When an Enforcement Officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises on which the disturbance is occurring, to disperse immediately. No person shall refuse to leave after

being ordered to by the enforcement officer to do so. Every owner or tenant of such premises, who has knowledge of the disturbance, shall make every reasonable effort to see that the disturbance is stopped.

8. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.
  9. No person shall keep any animal that disturbs the comfort or repose of any person in the vicinity by its frequent or continued noise as regulated by Chapter 81 of this code.
  10. Construction activities, including the operation or idling of any pile driver, pneumatic hammer, derrick, steam or electric hoist, bulldozer, or other equipment or tools, the use of which is attended by loud or unusual noise, shall be prohibited except between the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, and 8:00 a.m. and 4:00 p.m. on weekends and holidays. Extended construction hours of 7:00 a.m. to 10:00 p.m. on Monday through Friday, and 8:00 a.m. to 8:00 p.m. on weekends and holidays may be approved as part of a building permit when the construction activities are completed by an individual property owner, and not a separate contractor, and the construction activities are limited to a single parcel, and are not part of construction activities which affect a broader development or which are part of activities to improve a contemplated subdivision of the parcel. Extended construction hours may also be approved when a contractor is completing necessary repairs due to damage caused by a weather-related event. Building permits establishing the approved construction hours shall be visibly posted until the project is complete.
  11. The operation of outdoor power implements, including but not limited to an electric- or gas-powered implement such as a lawn mower, hedge clipper, chain saw, trimmer, leaf blower/vacuum, or other device designed primarily for outdoor use between the hours of 10:00 p.m. and 7:00 a.m. shall be prohibited. All implements shall be effectively muffled so as to prevent the emission of loud and explosive noises. The above restriction does not include the operation of Agriculture related equipment and any power implement utilized for snow removal within 12 hours of the end of a snow event.
- B. A waiver of these requirements can be obtained from the City Administrator or designee. The person wishing to receive exception to these rules to conduct necessary business may make a written application to the City stating when, why, and for how long the noise producing activity shall be conducted. If the

request is denied by the City Administrator or designee, the applicant may appeal the decision to the City Council by appearing before the Council during a regular Council meeting.

Subd. 6. Building Nuisance

- A. Any structure that has become dangerous for further occupancy because of structural or sanitary defects or grossly unsanitary conditions.
- B. Accumulations in permanent dwellings to such an extent preventing emergency egress.
- C. The existence of any manufactured home, building or portion of a building which has stood with an incomplete exterior shell for longer than one year; or any building or a portion thereof which is:
  - 1. Open to entry by persons without the use of tools or ladders;
  - 2. A structure with multiple exterior housing code or building code violations;
  - 3. A structure containing unfinished additions or partitions or any other unfinished structure; and
  - 4. A dangerous structure, meaning any structure which is potentially dangerous to persons or property including, but not limited to a structure in danger of partial or complete collapse, or a structure which has parts such as porches, stairs, ramps and floors or roofs which are accessible and which are either collapsed, in danger of collapsing or not able to carry their designed weight.

Subd. 7. Weed Nuisance

- A. Maintenance of grass or weeds on a property at a height of more than 12 inches, except:
  - 1. on slopes in excess of 3:1 within residential properties;
  - 2. wetlands;
  - 3. wetland buffers;
  - 4. areas maintained in prairie or other native vegetation;
  - 5. areas subject to a conservation or similar easement; and
  - 6. publicly owned parks, trails or nature areas.

7. on those portions of a property actively farmed or used for agricultural purposes.

B. The weed nuisance may be abated following the procedure outlined in Section 82.05 Subd. 3.

Subd. 8. Garbage and Refuse Nuisance

A. The existence of refuse or garbage, noxious substances or hazardous wastes, accumulated, piled, left, deposited, buried or discharged upon, or in, or flowing from any property, structure or vehicle, except for refuse or garbage deposited at places designated and provided for that purpose by the City.

**82.05 : ENFORCEMENT**

Subd. 1. Generally. Notwithstanding any other provision of this chapter regarding enforcement and in conjunction therewith, any violation of this chapter may be enforced by the enforcement officer or designee providing a notice of violation in an attempt to have the violation voluntarily abated. If the violation continues, the matter may be presented to the City Attorney. The City Attorney is authorized to seek compliance by injunctive action or other appropriate criminal or civil remedy.

Subd. 2. Enforcement procedure.

A. Whenever the enforcement officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the City, the official shall notify, in writing, the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. If the premises are not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises. The notice shall state:

1. The property location of the public nuisance;
2. The nature of the public nuisance, with reference to the appropriate chapter provision;
3. The steps to be taken to abate the nuisance and a reasonable amount of time within which the nuisance is to be abated;
4. If the owner, occupant or other responsible party does not comply with the notice within the time specified, the City may provide for abating the nuisance;
5. The owner, occupant or other responsible party has the right to appeal the designation as a public nuisance by submitting a written appeal to the City

Clerk before the date by which abatement must be completed or within seven calendar days after provision of the notice, whichever comes first.

Subd. 3. Abatement

- A. Abatement shall be used as the enforcement method for violation of Section 82.04, Subd. 7 (Weed Nuisance). All other violations shall be processed according to the enforcement procedures in Subd. 2 of this Section.
- B. Upon receiving notice of the probable existence of weeds or tall grass in violation of this subchapter, a person designated by the City Council shall make an inspection and submit a written report regarding the condition. Written notification in the form of a Destruction Order including information contained in within the records of the City Clerk or any other city agency shall be forwarded to the property owner. The notice shall be served in writing by mail or in person to the last known address of the property owner and shall request that within 10 regular business days after the date of notice, the property owner shall remove the designated violation. The owner of record or occupant of the property responsible for the nuisance may request an extension to the abatement deadline by submitting written explanation of how the nuisance will be abated. Staff may grant an extension to the abatement deadline if sufficient reasons were submitted.
- C. The property owner may appeal by filing written notice of objection with the City Clerk within 48 hours of the notice, excluding weekends and holidays. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter. An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council Members in attendance and being at a regularly scheduled or special meeting of the City Council.
- D. In the event that the property owner fails to comply with the Destruction Order within ten regular business days and has not filed a notice within 48 hours to the City Clerk of an intent to appeal, the city may employ the services of city employees or outside contractors to remove the weeds to conform to this subchapter by all lawful means.
- E. The property owner shall be liable for all costs of removal, cutting or destruction of weeds. The property owner is responsible for all collection costs associated with weed destruction, including but not limited to, court costs, attorney's fees and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals that may be used. All sums payable by the property owner are to be paid to the City Clerk and to be

deposited in a general fund as compensation for expenses and costs incurred by the city. All sums due and not paid within 30 days of mailed billing notice to the property owner's last known address shall be certified to the county and assessed against the property, along with interest and a surcharge as set from time to time by City Council resolution or ordinance.

Subd. 4. Recovery of costs.

- A. The owner of the premises on which a nuisance has been abated by the City, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the City of the abatement, including administrative costs. All fees shall be charged against the property as a special tax. Abatement costs shall include the cost of the abatement, the cost of the investigation, such as title searches, inspections and testing, the costs of the notification and filing costs.

Subd. 5. Nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

**82.06 : PENALTY**

With the exception of noise violations under this chapter, all violation of this chapter shall be punishable as a misdemeanor under the Minnesota State Statutes and punishable up to the maximum sentence allowed therein. In addition, the City may enforce any provision of this chapter by injunctive action or other appropriate civil remedy. A noise violation of section 82.04 subd. 5 shall constitute a petty misdemeanor, and upon conviction, shall be punishable up to the maximum sentence allowed for a petty misdemeanor offense under Minnesota law. The City's remedies under this chapter shall be cumulative.

*(Ord. 133, passed 8-10-95, Ord. 381, passed 10-25-18, Ord. 432, passed 09-23-21, Ord. 438, passed 10-28-21)*



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## CHAPTER 83: PARKS AND RECREATION

### 83.01: DEFINITIONS.

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

**BEER.** Beer, ale, porter, stout, and other similar fermented beverages of any name or description containing 0.5% or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute for malt.

**CIDER.** A product that contains not less than one-half of one percent nor more than seven percent alcohol by volume and is made from the alcoholic fermentation of the juice of apples. Cider includes, but is not limited to, flavored, sparkling, and carbonated cider.

**ELECTRONIC DELIVERY DEVICE.** Any product containing or delivering nicotine, lobelia or any other substance intended for human consumption through the inhalation of aerosol or vapor from the product. This includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

**FLAVORED MALT/SUGAR BEVERAGE.** A fermented malt/sugar beverage that contains 6% or less alcohol by volume, but does not include cider or an alcoholic beverage obtained primarily by fermentation of rice, such as sake.

**GOLF BALL.** Any ball which is of the type used to play the game of golf and shall also include any projectile of solid construction capable of being struck or propelled by a golf club.

**PARKS.** Parks, playgrounds, recreational fields, buildings and streams therein, and all public service facilities conducted on grounds, buildings and structures in this municipality which are under control of the city.

**PRACTICE GOLF BALL.** Any ball which is not of the type used to play the game of golf and is composed of a thin hollow sphere of plastic or other similar light weight material.

**TOBACCO PRODUCT.** Cigarettes, cigars, cheroots, crimp cut, granulated, perique, pug cut, ready, rugged, stogies and other smoking tobacco; cavendish, plug, snuff, snuff flower and twist tobacco; fine cut and other chewing tobaccos; clippings, cuttings, refuse scripts, shorts and sweepings of tobaccos; and other kinds and forms of tobaccos, prepared in such

a manner as to be suitable for chewing, sniffing, or smoking in a pipe; rolling paper; or other tobacco-related devices.

**TOBACCO USE.** Smoking, chewing, snuffing or otherwise inhaling or ingesting any tobacco product.

**WINE.** Means a vinous alcoholic beverage containing not more than 14 percent alcohol by volume.

### **83.02 : HOURS OF OPERATION.**

No person, unless the person is a duly authorized employee of the city, shall be upon any park property between the hours of 11:00 p.m. and 6:00 a.m. of the following day. No person shall leave or park a vehicle in any of the parks, or parking lots within parks between the hours of 11:00 p.m. and 6:00 a.m. of the following day. Penalty, see § 10.99

### **83.03 : ACTIVITY.**

1. *Defacing park property.* No person shall cut, break, scratch, mark or in any way injure or deface any building, fence, pump, lamp, flagpole, construction improvement, facilities or any other feature or property upon or within any park.
2. *Defacing of trees.* No person shall, without specific permission of the city, in any way injure or deface any tree, shrub or plant within the limits of any park.
3. *Littering.* No person shall throw, deposit, place or leave in any park or waters, cans, bottles or refuse of any kind, whether or not the same is offensive to the senses or is injurious to health, except in the receptacles provided for waste.
4. *Posting of signs.* No person shall place, post, fasten, paint or affix any blackboard, bill, notice or sign upon any structure, trees, stone, fence, thing or enclosure along or within any park.
5. *Moving equipment.* No person shall move benches, seats and tables from their places in any park, except on picnic places and there only within designated limits.
6. *Sales in park.* No person shall sell or offer for sale any article or thing whatsoever in any park; this prohibition shall not apply to the sale of refreshments and other articles by persons from the city or under its direction or wherein specific authorization has been given by the city.
7. *Breach of the peace.* No threatening, profane, abusive, disorderly, insulting or indecent language, conduct or behavior, or any act intending to be a breach of the public peace, shall be allowed in or upon any park, playground or park water; nor shall any person or persons gamble, or drink intoxicating liquor, except as allowed in 83.03 (8).

8. *Alcoholic beverage consumption in park.* No person shall serve, possess or consume any alcoholic beverage, except beer, flavored malt/sugar beverages, cider, and wine, within a park. No sale of beer, flavored malt/sugar beverages, cider, or wine may take place without first securing the appropriate liquor license from the city, in accordance with the alcoholic beverages licensing section of the city code. Exclusively during events which are so licensed by the city, beer, flavored malt/sugar beverages, cider, and wine may be consumed at the city park hosting the event. Sale and consumption of beer, flavored malt/sugar beverages, and wine in the park shall cease at the close of the event. Beer, flavored malt/sugar beverages, and wine must be packaged only in their original, glass-free container to be allowed inside the parks. Kegs, barrels, case lot quantities or other bulk tap quantities will not be allowed inside city parks.
9. *Animals in park.* All dogs or other domestic animals must be restrained on a leash, no longer than 6 feet, and under direct control at all times. The person controlling the dog or animal must have in their possession means to clean up any animal feces. The person controlling the dog or animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner.
10. *Fires regulated.* No person shall start any fire at any park except a small fire for culinary purposes, which may be made by picnic parties in the parks pursuant to regulations established by the city. The fire must be contained within a grill, metal fire ring or similar device. No burn barrels, open burning or recreational fires placed on the bare ground are permitted. Every person who starts any fire and every person starting or using the fire shall completely extinguish the fire or fires before leaving the park and shall dispose of any residue or refuse there from.
11. *Swimming regulations.* No person shall swim, bathe, or enter waters of any public park within the city.
12. *Horses.* No person shall bring or take a horse or horses upon park property, except in instances wherein the horse or horses shall be confined within a trailer type vehicle transporting the horse or horses without delay through the park. This division does not apply wherein the city has established an appropriately marked and specified bridle path within the park providing the horse or horses are confined by the attending person to the marked and specified bridle path.
13. *Parking regulations.* No person shall place, park, or drive upon any park property any motor driven vehicle, except upon duly specified road and parking lot areas.
14. *Containers.* No glass containers will be allowed in Corcoran city parks. Penalty, see § 10.99
15. *Tobacco.* No person shall use tobacco products or electronic delivery devices in city-owned parks, open space areas, pavilions, shelters, buildings, including trails used for walking and biking or on property for which the City retains a perpetual easement for public use as a park. This division does not apply to the use of tobacco products in motor vehicles legally parked on the premises of city-owned parks, open spaces and recreational facilities.

16. *Golf.* No person shall hit, drive, stroke or otherwise propel a golf ball or practice golf ball upon, in, over or across any street, avenue, alley or public place including public parks except within areas of public parks which have been designated for that activity.

*(Ord. 305, passed 07-23-15, Ord. 440, passed 11-10-21)*

#### **83.04 : PARK SHELTER RENTAL.**

Any party wishing to reserve the park shelter building must have a permit from the city in writing. The city reserves the right to refuse rental based on past experience with a renter or established policy governing type of use. A fee and deposit, in an amount to be set from time to time by council resolution shall be paid 72 hours in advance. If the premises are left the way they were found, and no damages done to the property, the initial damage deposit will be refunded. The renter shall be responsible for any damage cost beyond the initial deposit amount.

#### **83.05 : USE OF BALL FIELDS.**

All users of the ball fields must pay a fee and damage deposit in an amount to be set from time to time by council resolution. This fee and deposit shall be paid 72 hours in advance of the tournament, except for the City of Corcoran Park benefits. If the premises are left the way they were found, and no damage is done to the property, the initial damage deposit will be refunded. The renter shall be responsible for any damage cost beyond the initial deposit amount.

Any tournament with 3.2 malt liquor sales must obtain a city 3.2 malt liquor licenses.

*(Ord. 238, passed 11-20-06, Ord. 452, passed 02-24-22)*

## **CHAPTER 84: SIGNS**

### **84.01 : PURPOSE, FINDINGS AND INTENT.**

The purpose of this ordinance is promote the health, safety, welfare, orderly development, livability, rural character and economy of Corcoran. The intent of the sign ordinance is to establish a comprehensive system of sign control that achieves balance among the following goals:

1. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals in the City of Corcoran.
2. To provide for adequate way-finding in the community, thus reducing traffic congestion.
3. To provide adequate means of business identification, advertising and communication.
4. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city.
5. To protect the safety and welfare of the public by minimizing hazards to vehicles and pedestrians.
6. To preserve property values by preventing unsightly and chaotic signage that has a blighting influence on the city.
7. To differentiate among those signs that, because of their location, lighting, movement or other characteristics may distract drivers on public streets and those that may provide information in a safer manner.
8. To minimize the possible adverse effects of signs on nearby public and private property.
9. To implement the goals of the Comprehensive Plan.
10. To protect the constitutional rights of our citizens.

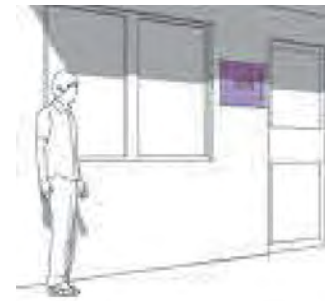
### **84.02 : DEFINITIONS.**

**Abandoned Sign** - Any sign structure that has ceased to be used for the display of sign copy, or any sign regarding a business or activity on the site of the sign where such business or activity has ceased to be conducted for a period of more than 6 consecutive months.

**Address Sign** - A sign communicating the street address and/or the name of the occupant of a property.

**Alteration** - A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

**Architectural Projection** - Any projection from a building that is decorative and/or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein.



Address Sign

**Awning Sign** - A sign displayed on or attached flat against the surface or surfaces of an awning. Awning signs must meet the same sign area standards as wall and canopy signs.

**Balloon** - A flexible, non-porous bag inflated with either air or helium that causes it to rise and float in the atmosphere.

**Banner** - A flexible substrate on which copy or graphics may be displayed. Pennants are considered banners.

**Billboard** - See Off Premise Sign.



Awning Sign

**Building Elevation** - The entire side of a building, from average ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

**Building Facade** - That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

**Campaign Sign** - A Temporary Sign placed within the City during the noncommercial sign exemption period contemplated within Minnesota Statutes Section 211B.045, as may be amended from time to time.

**Canopy or awning** - A multi-sided overhead structure supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

**Canopy (freestanding)** - A multi-sided overhead structure supported by columns, but not enclosed by walls.

**Canopy Sign** - A sign affixed to the visible surface(s) of an attached or freestanding canopy.

**Candela per square meter (cd/m<sup>2</sup>)** - The SI (metric) unit used to describe the luminance of a light

source or of an illuminated surface that reflects light. Also referred to as Nits.

**Changeable Sign** - A sign with the capability of content change by means of manual or remote input, including signs that are manually or electrically activated.

1) **Manually Activated** - Changeable sign whose message copy or content can be changed manually on a display surface. Not illuminated.

2) **Electrically Activated** - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Dynamic Display.

**Channel Letter (open faced)** – A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

**Channel Letter (internally illuminated)** – A dimensional letter with a back, sides and a translucent front face capable of transmitting light from an internal light source within the letter.

**Channel Letter (reverse)** – A dimensional letter with a face and sides but no back, opposite to an Open Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

**Code Compliance Official** - The city official or employee responsible for implementing and enforcing the applicable codes and standards of the city. For the purposes of this Chapter, the Code Compliance Official shall be the City Administrator or his/her designee.

**Commercial Sign** – any sign which advertises or identifies a product, business, service, event, or any other matter of a commercial nature.

**Community Event** - A noncommercial event established primarily for the benefit and service of the population of the community in which it is located.

**Construction Sign** – A temporary sign placed at a construction site of a project that has received the City's preliminary or final approval which may possibly include components such as identifying the project or the name of the architect, engineer, contractor, developer, financier, other involved parties, and construction site rules.



**Construction Site** – A collective of any properties under construction for a residential, commercial, or industrial development.

**Copy** – The graphic elements comprising the content of a sign, excluding numerals identifying street address only.

**Directional Sign** - Any sign that is designed for the purpose of providing direction for pedestrian or vehicular traffic.

**Directory Sign** - A wall sign that identifies individual tenants within a development that do not have their own exclusive exterior entrance.

**Double-Faced Sign** - A sign with two identical faces that is designed so only one face can be viewed at one time. Only one side of a double face or V-type sign structure shall be used in computing total surface area, provided the maximum angle between faces of double-faced or V-type signs is 45 degrees.

**Dynamic Display** –An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed.

**Event Sign** - A temporary sign used exclusively to advertise community events.

**Exterior Sign** - Any sign placed upon the exterior of a building.

**Externally Illuminated Sign** - A sign characterized by the use of artificial light reflecting off its surface.

**Facade** - The face of a building from the lowest exposed point to the roof.

**Freestanding Sign** - A sign principally supported by a structure affixed to the ground and not supported by a building. Pylon and monument signs are types of freestanding signs. Table 2 identifies types of permitted freestanding signs.

**Frontage (Property)** - The dimension in feet of the parcel upon the street of business mailing address.

**Frontage (Building)** - The length of the exterior building wall or structure oriented toward the frontage road.

**Holiday Sign** - A sign or display that contains or depicts a message pertaining to a national, state, local or religious holiday.

**Integral Sign** - A sign carrying the name of a building, its date of erection and incidental information about its construction, and made an integral part of the structure.

**Interior Sign** - Any sign placed within a building, but not including window signs. (Interior Signs are not regulated by this ordinance).

**Illuminance** – The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot-candles (lumens/square foot) in the English system and lux (lumens/square meter) in the SI (metric) system.

**Illuminated Sign** - A sign characterized by the use of artificial light, either projecting through its surface(s) (internally or trans-illuminated); or reflecting off its surface(s) (externally illuminated).

**Internally Illuminated Sign** - A sign characterized by the use of artificial light projecting outward through its surface.

**Logo Signs** - Any brand name, trademark, logo, distinctive symbol or other similar device or thing used to identify a particular business, institution or activity.

**Luminance** – The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as  $\text{cd/m}^2$ , and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

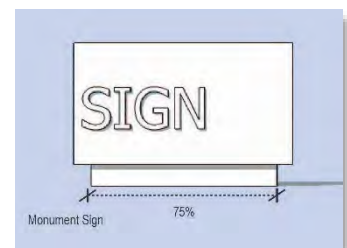
**Lux** – The SI (metric) unit for illuminance. One lux equals 0.093 foot-candles.

**Mansard** - An inclined decorative roof-like projection that is attached to an exterior building facade.

**Memorial Sign** - A sign attached to a building noting its natural, historic, community or architectural significance.

**Menu Board** - A freestanding menu sign oriented to the drive-through lane for a restaurant

**Monument Sign**- A freestanding sign which is architecturally designed and located directly at grade where the base width dimension is 75% or more of the greatest width of the sign. Monument signs are not supported by exposed posts or poles.



**Mullion** - A vertical strip separating windowpanes.

**Mural** - A picture rather than words, numbers or symbols, applied to a wall.

**Natural Grade** - The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature.

**Nit** - A photometric unit of measurement referring to luminance. One nit is equal to 1 cd/m<sup>2</sup>.

**Non-Conforming Sign** - A sign that was legally installed by permit in conformance with all municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

**Non-Commercial Sign** – any sign which is not a commercial sign which expresses an opinion and which is deemed by the courts to have greater protection under the first amendment than a commercial sign.

**Obsolete Sign** – On-premise sign that no longer advertises or identifies a use conducted on the property on which the sign is erected.

**Off-Premise Signs** - A sign advertising products, goods, services, or places of business or services offered at a location other than the lot upon which the sign is maintained.

**On-Premise Sign** - A sign used for the purpose of displaying messages pertinent to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**Parapet** - The extension of a building facade above the line of the top of the structural roof assembly.

**Pennant** - See Banner.

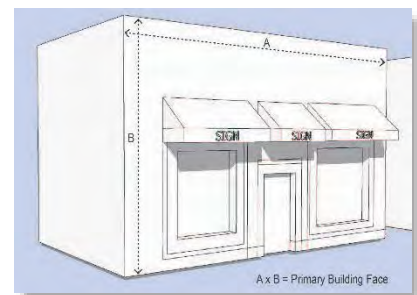
**Permanent Sign** - Any sign that is not temporary. Banners and pennants shall not be considered permanent signs.

**Pole Sign** - See Freestanding Sign.

**Political Sign** - A temporary sign intended to influence voting at a primary, general or other election.

**Portable Sign** – A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

**Primary Building Face** - The wall of a building façade fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases, or decorations. There is only one primary building



face per tenant.

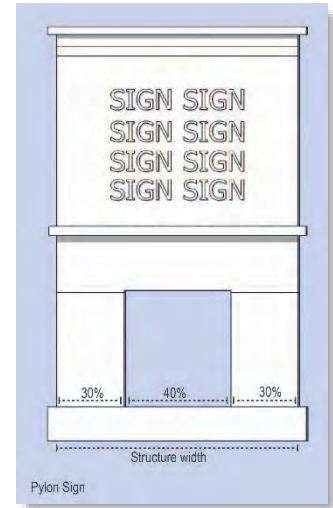
**Projecting Sign** - A sign attached to a building or extending in whole or part more than 18 inches and less than 6 feet beyond the surface of the building to which the sign is attached.

**Pylon Sign** – A freestanding sign supported by 2 posts so that the sign and supports are finished to grade by encasing the posts in a material consistent with the sign and where the cumulative width dimension of the supporting posts is not less than 60% of the total width of the sign face.

**Rotating Sign** - Any sign that revolves.

**Roof Line** - The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**Roof Sign** - A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades and architectural projections such as canopies shall not be considered to be roof signs.



**Sandwich Board or A-Frame** – A double-faced sign ordinarily in the shape of the letter “A,” or some variation thereof, that is displayed on the ground, not permanently attached, and usually two-sided and not more than 6 square feet.

**Scroll** – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

**Security Sign** - A sign identifying the presence of a security system.

**Sign** - Any device visible from a public right-of-way that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

**SI (International System of Units)** – The modern metric system of measurement; abbreviated SI for the French term “Le Systeme International d’Unites.”

**Temporary Sign** - A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**Tenant Space** - For the purpose of this Section, a tenant space is considered to be a business area

that has its own exclusive interior or exterior entrance within a multiple-occupancy development.

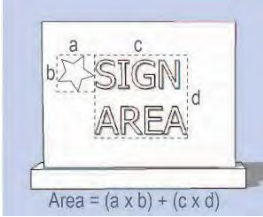
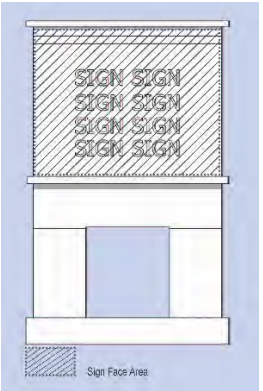
**Wall or Fascia Sign** - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

**Window Sign** - A sign attached to, placed upon, or painted on a window or door of a building, or located within 1-foot of the interior of a window, that is intended for viewing from the exterior of such building.

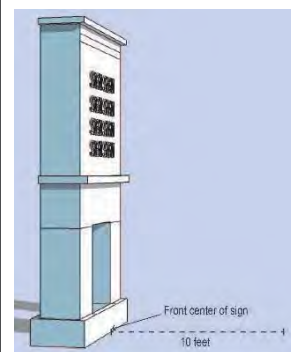
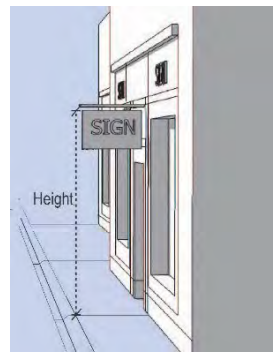
**Zoning Ordinance** -City of Corcoran or related or succeeding ordinances.

#### 84.03 : SIGN MEASUREMENT AND INTERPRETATION.

Signs shall be measured according to the following standards:

|                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <p><b>Sign Copy.</b> The physical sign message including any words, letters, numbers, pictures, and symbols.</p>                                                                                                                                                                                                                                                                                     |                                                                                       |
| <p><b>Sign Area.</b> The area of the board(s) or module(s) containing the sign message, but not including the supporting structure. The area to be calculated is the area within the smallest rectilinear perimeter that contains the entire signboard or module. The area of a sphere shall be computed as the area of a circle.</p>                                                                |  |
| <p><b>Sign Face.</b> The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.</p> |  |

**Sign Height.** Sign height shall be calculated as the vertical distance from the natural grade measured at a point either at the back of the curb level or 10 feet away from the front center of the sign, whichever is closer, to the uppermost point used in measuring the area of a sign.



#### 84.04 : GENERAL PROVISIONS.

1. **Conformance to Codes.** All signs shall conform to the provisions of this ordinance and the provisions of the Building Code and of any other applicable ordinance or regulations within the City of Corcoran.
2. **Location**
  - a) *Setbacks.* All signs shall be set back 10 feet from the property lines.
  - b) *Projections Over Public Ways.* Except as provided for elsewhere in this ordinance, private signs may not encroach or overhang the public right-of-way and no sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way except:
    - 1) Signs advertising a community event may be permitted in the public rights-of-way, subject to approval by the Code Compliance Official as to the size, location and method of erection. The Code Compliance Official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.
  - b) *Obstructions.* No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit-ways, window or door openings used as a means of egress, or to prevent free passage from one part of a roof to another part thereof or access thereto. In addition, no sign shall be attached in any form, shape or manner that will interfere with any opening required for ventilation. No sign shall obstruct any drainage ways. No sign shall be placed so as to interfere with access of Fire Department personnel on the property.
  - c) *Traffic Visibility.* No sign or sign structure shall be erected in a site visibility triangle, as defined by Section 1060.090, Subd. 2, in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with

or obstruct the view of or be confused with any authorized traffic sign, signal, or device. Signs over County or State Highways are not permitted.

- d) Signs may not be erected, painted or drawn upon sidewalks, rocks, trees or natural features.

3. **Maintenance, Repair and Removal.**

- a) It shall be the duty of the owner of any sign to maintain the sign in good repair. The City may order special repair to be made in order that the appearance and safety of the sign may be maintained.
- b) No matter shall be permitted to hang loose from any sign. It shall be the duty of every person maintaining a sign to keep and preserve the lot or parcel of land on which such sign is erected at all times clean, inoffensive, and free and clear of any garbage, refuse weeds, rubbish, paper or other offensive material of any kind and description, which may be deposited or gathered thereon and to keep the same removed at all times for a space equal to 20 feet from any portion of such sign.

4. **Obsolete Sign Copy.** An abandoned sign as defined in section 84.02 (Definitions) or a sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign copy covered or removed within 30 days after written notification from the Code Compliance Official; and upon failure to comply with such notice, the Code Compliance Official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure, or ground on which the sign is located. If the owner of the sign does not remit payment for such removal within 60 days after removal of signs, the City may take whatever actions are allowed by law to collect such amount, including imposing a lien on the property upon which the sign is located.

5. **Resemblance to Government Signs.** No sign erected by a non-governmental person may imitate any sign erected by a government agency, or display such words as "stop" or "danger" except that such signs may be used in shopping centers or other traffic areas where first approved by the City Engineer.

6. **Public Nuisance.** Any sign which is obscene, as defined by MN Statute 617.241, Subd. 1(a) shall be considered a nuisance and is prohibited. Any sign which emits an audible sound, odor, or visible matter shall be considered a public nuisance and is prohibited.

7. **Dynamic Displays.** Dynamic displays as permitted by section 84.05 (Sign Standards) are subject to the following conditions:

- a. Only one dynamic display sign shall be allowed per lot.



- b. Dynamic displays are allowed only on freestanding signs. Dynamic displays may occupy no more than 60% of the actual sign area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous electronic message sign area is allowed on a sign face.
  - c. A dynamic display sign may not change or move more often than once every 6 seconds except one for which changes are necessary to correct hour and minute, date, or temperature information.
  - d. The images and messages displayed and transitioned must be instantaneous or fading. Modes of display which cause the message to flash or blink are prohibited.
  - e. Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this section.
  - f. Electronic message signs must comply with the lighting and brightness standards contained in this section.
8. **Lighting and Brightness Standards.** In addition to the lighting standards set forth in Section 1060.040 of the Zoning Code, all sign lighting, including LED accent lighting, shall comply with the following standards:
- a) Except where otherwise stated in this ordinance, signs may be illuminated by artificial light sources on timers and shall be equipped with dimmers.
  - b) No sign may be brighter than is necessary for clear and adequate visibility.
  - c) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
  - d) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
  - e) Signs using an LED (light emitting diode) light source shall not exceed a luminance level of 500 candela per square meter (nits) between sunset and sunrise, and shall not exceed a luminance level of 5,000 candela per square meter between sunrise and sunset.
  - f) Signs using fluorescent, neon, or incandescent light sources shall not exceed 12 watts per square foot of sign surface area.



- g) All signs with illumination shall be equipped with a mechanism that automatically adjusts the brightness to ambient lighting conditions (e.g., dusk) to ensure that the sign's intensity does not exceed 0.3 foot-candle above ambient light levels as measured from 100 feet from the sign's face.
  - h) No illumination involving movement by reason of the lighting arrangement, lighting source, changes in either color or intensity of lighting or other devices shall be permitted.
9. **Design standards.** In addition to the standards set forth in Section 84.05 (Sign Standards), all signs shall comply with the following design standards:
- a) All proposed signs on a site shall be part of a common design scheme and shall maintain consistency through the use of lighting design, color schemes, materials, shape, proportion, and type faces.
  - b) The design of all signs on site shall use building materials, colors, and, where applicable, architectural design features consistent with the materials, colors, and architectural design features of the principal building on the site.
  - c) All exposed pole or post structures must be wrapped or faced with stucco, architectural metal, brick or stone consistent with the building architecture.
  - d) The area around freestanding signs shall be landscaped with plantings and maintained in such a manner to accent and enhance the sign.

#### **84.05: SIGN STANDARDS.**

- 1. **Sign Standards.** In addition to Section 84.04 (General Provisions), signs shall comply with the standards for permitted sign types in each district as shown in Table 2 and Table 3.
- 2. **Planned Unit Developments.** All developments must comply with standards for the underlying zoning district. PUD sign plans may be requested as part of the Preliminary PUD development plan.
- 3. **Additional standards for specific types of signs.**
  - a) **Menu Boards.** Drive-thru restaurants may be permitted 2 menu boards, not to exceed 36-square feet per board. No more than 20% of the total area of the sign may be utilized for business identification. Menu boards may be internally illuminated.

- b) **Motor Fuel Stations.** In addition to the one dynamic display permitted by Section 84.05 (Sign Standards), motor fuel stations in any district are permitted to display one additional 12 square foot dynamic display on one wall sign or freestanding sign. Such signs are subject to the standards of Section 84.08 (General Provisions), Section 84.05 (Sign Standards), and Minnesota State Statutes §239.751 and, §325D.71, as may be amended.

f) **Wall Signs.**

- i) Wall signs are limited to 1 sign at the primary entrance of each tenant space, not to exceed 10% of the primary building face of the related tenant space.
- ii) Lettering on canopy and awning signs is restricted to the side panels or front drop.
- iii) Internally lit wall signs are limited to logo signs and individually-mounted channel lit lettering.
- iv) Wall signs must be located on the same wall as the primary building entrance.



*Lettering on canopy and awning signs.*

- v) Canopies shall be considered to be an integral part of the structure to which they are accessory. Signs may be attached to a canopy, but such structures shall not be considered as part of the wall area, and thus shall not warrant additional sign area.

**Table 2 – Freestanding Signs**

| <div>    </div> |     |                |           |                                                                       |                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------|-----------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Monument Sign</i>                                                                                                                                                                                                                                                 |     |                |           | <i>Pylon Sign</i>                                                     |                                                                                                                                                   |
| District                                                                                                                                                                                                                                                             | Qty | Sign Copy Area | Height ** | Illumination                                                          | Additional Standards                                                                                                                              |
| <b>RSF-1, RSF-2, RSF-3, RMF-1, RMF-2, RMF-3, TCR</b><br>Non-residential uses                                                                                                                                                                                         | 1   | 32             | 6         | -External<br>-Internal<br>-Reverse channel letter<br>-Dynamic Display |                                                                                                                                                   |
| Residential subdivision (more than 6 lots) and medium and high density apartments                                                                                                                                                                                    | 2   | 32             | 6         | -External<br>-Internal<br>-Reverse channel letter                     | Must be located at primary entrance of subdivision. One additional sign not to exceed 16-square feet shall be allowed at each secondary entrance. |
| <b>MP</b>                                                                                                                                                                                                                                                            | 1   | 32             | 6         | -External<br>-Internal<br>-Reverse channel letter<br>-Dynamic Display |                                                                                                                                                   |
| <b>CR</b><br>Non-residential uses                                                                                                                                                                                                                                    | 1   | 64             | 16        | -External<br>-Internal<br>-Channel letter<br>-Dynamic display         |                                                                                                                                                   |
| <b>C / GMU</b><br>Non-residential uses                                                                                                                                                                                                                               | 1   | 64             | 16        | -External<br>-Internal<br>-Channel letter<br>-Dynamic display         |                                                                                                                                                   |

| Table 2 – Freestanding Signs                                                                           |                                                           |                |           |                                                               |                      |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----------------|-----------|---------------------------------------------------------------|----------------------|
| District                                                                                               | Qty                                                       | Sign Copy Area | Height ** | Illumination                                                  | Additional Standards |
| BP / I                                                                                                 | 1                                                         | 64             | 16        | -External<br>-Internal<br>-Channel letter                     |                      |
| P-I                                                                                                    | 1                                                         | 64             | 16        | -External<br>-Internal<br>-Channel letter<br>-Dynamic display |                      |
| DMU                                                                                                    | Freestanding signs are not permitted in the DMU district. |                |           |                                                               |                      |
| **The top of a sign, including its support shall be no higher than the roof of the principal building. |                                                           |                |           |                                                               |                      |

*(Ord. 323, passed 05-26-16, Ord. 343, passed 12-19-16, Ord. 363, passed 01-25-18)*

**Table 3 - Signs Attached to Buildings**

|                                                                                   |                                                                                   |                                                                                     |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|  |  |  |
| Awning / Canopy Sign                                                              | Wall Sign                                                                         | Projecting Sign                                                                     |

|                                      | Sign Copy Area                                     | Illumination                                      | Additional Standards                                                                         |
|--------------------------------------|----------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------|
| DMU District<br>Non-residential uses | 10% of the primary building face                   | -External<br>-Internal<br>-Channel letter         | 1 projecting sign allowed in addition to one allowed wall or canopy sign.                    |
| CR<br>Non-residential uses           | 10% of the primary building face                   | -External<br>-Internal<br>-Reverse Channel letter |                                                                                              |
| C / GMU<br>Non-residential uses      | 10% of the primary building face                   | -External<br>-Internal<br>-Channel letter         | 1 service entrance sign (4 SF max) allowed in addition to allowed sign attached to building. |
| BP / I                               | 10% of the primary building face                   | -External<br>-Internal<br>-Channel letter         |                                                                                              |
| P-I                                  | 50 SF or 5% of the wall area, whichever is greater | -External<br>-Internal<br>-Channel letter         |                                                                                              |

#### **84.06: TEMPORARY SIGNS.**

Temporary use of portable or movable signs shall be allowed in addition to the sign limitations of this ordinance.

1. General Provisions. All temporary signs, with the exception of construction signs, shall comply with the following standards:
  - a) Temporary signs shall comply with Section 84.04 (General Provisions).
  - b) Such signs shall be limited to a maximum of 32 square feet in area.
  - c) A permit shall be obtained from the Code Compliance Official for each location and time period for placement of such signs, except:
    - i. Such signs shall comply with the duration limits of this Section.
    - ii. A permit for temporary signs under 8 square feet in area shall not be required to obtain a permit provided that the posting date of the sign is legibly and permanently printed on the sign.
    - iii. Farm stands in any district are permitted to display a temporary sign less than 16 square feet in area during the period of sales. Temporary commercial signs shall advertise an activity on the property on which they are located.
  - d) Temporary commercial signs shall advertise an activity on the property on which they are located.
  - e) All pennants, streamers, banners, and other forms of temporary signs must be maintained and not be frayed, torn, or tattered.
  - f) Manually activated changeable message boards are permitted on temporary freestanding signs.
  - g) Sandwich board and A-frame signs must be placed on the property where the business is located and within 10 feet of the primary entrance of the business or on the right-of-way in front of property. A-frame signs must provide an unobstructed sidewalk width of at least 5 feet for pedestrian passage and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.
  - h) Temporary signs may be located on a property for continuous periods not to exceed 30 days. No more than 1 such sign will be allowed per parcel.
  - i) No property shall be allowed more than 4 such periods in any 12 month period.

2. Construction Sign Provisions. Construction signs shall comply with the following standards:
  - a) Construction signs shall comply with Section 84.04 (General Provisions).
  - b) Each construction site will be allowed up to two signs, each limited to a maximum of 32 square feet in area.
  - c) A permit shall be obtained from the Code Compliance Official, or his/her designee, for placement of each such sign, except signs under 8 square feet in area shall not be required to obtain a permit but shall be subject to the two-sign limit.
  - d) Construction signs must be located on the construction site's primary entrance to the development.
  - e) Construction signs can be located on the construction site until:
    - i. 90% of the building permits for a residential development have been issued.
    - ii. A certificate of occupancy has been issued for a commercial or industrial development.

#### **84.07 : EXEMPT SIGNS.**

The following signs shall be exempt from the provisions of this ordinance, except they must meet standards of General Provisions (Section 84.04):

1. Street address signs, and combination nameplate and street address signs which contain noncommercial messages and which do not exceed 6 square feet in area.
2. Detached freestanding signs smaller than 4 square feet in area and less than 4 feet in height, and containing no commercial message (e.g. "Enter" or Exit" signs). Signs may be illuminated according to the standards of Section 84.04 (General Provisions).
3. Interior window signs in commercial and industrial districts, subject to the following standards:
  - a) The aggregate area of all such signs shall not exceed 25% of the window area on which such signs are displayed. Window panes separated by mullions shall be considered as 1 continuous window area.

- b) Window signs shall not be counted against the sign area permitted for other sign types.
- 4. Permanent governmental signs for control of traffic and other regulatory/notification purposes and street signs.
- 5. Cornerstones, foundation stones, and memorial signs or tablets displaying the names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, provided that no such sign shall exceed 6 square feet in area.
- 6. Noncommercial flags or any other flags displayed from flagpoles will not be considered to be signs. Flags & individual pennants (not on a string) are exempt signs.
- 7. Noncommercial cultural decorations, displays of a noncommercial nature, or holiday signs mounted on private residential property, which pertain to cultural observances.
- 8. Noncommercial signs may be posted beginning 46 days before the state primary in a state general election year until ten days following the state general election, per the standards of Minnesota §211B.045, as may be amended.

#### **84.08 : PROHIBITED SIGNS.**

The following devices shall be specifically prohibited:

- 1. No person with a home occupation as defined in Section 1030.100 of the Zoning Ordinance shall be permitted to erect a sign advertising the home occupation, except as otherwise permitted by the City as part of a conditional home occupation license. In cases where signs are permitted as part of a conditional home occupation license, signs shall conform to the standards for residential uses in Table 2.
- 2. Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings visible from the roadway.
- 3. Electronic outdoor advertising devices or dynamic displays including animated signs, electronic or manual changeable message signs, flashing signs or displays, moving signs, scrolling displays, and traveling displays, except as permitted in 84.05 (Sign Standards) and Section 84.06 (Temporary Signs).
- 4. Portable signs except as allowed for temporary signs.
- 5. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:



- a) The sign is a portable sign that meets the standards of 84.06 (Temporary Signs).
  - b) The primary purpose of such vehicle or trailer is not the display of signs.
  - c) The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
  - d) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
6. Vehicles and trailers used primarily as static displays, advertising a product or service, or utilized as storage, shelter or distribution points for commercial products or services for the general public.
  7. Inflatable or flying devices such as, but not limited to, balloons, streamers or pinwheels except those that are permitted temporary signs.
  8. Signs that are structurally unsafe or in disrepair or which create a hazard by their condition, location or lighting.
  9. Permanent signs or placards of any size attached or added to any sign beyond that included in the application and permit.
  10. Abandoned signs.
  11. Rotating signs.
  12. Roof signs.
  13. A sign that violates any provision of any law of the State relative to off premises signs.
  14. Temporary signs that advertise a business, product, or service, which is not produced or conducted on the lot upon which the sign is located, except that temporary off-site signs may be allowed as identified in Section 84.06 (Temporary Signs).
  15. Off premise signs are prohibited. Off-premise signs which exist on the effective date of this section shall be considered as nonconforming signs and are subject to standards contained in Section 84.09 (Non-conforming Signs) of this Chapter.

#### **84.09 : NON-CONFORMING SIGNS.**

1. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered a legal non-conforming use or structure and may continue in such status until such time as it is either abandoned or removed by its owner, subject to Minnesota §462.357, as may be amended.
2. For on-premises signs, structural alterations, maintenance and improvements are permissible only where such alterations, maintenance and improvements will not increase the degree of nonconformity of the signs.

#### **84.10 : PERMITS.**

1. **Application.** Unless exempted (Section 84.07), all persons seeking to place a sign within the City limits of the City of Corcoran and as regulated by the terms of this Section shall obtain a permit. The applicant shall first file an application in writing on a form furnished for that purpose by the Code Compliance Official for the City of Corcoran. Every such application shall:
  - a) Identify and describe the work completely, including size, height, location, materials, true colors and lighting to be used. All applications must include color samples for review. Color rendition and intensity of lighting shall be indicated.
  - b) Properties with multiple tenants, occupants or buildings entitled to signs must demonstrate an allocation of the allowed signage among eligible tenants and users.
  - c) Be accompanied by a site plan with dimensions and specifications sufficient to determine consistency with this and other applicable laws and ordinances.
  - d) Complete application form.
  - e) Be accompanied by a fee, if applicable, as established by the City Council.
  - f) Provide such other information as may reasonably be required by the Code Compliance Official.
2. **Sign Permits.** The application shall be reviewed by the Code Compliance Official and other departments of the City including the Building Official to check compliance with the laws and ordinances under their jurisdiction. The Code Compliance Official, or designee, shall approve or deny the sign permit in an expedited manner no more than 30 days from the receipt of the complete application, including applicable fee. All permits not denied within 30 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare and send the applicant a written notice of denial within ten days of

its decision, describing the applicant's appeal rights under Section 84:10, Subd. 4. The Code Compliance Official may require a building permit or electrical permit before construction commences.

3. **Expiration of Permit.** Every permit issued by the Code Compliance Official under the provisions of this ordinance shall become null and void if the sign or work authorized by such permit is not completed within 120 days from the date the permit is issued. The Code Compliance Official shall have the sole discretion to grant extensions for good cause shown.
4. **Right to appeal.** Any applicant who files an application for a permit and is denied shall have the right to an appeal before the City Council, within 10 days of receiving notice of the denial of the application.
5. **Sign Removal.** Any signs constructed in the City without a permit and not exempt pursuant to Section 84.07 shall be removed by and at the expense of the owner(s) of the sign. If the owner does not remove such sign(s) within 10 working days of receiving notice of non-compliance for failure to obtain a permit, the Code Compliance Official may order the immediate removal of all such sign(s).

#### **84.11 : VARIANCES.**

The City Council shall have the authority to approve or deny variances from the provisions of the Sign Ordinance. An applicant for variance shall proceed as required under Section 1070.040 (Variances) of the Corcoran Zoning Ordinance. The City Council shall use the same standards for evaluating sign variances as are found in said Section 1070.040 of the Corcoran Zoning Ordinance.

#### **84.12 : REPEAL.**

All prior ordinances pertaining to the subjects treated in this Ordinance shall be deemed repealed from and after the effective date of this Ordinance, except as they are included and re-ordained in whole or in part in this Ordinance; provided, this repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this Ordinance.

#### **84.13 : SEVERABILITY.**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of the provisions of this chapter related to signs is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality does not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

#### **84.14 : NONCOMMERCIAL SIGNS; SUBSTITUTION OF MESSAGES.**

1. Any sign allowed or that would be allowed without permit, by sign permit, by special use permit, or by variance, may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business, product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as the sign complies with the size, height and other requirements of this chapter.
2. It is the city's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial signs.

**84.15 : VIOLATIONS, ENFORCEMENT, PENALTY.**

1. With the exception of Campaign Signs, the removal of which shall be controlled by the City's Campaign Sign Enforcement Policy as may be amended from time to time, any sign constructed or placed in the City in violation of this ordinance shall be removed by and at the expense of the owner(s) of the sign. If the owner does not remove the sign(s) within 10 working days of receiving notice of non-compliance, the Code Compliance Official may order the immediate removal of all such sign(s).
2. In the event that the Code Compliance Official is required to order the removal of any sign(s) in violation of this ordinance, all costs associated with the removal of such sign(s), including reasonable attorney's fees, shall be the responsibility of the owner of the sign(s).
3. Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction may be sentenced in accordance with Minn. Stat. §609.03, as amended.

*(Ord. 306, passed 07-23-15, Ord. 348, passed 05-25-17, Ord. 410, passed 07-23-20, Ord. 434, passed 11-10-21)*

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## **CHAPTER 85: PREDATORY OFFENDER RESIDENCY AND CONDUCT**

### **85.01 : PURPOSE, FINDINGS AND INTENT.**

The purpose of this ordinance is to provide regulations of general applicability for property throughout the city in order to protect the health, safety, and welfare of the community and its residents.

The City finds that improperly supported predatory offenders present a significant threat to the public safety of the community, especially children, females, and vulnerable populations. The cost of predatory offender victimization to society as a whole, while not precisely calculable, is substantial.

This ordinance intends to:

1. Provide public safety.
2. Reduce the likelihood of recidivism for predatory offenders.
3. Provide protection and security for crime victims.
4. Maintain neighborhood stability.
5. Safely reintegrate former offenders into the law-abiding community.
6. Facilitate the support and supervision of predatory offenders in Corcoran.

The intent of this ordinance is to provide residency opportunities within the city where predatory offender residency can safely be established subject to the limitations of this code.

### **85.02 : DEFINITIONS.**

**Predatory Offender** - means any person who has been designated a Level II or Level III predatory offender under the provisions of Minnesota State Statute 244.052 or successor statute, or any similar statute from another state in which that person's risk assessment indicates a moderate or high risk of re-offense.

**Permanent Residence** - means any a place where the person abides, lodges, or resides for 14 or more consecutive days.

**Temporary Residence** - means a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month which is not the person's permanent residence.

**Predatory Lurking** - means sitting, standing, or remaining in or around an area, without legitimate business, in a manner intended to insight, or having reasonable grounds to know it will insight an immediate breach of the peace or in a manner that demonstrates an intent to commit harassment as defined by Minnesota State Statute 609.748, stalking as defined by Minnesota

State Statute 609.749, interference with privacy as defined by Minnesota State Statute 609.746, or disorderly conduct as defined by Minnesota Statute 609.72.

**School Zone** - means any property owned, leased, or controlled by a school district or an organization operating a nonpublic school, as defined in Minnesota State Statute 123B.41, subdivision 9, where an elementary, middle, secondary school, secondary vocational center or other school providing educational services in grade one through grade 12 is located, or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided.

**Licensed Child Care Center** - means a child care center currently licensed by the applicable County or the State of Minnesota.

**Children's Recreation Area** - means a public or privately owned, improved park or other outdoor area designed, equipped, and set aside primarily for the use of the general public for children's play, including hiking, biking, swimming, equestrian activities, or athletics.

**Children's Programming** - means formally organized activities available to the general public for the education, entertainment, or recreation of children under the age of 18 occurring at least twelve times per year.

*(Ord. 346, passed 02-09-17)*

#### 85.03 : **PROHIBITED CONDUCT.**

1. *Prohibited residential programs.* A residential program whose purpose is to treat predatory offenders who have violated criminal statutes or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes shall be prohibited.

2. *Prohibited location of residence.* It is unlawful for any predatory offender to establish permanent or temporary residence:

- a) within 2,000 feet of any school zone,
- b) within 2,000 feet of any licensed daycare center,
- c) within 2,000 feet of any children's recreation area, or
- d) within 2,000 feet of any site that hosts children's programming.

For the purpose of determining the minimum distance separation required by this section, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence of the predatory offender to the nearest outer property line of the protected property.

3. *Property owner responsibilities.* It is unlawful for a property owner to knowingly let or rent any place, structure or part thereof, trailer or other conveyance, with the knowledge that it will be

used as a permanent or temporary residence in violation of 85.03 section 2. Prohibited location of residence.

4. *Prohibited conduct.* It is unlawful for any predatory offender to engage in predatory lurking within 250 feet of a school zone, licensed daycare center, children's recreation area, or children's programming site.

#### **85.04 : EXCEPTIONS.**

A person shall not be found in violation of this ordinance if any of the following apply:

- a) The predatory offender established the permanent or temporary residence and reported and registered the residence pursuant to Minnesota Statutes 243.166 and 243.167 or any successor statute, prior to the effective date of this ordinance.
- b) The school zone, licensed daycare center, children's recreation area, or children's programming site within 2,000 feet of the predatory offender's permanent or temporary residence was opened or started after the person established such residence and reported and registered the residence pursuant to Minnesota Statutes 243.166 and 243.167, or any successor statute.
- c) The predatory offender is under the age of 18 and the residence is the primary residence of the predatory offender's parent(s) or court appointed caregiver.
- d) A property owner who has formally initiated the eviction process and is diligently pursuing the eviction of a predatory offender in violation of 85.03 section 2. Prohibited location of residence.

#### **85.05 : ENFORCEMENT.**

Any violation of Chapter 85 shall be a misdemeanor. Each day in violation of 85.03 section 2 or section 3 constitutes a separate offense. Each violation of 85.03 section 4 constitutes a separate offense.

#### **85.06 : SEVERABILITY.**

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

*(Ord. 341, passed 12-08-16)*



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## CHAPTER 86: OPEN BURNING

### 86.01: PURPOSE

The purpose of this subchapter is to establish permitted categories of open burn events for residences and farms within the city and provide for a permitting process for residential and agricultural open burning, except when the open burning is defined as a recreational fire as prescribed in this subchapter.

### 86.02 : DEFINITIONS

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

***FIRE CHIEF, POLICE CHIEF, FIRE MARSHAL, POLICE OFFICER, ASSISTANT FIRE MARSHALS, FIRE WARDEN.*** The Fire Chief, Police Chief, Fire Marshal, Police Officer, Assistant Fire Marshals, or Fire Warden of the Fire Department, which provides fire protection services to the city.

***OPEN BURNING.*** The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a recreational fire as defined herein. ***OPEN BURNING SITES*** shall not be located closer than 25 feet to any structure.

***RECREATIONAL FIRE.*** A fire set with approved starter fuel no more than three feet in height, contained within the border of a recreational fire site using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food preparation for social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans and air quality so that nuisance, health or safety hazards will not be created. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not defined as ***RECREATIONAL FIRES***. No more than one ***RECREATIONAL FIRE*** is allowed on any property at one time.

***RECREATIONAL FIRE SITE.*** An area of no more than a three foot diameter circle (measured from the inside of the fire ring or border), completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only an which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a ***RECREATION FIRE SITE*** as defined herein. ***RECREATIONAL FIRE SITES*** shall not be located closer than 25 feet to any structure.

***STARTER FUELS.*** Dry, untreated, unpainted, kindling, branches, and cardboard or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition

only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open burn.

**WOOD.** Dry, clean fuel only such as twigs, branches, limbs, presto logs, charcoal, cordwood or untreated dimensional lumber. The term does not include wood that is green with leaves or needles, rotten, wet, oil soaked or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three-foot lengths.

#### **86.03 : PROHIBITED MATERIALS**

No person shall conduct, cause or permit open burning oils, petrol fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.

No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.

No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

#### **86.04 : PURPOSES ALLOWED FOR OPEN BURNING**

Open burn permits may be issued only for the following purposes:

1. Elimination of fire of health hazard that cannot be abated by other practical means;
2. Ground thawing for utility repair and construction;
3. Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, land spreading or other alternative methods are not practical;
4. Disposal of diseased trees generated on site, diseased or infected nursery stock, diseased bee hives; and
5. Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.

Fire training permits can only be issued by the Minnesota Department of Natural Resources.

## **86.05 : PERMIT REQUIRED FOR OPEN BURNING**

No person shall start or allow any open burning on property in the city without first having obtained an open burn permit, except that a permit is not required for any fire, which is a recreational fire.

Open burning is not permitted in commercial or industrial zones. Penalty, see § 10.99

- Subd. 1.       Application. Open burning permits shall be obtained by making application to the City for review and processing.
- Subd. 2.       Fees. An open burning permit shall require fee. Permit fees shall be set annually by City Council resolution or ordinance. However, the City Council may at other times amend its resolution or ordinance setting the fee, as it deems necessary. The fee established by City Council resolution or ordinance shall continue to be the required fee until amended by a resolution or ordinance.
- Subd. 3.       Process. Upon receipt of the completed open burning permit application and permit fee, city staff may schedule a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and time of permitted burn and review fire safety considerations.
- Subd. 4.       Responsibility. Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. The permit holder or his or her competent representative shall constantly attend every open burn event. The open burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan.

The open burn fire shall be completely extinguished before the permit holder or his or her representative leaves the site. No fire may be allowed to smolder with no person present. It is the responsibility of the permit holder to have a valid permit, as required by this subchapter, available for inspection on the site by the Police Department, Fire Department, MPCA representative or DNR forest officer.

The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

- Subd. 5.       Revocation. The open burning permit is subject to revocation at the discretion of any of the following: a DNR forest officer, the City Fire Chief, City Police Chief, Fire Marshal, an authorized Police Officer, or an authorized Firefighter. Reasons for revocation include but are not limited to a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated

during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.

- Subd. 6. Denial. If established criteria for the issuance of an open burning permit are not met during review of the application, it is determined that a practical alternative method for disposal of the material exists, or a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the Fire Chief, Police Chief, Fire Marshal, Police Officer, Fire Warden or Assistant Fire Marshals, these officers may deny the application for the open burn permit.

#### **86.06 : BURNING BAN OR AIR QUALITY ALERT**

No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert.

#### **86.07 : RULES ADOPTED BY REFERENCE**

The provisions of Minn. Stat. § 88.16 to 88.22 and the *Minnesota Uniform Fire Code* are hereby adopted by reference and made a part of this subchapter as if fully set forth at this point.

#### **86.08 : PENALTY**

Failure to comply with any portion of this chapter constitutes a violation and shall be punishable as a misdemeanor under the Minnesota State Statutes and punishable up to the maximum sentence allowed therein.

*(Ord. 382, passed 10-25-18)*

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## **CHAPTER 87: PROPERTY MAINTENANCE CODE**

### **87.01 : ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE**

The 2021 International Property Maintenance Code (IPMC), as promulgated by the International Code Council, Inc., is adopted by reference and incorporated in the City Code in whole as if it was set out in full, subject to the amendments contained in this Chapter.

### **87.02 : AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE**

- A. Section 101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Corcoran, hereinafter referred to as “this code.”
- B. Section 102.1 General Applicability. Where there is a conflict between a general requirement and a specific requirement, the specific requirements shall govern. Where differences occur between provisions of this Code and the referenced standards, the provisions of this code shall apply. Where there are conflicts with this code and other provisions of the City Code, the City Code provisions will prevail. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- C. Section 102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code (MSBC), established pursuant to Minnesota Statutes 16B.59 – 16B.75, as amended from time to time, and as adopted by the City. Nothing in this Code shall be construed to cancel, modify, or set aside any provision of the MSBC or the City of Corcoran City Code.
- D. Section 102.8 Referenced Code and Standards. The codes and standards referenced in this code shall be those listed in Chapter 8 of the IPMC and shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the MSBC, the most restrictive shall apply.
- E. Section 103.1 Creation of Agency. The Zoning and Land Use Division is hereby created and the official in charge thereof shall be known as the Code Compliance Official, hereinafter referred to as the “code official.” The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.
- F. Section 104.1 Fees. The fees for activities and services performed in carrying out responsibilities under this code shall be in amounts set forth by the City Council.

- G. Section 107.1 General Means of Appeal. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, the City Council shall serve as the Board of Appeals and Adjustments and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.
- H. Section 107.3 Qualifications. Not adopted.
- I. Section 108.1 Membership of Board. Not adopted.
- J. Section 109.4 Violation Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day a violation continues after due notice has been served may be deemed a separate offense.
- K. Section 111.9 Restoration or Abatement. The structure or equipment determined to be unsafe by the code official is permitted to be restored to a safe condition. The owner, owner's authorized agent, operator or occupant of a structure, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved corrective action. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of the MSBC.
- L. Section 201.3 Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the MSBC, Minnesota State Fire Code (MSFC), Minnesota Fuel Gas Code, Minnesota Mechanical Code, Minnesota Plumbing Code, International Residential Code, International Zoning Code, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.
- M. Section 201.4 Terms Not Defined. Where terms are not defined through the methods authorized by this section, the Merriam-Webster's Collegiate Dictionary Tenth Edition shall be used to define such terms.
- N. Section 202 Code Official Definition. The City's Code Compliance Official will serve as the code official as defined in this code. The code official is charged with the administration and enforcement of this code, or any duly authorized representative.
- O. Section 302.4 Weeds. Not adopted.
- P. Section 302.7 Motor Vehicles. Not adopted.



Q. Section 303.2 Enclosures. Not adopted.

R. Section 304.14 Insect Screens. Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

1. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

S. Section 306.1.1 Component Serviceability Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the MSBC as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
  - 1.1 Collapse of footing or foundation system.
  - 1.2 Damage to footing, foundation, concrete or other structural element due to soil expansion.
  - 1.3 Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
  - 1.4 Inadequate soil as determined by a geotechnical investigation.
  - 1.5 Where the allowable bearing capacity of the soil is in doubt.
  - 1.6 Adverse effects to the footing, foundation, concrete, or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1 Deterioration.
  - 2.2 Ultimate deformation.
  - 2.3 Fractures.
  - 2.4 Fissures.
  - 2.5 Spalling.
  - 2.6 Exposed reinforcement.
  - 2.7 Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
  - 3.1 Deterioration.
  - 3.2 Corrosion.
  - 3.3 Elastic deformation.

- 3.4 Ultimate deformation.
- 3.5 Stress or strain cracks.
- 3.6 Joint fatigue.
- 3.7 Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:

- 4.1 Deterioration.
- 4.2 Ultimate deformation.
- 4.3 Fractures in masonry or mortar joints.
- 4.4 Fissures in masonry or mortar joints.
- 4.5 Spalling.
- 4.6 Exposed reinforcement.
- 4.7 Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

- 5.1 Deterioration.
- 5.2 Elastic deformation.
- 5.3 Ultimate deformation.
- 5.4 Metal fatigue.
- 5.5 Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

- 6.1 Ultimate deformation.
- 6.2 Deterioration.
- 6.3 Damage from insects, rodents, and other vermin.
- 6.4 Fire damage beyond charring.
- 6.5 Significant splits and checks.
- 6.6 Horizontal shear cracks.
- 6.7 Vertical shear cracks.
- 6.8 Inadequate support.
- 6.9 Detached, dislodged or failing connections.
- 6.10 Excessive cutting and notching.

7. Exceptions:

- 7.1 Where substantiated otherwise by an approved method.
- 7.2 Demolition of unsafe conditions shall be permitted where approved by the code official.

T. Section 308.1: Accumulation of Rubbish or Garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage pursuant to the nuisance provisions of the City Code.

- U. Section 502.5: Public Toilet Facilities. Public toilet facilities shall be maintained in a safe, sanitary, and working condition in accordance with the Minnesota Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.
- V. Section 505.1: General Water System. Every sink, lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota Plumbing Code.
- W. Section 602.3: Heat Supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a minimum temperature of 68-degrees Fahrenheit (20-degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Minnesota Plumbing Code.
  2. In areas where the average monthly temperature is above 30-degrees Fahrenheit (-1-degree Celsius), a minimum temperature of 65-degrees Fahrenheit (18-degrees Celsius) shall be maintained.
- X. Section 602.4: Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a minimum temperatures of 65-degree Fahrenheit (18-degree Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage, and operation areas that require cooling or special temperature conditions.
  2. Areas in which persons are primarily engaged in vigorous physical activities.
- Y. Section 604.3.1.1 Electrical Equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses,

luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the MSBC.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters, and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling, and communication equipment.

- Z. Section 604.3.2.1: Electrical Equipment. Electrical switches, receptacles, and fixtures, including furnace, water, heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the MSBC.

Exception: Electrical switches, receptacles, and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

- AA. Section 701.2: General Means of Egress. A safe, continuous, and obstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the MSBC.

- BB. Section 702.2: Aisles. The required width of aisles in accordance with the Minnesota State Fire Code shall be unobstructed.
- CC. Section 702.3: Locked Doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the MSBC.
- DD. Section 702.4: Emergency Escape and Rescue Openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:
1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
  2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with the MSBC. Such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than which is required for normal operation of the escape and rescue opening.
- EE. Section 703.2: Unsafe Conditions Fire-Resistance Ratings. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with the MSFC. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure, or portion thereof presents an imminent danger to the occupants of the building, structure, or portion thereof, the fire code official shall act in accordance with the MSFC.
- FF. Section 703.7 Vertical Shafts. Interior vertical shafts, including stairways, elevator hoistways, and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in the MSFC. New floor openings in existing buildings shall comply with the MSBC.
- GG. Section 704.1 Inspection, Testing and Maintenance. Fire Protection and life safety systems shall be maintained in accordance with the MSFC in an operative condition at all times, and shall be replaced or repaired where defective.

- HH. Section 704.1.2 Required Fire Protection and Life Safety Systems. Fire protection and life safety systems required by this code, the MSFC or the MSBC shall be installed, repaired, operated, tested, and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception, or reduction to the provisions of this code, the MNFC or the MNBC has been granted shall be considered to be a required system.
- II. Section 704.1.3 Fire Protection Systems. Fire protection systems shall be inspected, maintained, and tested in accordance with the following MSFC requirements:
1. Automatic sprinkler systems, see Section 903.5.
  2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.
  3. Automatic water mist extinguishing systems, see Section 904.11.
  4. Carbon dioxide extinguishing systems, see Section 904.8.
  5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
  6. Clean-agent extinguishing systems, see Section 904.10.
  7. Dry-chemical extinguishing systems, see Section 904.6.
  8. Fire alarm and fire detection systems, see Section 907.8.
  9. Fire department connections, see Sections 912.4 and 912.7.
  10. Fire pumps, see Section 913.5.
  11. Foam extinguishing systems, see Section 904.7.
  12. Halon extinguishing systems, see Section 904.9.
  13. Single- and multiple-station smoke alarms, see Section 907.10.
  14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.6.
  15. Smoke control systems, see Sections 909.3 and 909.20.
  16. Wet-chemical extinguishing systems, see Section 904.5.
- JJ. Section 704.4.2 Removal of Existing Occupant-Use Hose Lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines where all the following apply:
1. The installation is not required by the MSFC or MSBC.
  2. The hose line would not be utilized by trained personnel or the fire department.
  3. The remaining outlets are compatible with local fire department fittings.
- KK. Section 704.4.3 Termination of Monitoring Service. For fire alarm systems required to be monitored by the MSFC, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

LL. Section 704.5.1 Fire Department Connection Access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls, or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the MSFC and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

MM. Section 704.6.4 Smoke Detection System. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the MSFC.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the MSFC.
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the MSFC.

NN. Section 705.1 General Carbon Monoxide Alarms and Detection. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the MSFC.

OO. Section 8 – ICC Referenced Standards.

ICC referenced standards were replaced with the following Minnesota standards:

|         |                               |
|---------|-------------------------------|
| MSBC-20 | Minnesota State Building Code |
| MSFC-20 | Minnesota State Fire Code     |
| MFGC-22 | Minnesota Fuel Gas Code       |
| MMC-20  | Minnesota Mechanical Code     |
| MPC-20  | Minnesota Plumbing Code       |

PP. Section A101 Boarding Standard. Appendix A of the International Property Maintenance Code is adopted by reference and incorporated in the City Code in whole as if it was set out in full, subject to the following amendments:

1. Section A102.1 Boarding Sheet Material. Boarding sheet material shall be minimum ½-inch thick (12.7 mm) wood structural panels complying with the MSBC.
  2. Section A102.2 Boarding Framing Material. Boarding framing materials shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the MSBC.
  3. Section A102.3 Boarding Fasteners. Boarding fasteners shall be a minimum strength and size to adequately affix the material to the building while preventing entry.
  4. Section A103 Installation. Not adopted.
  5. Section A104 Referenced Standard. Not adopted.
- QQ. Section B101 Board of Appeals. Appendix B of the International Property Maintenance Code is adopted by reference and incorporated in the City Code in whole as if it was set out in full, subject to the following amendments:
1. Section B101.1 Scope. The City of Corcoran’s Board of Appeals and Adjustments will serve as the board of appeals for the purpose of hearing application for modification of this code pursuant to the provisions of Section 107 (Means of Appeals). The board shall operate in accordance with this section, and shall be authorized to hear evidence from appellants and the code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.
  2. Section B101.2 Application for Appeal. Any person shall have the right to appeal a decision of the code official to the board. A written appeal request shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The written request shall be filed with the code official within 30 days after the notice was mailed.
  3. Section B101.3 Membership of The Board. Not adopted.

*(Ord. 490, passed 06-22-24)*



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# Subdivision Ordinance

City of Corcoran, Minnesota

City of Corcoran  
8200 County Road 116  
Corcoran, MN 55340  
763.420.2288

Adopted March 23, 2004  
**Updated December 31, 2022 (Ord. 476)**

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## **TITLE IX: SUBDIVISION ORDINANCE**

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## **SECTION 910 – TITLE, PURPOSE AND INTENT**

### **910.010 – TITLE.**

This Chapter shall be known as the “Corcoran Subdivision Ordinance” except as referred to herein, where it shall be referred to as “this Chapter”.

### **910.020 – PURPOSE AND INTENT.**

The intent of this Chapter is to protect and provide for the public health, safety, morals, and general welfare of the City and its people, and specifically to achieve the following purposes:

- A. To implement the Comprehensive Plan;
- B. To ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws and regulations;
- C. To establish standard requirements, conditions, and procedures for the design and review of subdivisions;
- D. To provide for the orderly subdivision of land, and to ensure proper legal descriptions and monumentation of subdivided land;
- E. To encourage the wise use and management of land and natural resources throughout the City in order to preserve the integrity, stability, and natural beauty of the community;
- F. To ensure that adequate public infrastructure, facilities and services are available concurrent with development;
- G. To require subdividers to furnish land, install infrastructure, pay fees, and establish mitigative measures to ensure that development provides its fair share of capital facilities;
- H. To encourage a beneficial relationship between the uses of land and circulation of traffic throughout the City, and to provide for the proper location and design of streets;
- I. To prevent problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, or scattered subdivision;
- J. To assure that new subdivisions will contribute toward an attractive, orderly, stable, livable, and safe community.



**910.030 - RELATIONSHIP TO COMPREHENSIVE PLAN.**

It is the policy of the City of Corcoran that the enforcement, amendment, and administration of this Chapter be accomplished consistent with the City's Comprehensive Plan, as may be amended from time to time. The City Council recognizes the Comprehensive Plan as the official policy for the regulation of land use and development in accordance with the policies and purpose herein set forth. In accordance with Minnesota Statutes Chapter 473, the City will not approve any changes in these regulations that are not consistent with the City's Comprehensive Plan.

**910.040 - MORE RESTRICTIVE PROVISION TO APPLY.**

Where the regulations imposed by any provisions of this Chapter are either more or less restrictive than comparable regulations imposed by this Chapter, or any other law, ordinance, rule, or regulation of the city, state, or federal government, the law, ordinance, rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

**910.050 - CONFORMITY WITH THIS CHAPTER IS REQUIRED.**

No land shall be divided, subdivided, or re-subdivided in a manner that does not comply with the provisions of this Chapter.

**910.060 - SEPARABILITY.**

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

- Subd. 1.** If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- Subd. 2.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

**910.070 - AUTHORITY.**

This Chapter is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Chapter 462.351 to 462.365.

## SECTION 915 – RULES AND DEFINITIONS

### 915.010 - RULES OF WORD CONSTRUCTION.

The terms and words used in this Chapter shall be interpreted as follows:

- Subd. 1.** The present tense includes the future tense.
- Subd. 2.** The words “shall” and “must” are mandatory; the word “may” and “should” are permissive.
- Subd. 3.** The singular includes the plural, and the plural includes the singular.
- Subd. 4.** All measured distances expressed in feet shall be to the nearest one-tenth of a foot.
- Subd. 5.** For terminology not defined in this Chapter, elsewhere in the City Code, or in the Minnesota State Building Code, Merriam-Webster’s Collegiate Dictionary Tenth Edition shall be used to define such terms.
- Subd. 6.** If a conflict arises between the graphic illustrations presented in this Chapter and the text of this Chapter, the text shall prevail.

### 915.020 – DEFINITIONS.

The following words and terms, wherever they occur in this Chapter, shall be interpreted as herein defined:

**Block:** An area of land within a subdivision that is entirely bounded by streets, or by a combination of streets, public lands, railroad rights-of-way, water bodies, or the exterior boundary lines of the subdivision.

**Boulevard:** The portion of the street right-of-way between the curb line (or in the absence of a curb, the improved roadway) and a lot line.

**Centralized wastewater treatment system:** A wastewater treatment system in which wastewater is collected from many homes and treated at a single facility.

**City Council:** The governing body of the City of Corcoran, Hennepin County, Minnesota.

**City Engineer:** The person designated by the City Administrator to be the City Engineer for the City of Corcoran.

**City Planner:** Individual or firm so designated and authorized by the Corcoran City Council.

**Cul-de-sac:** A local street with only one vehicular outlet, having an appropriate turn around area at its terminus for the safe and convenient reversal of traffic.

**Density, Net (Post-Development):** The number of housing units divided by the net residential acreage (gross land area minus land to be dedicated as public park, lakes, streams, wetlands, required wetland or shoreland buffer strips, areas below the 100-year ordinary high water elevation, stormwater management ponds that are covered by easement and right-of-way or easements for existing and proposed public streets).

**Developable Area:** The net land area available for development. Developable area is based on the pre-development conditions of the site and is calculated as follows: gross land area minus wetlands, areas below the 100-year ordinary high water elevation and right-of-way or easements for existing public streets.

**DRIVE, PRIVATE:** Land not dedicated as a public street, over which a public access easement for street purposes has been granted, which intersects or connects with a public street and where an access easement and maintenance agreement has been recorded at Hennepin County. The easement shall allow for access by police, emergency vehicles, trash collection, and other service vehicles.

**DRIVEWAY:** A paved or unpaved access strip of land providing a vehicular connector between the public right-of-way of the street or private drive and the parking space or garage of a property.

**Easement:** A grant of one or more property rights by a property owner for use by the public, a corporation, or another person or entity.

**Engineering Design Standards:** Standards adopted and amended from time to time by resolution of the City Council which provide information and establish standards, specifications and details for the construction of public and private improvements, as on file with the City of Corcoran.

**Individual Sewage Treatment System (ISTS):** A wastewater treatment system serving a dwelling or business using a septic tank or tanks and optional pretreatment unit followed by a soil treatment and dispersal unit that discharges below grade or other approved sewage treatment and disposal device.

**Lot:** A tract, plot, or portion of a subdivision or other parcel of land intended as an individual unit for the purpose, either immediate or future, of transfer of ownership, or possession, or for building development.

**Lot of Record:** Any lot which is one unit of a plat duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the Office of the Register of Deeds or Registrar of Titles for Hennepin County, Minnesota, prior to the effective date of this Ordinance.

**Lot, Base:** A lot meeting all specifications in the zoning district prior to being subdivided into a two-family dwelling, townhouse, or manor home subdivision.

**Lot Consolidation:** The removal of lot lines between contiguous parcels.

**Lot Division:** Dividing a lot of record by placing new lot lines within its boundary, resulting in the creation of additional lots.

**Lot Line Adjustment:** Adjusting the lot lines between two or more lots of record, resulting in the same number of lots.

**Lot, Through:** A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

**Lot, Unit:** A lot created from the subdivision of a base lot for two-family dwelling, townhouse, or manor-home dwelling having different minimum lot size requirements than the conventional base lots within the zoning district.

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

**Official Map:** A map duly adopted by the City Council pursuant to the provisions of Minnesota Statutes, Section 462.351 to 462.36.

#### **Open Space and Preservation (OS&P) Plats Terms:**

**Temporary Open Space Land:** Land that is undeveloped and is either undevelopable or is held in reserve for a future date when urban services are provided.

**Preservation Area Dedication:** Permanently dedicating easements on land identified as meeting the natural resource standards identified by the City for preservation at the time of its dedication or as identified in the comprehensive plan as a natural area worthy of preservation.

**Restoration Area Dedication:** Permanently dedicated easements on land, subject to a formal restoration plan, that at the time of its dedication is in the process of being restored to a natural state as described in a natural resource standard adopted by the City

**Development Reserve:** Land, temporarily restricted by a covenant, but which may be eligible for development once urban services are provided to the site.

**Natural Resource Standard Adopted by the City:** Refers to a description of the desired condition of land with respect to drainage, natural contours, and natural vegetation suited to the location. Standards address capability to sustain diverse wildlife and to provide an esthetically pleasing presentation that is considered an asset to the community in which it is located. Standards consider sustainability and active or passive maintenance requirements associated with use and may be changed from time-to-time in keeping with best practices.

**Natural Resources Areas:** Those lands which contain wetlands, woodlands, forested areas, stands of trees and/or prairies.

**Temporary Wastewater Treatment:** Use of a restricted site, on or off the premises of the wastewater generating building(s), for the treatment and disposal of wastewater until such time when urban services are provided.

**Greenway Corridor Land:** Land located in the mapped boundary identified as such on the 2030 Comprehensive Plan Natural Resource Map.

**Upland:** land not classified as a wetland, a floodplain, below the 100-year ordinary high-water level, or a water body and is generally dry.

**Outlot:** A parcel of land subject to future platting prior to development, or a parcel of land which is designated for public or private open space, right-of-way, utilities or other similar purpose.

**Parcel:** An individual lot or tract of land.

**Planning Commission:** The Planning Commission of the City of Corcoran except when otherwise designated.

**Plat:** The drawing or map of a subdivision prepared pursuant to Minnesota Statute Chapter 505 and containing all elements or requirements of this Chapter.

**Plat, Final:** A plat to be presented to the City Council for approval and which, if found to be consistent with the approved preliminary plat, may be duly filed with the county registrar of deeds.

**Plat, Preliminary:** A plat submitted to the City for preliminary consideration and approval.

**Pre-Developable Area:** The net land area available for development. Developable area is based on the pre-development conditions of the site and is calculated as follows: gross land area minus wetlands, areas below the 100-year ordinary high water elevation and right-of-way or easements for existing public streets.

**Public Improvement:** Any sewer pipe, water pipe, drainage ditch, roadway, parkway, sidewalk, trail, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation.

**Record Plans:** A final set of engineering plans that provide accurate and complete information pertaining to the location, construction, and materials used in the construction of streets, utilities, and other improvements. The plans shall incorporate and include all changes and revisions to the final set of approved construction plans that are made during construction as well as other pertinent information.

**Replat:** The platting of an area that was previously platted.

**Right-of-way:** Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer or other similar uses.

**Street:** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, through way, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

**Street, Improved:** A public roadway that has a paved or gravel surface.

**Subdivider:** Any person commencing an application proceeding under this Chapter to effect a division, consolidation, rearrangement, subdivision or re-subdivision of land. A subdivider is the owner of the land or an individual representing the landowner who has express written authority to act on behalf of the owner.

**Subdivision:** Any division or rearrangement of land, except for those separations:

- A. Where all the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet in width for residential uses and 5 acres or larger in size for commercial and industrial uses;

B. Creating cemetery lots;

C. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

**Subdivision Minor:** A subdivision that results in the creation of 3 or fewer lots, not less than 2 acres in size, per Minnesota State Statutes §462.358.

**Tract:** A unit of land described by letter in a registered land survey.

**Traffic Calming:** Street design techniques which are put in place to reduce vehicle speeds, improve safety, or discourage through traffic on residential streets. Examples may include narrow street width, curvilinear streets, raised intersections and crosswalks, speed humps, traffic circles, neck-downs, medians and islands, pedestrian treatments or streetscaping.

**Tree Inventory:** An inventory of trees by location, species, condition and size. The tree inventory shall include all trees with a caliper of 8-inches or more when measured at a point 4 feet above the ground level. The boundaries of significant woodland areas shall also be identified and shall be defined as a clustering of at least three trees, of 2-1/2 inches of caliper or greater in size and trunks spaced at no greater than 10-foot intervals. Individual trees are not required to be inventoried if they are within a woodland area as described above.

**Zoning Administrator:** The person designated by the City Administrator to be the Zoning Administrator for the City of Corcoran.

*(Ord. 224, passed 10-27-05, Ord. 226, passed 01-26-06, Ord. 262, passed 12-19-11, Ord. 279, passed 11-25-13, Ord. 310, passed 10-08-15, Ord. 330, 08-25-16, Ord. 459, passed 05-26-22, Ord. 465, passed 09-22-22, Ord. 472, passed 12-22-22, Ord. 510, passed 10-26-23)*

## **SECTION 920 – SUBDIVISION APPROVAL REQUIRED**

### **920.010 - SUBDIVISION APPROVAL REQUIRED.**

Subdivision approval in compliance with the provisions of this Chapter 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. The City will withhold building permits from properties created under state, federal or judicial preemption if such properties do not meet the minimum development standards of the City.

### **920.020 - CONVEYANCE BY METES AND BOUNDS.**

All property conveyances must be made by plat, except property divisions by metes and bounds may be allowed for those separations where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and 5 acres or larger in size for commercial and industrial uses. These subdivisions are exempted by State Statute.

### **920.030 - REGISTERED LAND SURVEYS.**

All registered land surveys shall be filed subject to the same procedures as required for the filing of a preliminary plat for platting purposes. The standards and requirements set forth in this Chapter shall apply to all registered land surveys. A registered land survey shall not be used to divide a parcel of land into lots for the purpose of transfer of ownership or building development if any of the tracts would not have the required frontage on a dedicated and improved public street.

*(Ord. 226, passed 01-26-06)*



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## SECTION 925 –PREMATURE SUBDIVISION PROHIBITED

### 925.010 - PREMATURE SUBDIVISION PROHIBITED.

Any proposed subdivision deemed premature for development shall not be approved by the City Council. A subdivision may be deemed premature if the Council determines that any of the following conditions exist.

- Subd. 1. Inconsistent with the Comprehensive Plan.** A proposed subdivision may be deemed premature if it is inconsistent with the purposes, objectives, development staging plan, or recommendations of the City's Comprehensive Plan, as may be amended. Application for reguiding and/or rezoning may be made simultaneously with an application for subdivision approval, however, a subdivision application will not be considered for approval by the City Council until and unless any necessary reguiding and/or rezoning application is approved by the Council.
- Subd. 2. Inconsistent with the Capital Improvements Program.** A proposed subdivision may be deemed premature if it is inconsistent with the capital improvements program because public improvements, facilities, or services necessary to accommodate the proposed subdivision would not be completed within two years of the date of application.
- Subd. 3. Lack of Adequate Water Supply.** A proposed subdivision shall be deemed to lack adequate water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas. Within the urban service boundary, a proposed subdivision may be deemed premature if public water is not available to serve the proposed subdivision.
- Subd. 4. Lack of Adequate Waste Disposal Systems.** A proposed subdivision shall be deemed to lack adequate waste disposal if there is inadequate on-site sewer capacity to support the subdivision if developed to its maximum permissible density.

Within the urban service boundary, a proposed subdivision may be deemed premature if:

- A. Sanitary sewer is neither available nor proposed; or
- B. Available or proposed sanitary sewer is inadequate to support the subdivision if developed to its maximum permissible density after

reasonable sewer capacity is reserved for schools, public facilities, and other developments planned within five years of the date of application.

**Subd. 5. Lack of Adequate Streets to Serve the Subdivision.** A proposed subdivision may be deemed premature if:

- A. Streets which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance or surface condition that the traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or would seriously aggravate an existing hazardous condition; or
- B. The traffic volume generated by the proposed subdivision would create congestion or unsafe conditions on existing or proposed streets.

**Subd. 6. Lack of Adequate Drainage.** A proposed subdivision may be deemed premature if:

- A. Surface or subsurface water retention and runoff is such that it constitutes a hazard to the stability of proposed or existing structures; or
- B. The proposed subdivision would cause pollution of water sources or would cause damage from erosion or siltation on downstream property; or
- C. Factors including, but not limited to, the presence of floodplain, poor soils or subsoils, or steep slopes exist in such a manner as to preclude adequate site drainage or treatment of runoff.

**Subd. 7. Inconsistent with Environmental Requirements.** A proposed subdivision may be deemed premature if it is inconsistent with the rules and policies of the Minnesota Environmental Quality Board, as may be amended, and could adversely impact critical environmental areas, or potentially disrupt or destroy, in violation of State historical preservation laws, historic areas which are designated or officially recognized by the City Council.

**Subd. 8. Burden of Proof.** The burden shall be on the applicant to show that the proposed subdivision or development has adequate public facilities and is not premature.

*(Ord. 226, passed 01-26-06, Ord. 510 passed 10-26-23)*

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## SECTION 926 – LOT LINE ADJUSTMENT AND LOT CONSOLIDATION

**Subd. 1. Criteria.** Lot line adjustments exempted from platting by Minnesota Statute §462.352, Subd. 12, and lot consolidations shall not require a plat or replat and may be administratively approved, provided all of the following conditions are met:

- A. The lot line adjustment shall be in compliance with the Comprehensive Plan and the purpose and intent of this Chapter.
- B. The lot line adjustment does not create additional lots or outlots.
- C. The lot line adjustment shall not cause any structure on the property to be made non-conforming or to be in violation of the Zoning Chapter or any other provisions of the City Code. The lot division shall be part of a previously recorded plat or Registered Land Survey.
- D. The lot line adjustment shall result in lots that meet the minimum dimensional requirements for the zoning district in which the property is located, or shall not further increase the non-conformity of any lot dimension.
- E. All parcels resulting from the lot line adjustment shall have frontage and access on an existing improved street.
- F. The resulting parcels shall generally conform with the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.
- G. Any such lot line adjustment shall not require any public improvements.
- H. Any such lot line adjustment shall not result in legal descriptions that are unduly complex.
- I. Prior to issuance of building permits, property irons shall be installed pursuant to Minnesota Statutes.

- J. The applicant warrants that he or she has obtained all necessary consent from all owners and interested parties of the property subject to the application.

**Subd.2. Filing.** A lot line adjustment or lot consolidation application shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by the fee as set forth in the City Code. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator that describes the lot line adjustment. 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.

**Subd. 3. Staff Analysis.** Upon receiving a complete application, as determined by staff review, the Zoning Administrator shall refer copies of the minor subdivision to the City staff and other applicable public agencies as needed in order to receive written comments. The Zoning Administrator shall instruct the appropriate staff person to 1) coordinate an analysis of the application, 2) review the application for compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter and 3) prepare written approvals or denials.

**Subd. 4. Zoning Administrator Review.** The Zoning Administrator shall consider a lot line adjustment as follows:

- A. The Zoning Administrator shall either approve, defer or deny the application.
- B. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Chapter may be attached to the permit.
- C. Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within 10 days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.

- D. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 980 of this Chapter.
- E. If dedication of right-of-way on existing streets is required, the lot line adjustment shall be reviewed and acted on by City Council.
- F. If an easement vacation is required, the lot line adjustment shall be reviewed and acted on by City Council at the same meeting that the easement vacation is considered pursuant to Section 975 of the Subdivision Ordinance.

**Subd. 5. Easement dedication.** Prior to certification by the City of the approval of the lot line adjustment, the applicant shall supply required drainage and utility easements in recordable form to the City. Required easements shall be recorded in Hennepin County. The costs of recording shall be paid by the applicant.

**Subd. 6. Recording of lot line adjustment.** If the lot line adjustment is approved, the applicant shall record the lot line adjustment with the County Recorder or the Registrar of Titles, and pay all associated costs. No changes, erasures, modifications or revisions shall be made in any lot line adjustment after approval has been given by the Zoning Administrator or the City Council.

**Subd. 7. Effect of Approval.** For 2 years following lot line adjustment or lot consolidation approval, unless the applicant and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.

**Subd. 8. Expiration of Lot Line Adjustment Approval.** Unless the Zoning Administrator specifically approves a different time period, the approval of a lot line adjustment shall expire 2 years from the date it was approved, unless the applicant has recorded the lot line adjustment with Hennepin County and provided proof of the same to the City; or, unless before expiration of the 2-year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following: 1) an explanation for why a minor subdivision has not been filed, 2) what, if any, good faith efforts have been made to complete the process, and 3) the anticipated completion date. The Zoning Administrator may approve one such extension for a term not to exceed one additional year.



## 926.010 - APPLICATION REQUIREMENTS

The materials, information and drawings required for submission of a lot line adjustment or lot consolidation application are listed in this section. In order for the application to be deemed complete, it shall include or have attached thereto all materials, information, and drawings listed in this section.

**Subd. 1. Application Form.** The applicant shall submit an official application form, as provided by the City, including the following information:

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

B. Name, address, telephone number and signature of the applicant and all persons currently having an ownership interest in the parcels comprising the proposed subdivision.

C. Written description of request. Such description may be provided on a separate sheet of paper that is attached to the application form.

**Subd. 2. Other Written Materials.** The application form shall be accompanied by, or address, the following written materials:

A. Completed application form and any necessary consent by interested parties signed by all owners in fee title, all lienholders, and all parties of interest in the property to be subdivided.

B. Proof of ownership by either a copy of a deed, abstract of title or attorney's opinion. The City reserves the right to require additional ownership information or verification. If requested, such additional information shall be provided by the applicant, at the applicant's expense.

C. Property descriptions, existing and proposed.

D. Drainage and utility easement forms, with legal descriptions for all wetland and floodplain areas and adjacent lot lines.

**Subd. 3. Fees and Deposits.** The fees shall accompany the application form as set forth in the Corcoran City Code. The applicant shall also deposit with the City the

estimated cost of any consultant review of the lot line adjustment 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.

**Subd. 4. Drawings, General Requirements.**

A. Drawings must meet all following specifications:

1. Be at a scale of one inch equals fifty feet (1" = 50') or less using an engineer's scale only.
2. Be on paper not exceeding 24-inches by 36-inches.
3. Include a title, and north point indication, the name and address of the applicant, and the name and address of the designer of the drawing.
4. Include a signature of the person who prepared the drawing, together with any registration number or other professional certification number or title.
5. Provide the date of preparation and any revisions thereto.

B. The applicant shall provide complete assembled sets of the drawings that are collated and stapled, the size and number of which shall be determined by the Zoning Administrator.

C. The applicant shall submit electronic files of the drawings in a manner specified by the City in the Engineering Design Standards.

**Subd. 5. Drawings.** The application form shall be accompanied by drawings and information indicating the following:

- A. Vicinity map showing the relation of the property to be subdivided to adjacent properties and public roads.
- B. A certificate of survey in a scale of one inch equals 100 feet, prepared in accordance with Minnesota Statutes §505, and including:

1. Topographic contours at two-foot intervals, if required, to determine compliance with floodplain, bluff, slope or wetland protection requirements.
2. Wetland delineation in accordance with the Wetland Conservation Act.
3. Ordinary high-water elevations of all public waterbodies.
4. Ordinary high groundwater elevation.
5. Information on the stormwater conveyance system serving the parcel, including the minimum elevation that stormwater runoff can be drained from the parcel, the route it must take to connect to a public trunk drainage system, and elevation indicating the parcel has an adequate and positive outlet for stormwater runoff.
6. Location of all public and private easements.
7. Floodplain areas and elevation figures.
8. Location of significant stands of trees and individual trees of eight-inch diameter or greater.
9. Existing lot lines.
10. Proposed lot lines.
11. Proposed locations and types of septic systems.
12. Proposed building areas and dimensions.
13. Proposed driveway locations.
14. North-pointing arrow and scale.

*(Ord. 330, passed 08-25-16)*

## **SECTION 927 – MINOR SUBDIVISION PROCEDURE**

### **927.010 - MINOR SUBDIVISION PROCEDURE**

#### **Subd. 1 Criteria.**

- A. A subdivision resulting in the creation of three or fewer lots, tracts or parcels shall be considered a minor subdivision, shall be permitted in the Urban Reserve and Rural Residential Zoning districts and may be exempt from platting provided that 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 lot division shall not cause any structure on the property to be made non-conforming or to be in violation of the Zoning Chapter or any other provisions of the City Code.
  - c. The lot division shall result in no more than 3 lots which are at least 2 ½ acres that meet the minimum dimensional requirements for the zoning district in which the property is located.
  - d. All parcels resulting from the lot division shall have frontage and access on an existing improved street. When right-of-way is required by the City or County, the applicant shall deed or provide easements for such right-of-way.
  - e. The resulting parcels shall generally conform with the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.
  - f. Any such lot division shall not require any public improvements.
  - g. Any such subdivision shall not result in legal descriptions that are unduly complex.
  - h. The applicant shall comply with the park dedication regulations, as required for a plat.

- i. Prior to issuance of building permits, property irons shall be installed pursuant to Minnesota Statutes.
- j. The applicant warrants that he or she is the owner of the properties subject to the application and has obtained all necessary consent from all other owners and interested parties.

B. City Zoning Administrator shall require the subdivision to be processed as a plat in accordance with Sections 930 and 935 of the City Code if the standards of Subd. 1 of this section are not met.

**Subd. 2. Easement and right-of-way dedication.** Prior to certification by the City of the approval of the minor subdivision, the applicant shall supply the deed(s), in recordable form, granting to the City the lot line easements required or other recordable easements found necessary and required by the City. The applicant shall record these documents with the County Recorder or the Registrar of Titles, provide proof of the same to the City and pay all associated costs.

**Subd.3. Filing.** A minor subdivision application shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by the fee as set forth in the City Code. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator that describes the minor subdivision. 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.

**Subd. 4. Staff Analysis.** Upon receiving a complete application, as determined by staff review, the Zoning Administrator shall refer copies of the minor subdivision to the City staff and other applicable public agencies as needed in order to receive written comments. The Zoning Administrator shall instruct the appropriate staff person to 1) coordinate an analysis of the application, 2) prepare technical reports and coordinate preparation of the development contract, and 3) assist in preparing a recommendation to the City Council.

**Subd. 5. City Council Consideration.** The City Council shall consider a minor subdivision as follows:

A. Upon receiving the reports and recommendations of the staff, the City Administrator shall schedule the application for City Council consideration. The

Council shall have the option of receiving additional testimony on the matter if they so choose.

B. The City Council shall either approve or deny the application.

C. Approval of a minor subdivision and any related development contract by the City Council shall require passage by a majority vote of all its members. The Council may require such revisions in the minor subdivision as it deems necessary for the health, safety, general welfare and convenience of the City.

D. If a minor subdivision is denied by the City Council, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant within 60 days.

**Subd. 6. Recording of Minor subdivision.** If the minor subdivision is approved and signed by the Mayor and City officials, the applicant shall record the minor subdivision with the County Recorder or the Registrar of Titles and pay all associated costs. No changes, erasures, modifications or revisions shall be made in any minor subdivision after approval has been given by the City Council.

**Subd. 7. Effect of Approval.** For 2 years following minor subdivision approval, unless the applicant and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size or lot layout that was approved.

**Subd. 8. Expiration of Minor Subdivision Approval.** Unless the City Council specifically approves a different time period, the approval of a minor subdivision shall expire 2 years from the date it was approved, unless the applicant has recorded the minor subdivision with Hennepin County and provided proof of the same to the City; or, unless before expiration of the 2-year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following: 1) an explanation for why a minor subdivision has not been filed, 2) what, if any, good faith efforts have been made to complete the process, and 3) the anticipated completion date. The Zoning Administrator may approve one such extension for a term not to exceed one additional year.

## **927.020 - APPLICATION REQUIREMENTS**

The materials, information and drawings required for submission of a minor subdivision application are listed in this section. In order for a minor subdivision

application to be deemed complete, it shall include or have attached thereto all materials, information, and drawings listed in this section.

**Subd. 1. Application Form.** The applicant shall submit an official application form, as provided by the City, including the following information:

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

B. Name, address, telephone number and signature of the applicant and all persons currently having an ownership interest in the parcels comprising the proposed subdivision.

C. Written description of request. Such description may be provided on a separate sheet of paper that is attached to the application form.

**Subd. 2. Other Written Materials.** The application form shall be accompanied by, or address, the following written materials:

A. Completed application form and any necessary consent by interested parties signed by all owners in fee title, all lienholders, and all parties of interest in the property to be subdivided.

B. Proof of ownership by either a copy of a deed, abstract of title or attorney's opinion.

C. Property descriptions, existing and proposed.

D. Drainage and utility easement forms, with legal descriptions, for all wetland and floodplain areas.

**Subd. 3. Fees and Deposits.** The fees shall accompany the application form as set forth in the Corcoran City Code. The applicant shall also deposit with the City the estimated cost of any consultant review of the minor subdivision 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.

#### **Subd. 4. Drawings, General Requirements.**

A. Drawings must meet all following specifications:

1. Be at a scale of one inch equals fifty feet (1" = 50') or less using an engineer's scale only.
2. Be on paper not exceeding 24- inches by 36-inches.
3. Include a title, and north point indication, the name and address of the applicant, and the name and address of the designer of the drawing.
4. Include a signature of the person who prepared the drawing, together with any registration number or other professional certification number or title.
5. Provide the date of preparation and any revisions thereto.

B. The applicant shall provide complete assembled sets of the drawings that are collated and stapled, the size and number of which shall be determined by the Zoning Administrator.

C. The applicant shall submit electronic files of the drawings in a manner specified by the City in the Engineering Design Standards.

**Subd. 5. Drawings.** The application form shall be accompanied by drawings and information indicating the following:

A. Vicinity map showing the relation of the property to be subdivided to adjacent properties and public roads.

B. A certificate of survey in a scale of one inch equals 100 feet, prepared in accordance with Minnesota Statutes §505, and including:

1. Topographic contours at two-foot intervals, if required, to determine compliance with floodplain, bluff, slope or wetland protection requirements.
2. Wetland delineation in accordance with the Wetland Conservation Act.



3. Ordinary high-water elevations of all public waterbodies.
4. Ordinary high groundwater elevation.
5. Information on the stormwater conveyance system serving the parcel, including the minimum elevation that stormwater runoff can be drained from the parcel, the route it must take to connect to a public trunk drainage system, and elevation indicating the parcel has an adequate and positive outlet for stormwater runoff.
6. Location of all public and private easements.
7. Floodplain areas and elevation figures.
8. Location of significant stands of trees and individual trees of eight-inch diameter or greater.
9. Existing lot lines.
10. Proposed lot lines.
11. Proposed locations and types of septic systems.
12. Proposed building areas and dimensions.
13. Proposed driveway locations.
14. North-pointing arrow and scale.

*(Ord. 330, passed 08-25-16, Ord. 365, passed 06-28-18)*

## **SECTION 930 – PRELIMINARY PLAT PROCEDURE**

### **930.010 - PRELIMINARY PLAT PROCEDURE.**

An application for a preliminary plat shall be approved or denied pursuant to Minnesota Statutes, Chapter 462.358. A preliminary plat may be processed concurrently with the final plat at the discretion of the Zoning Administrator.

- Subd. 1. Filing.** A preliminary plat application shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by the fee as set forth in the City Code. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully describing the proposed plat, together with a set of mailing labels of all property owners located within 500 feet of the site in a format prescribed by the Zoning Administrator. 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. If the subdivision requires any variances from the provisions of this Chapter, an application pursuant to Section 970 of this Chapter shall also be submitted before the preliminary plat application shall be deemed complete.
- Subd. 2. Staff Analysis.** Upon receiving a complete application, as determined by staff review, the Zoning Administrator shall refer copies of the preliminary plat to the 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 thirty days prior to City action on the preliminary plat. The Zoning 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.
- Subd. 3. Public Hearing Notice.** Upon completion of staff's analysis of the application, the Zoning Administrator, when required, 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 500 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.

**Subd. 4. Planning Commission Consideration.** The Planning Commission shall consider a preliminary plat application, as follows:

- A. The Planning Commission shall review the preliminary plat and conduct the official public hearing.
- B. The subdivider or representatives thereof may appear before the Planning Commission to present information and answer questions concerning the proposal.
- C. 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.
- D. The Planning Commission shall recommend approval of the preliminary plat if it in all ways conforms to the City's Comprehensive Plan, Zoning Ordinance, this Chapter and all Chapters of the City Code. The Commission shall recommend denial of the preliminary plat if it makes any of the following findings:
  1. That the proposed subdivision is in conflict with the City's Comprehensive Plan, Zoning Ordinance, Capital Improvements Program, or other policy or regulation, except as such regulations may be modified within a duly approved planned unit development (PUD).
  2. That the proposed subdivision is in conflict with the purpose and intent of this Chapter.
  3. That the physical characteristics of the site are such that the site is not suitable for the type of development or use contemplated. Such physical characteristics may include topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention and other similar characteristics.
  4. That the site is not physically suitable for the intensity or type of development or use contemplated.
  5. That the design of the subdivision or the proposed improvements are likely to cause substantial and irreversible environmental damage.

6. That the design of the subdivision or the type of improvements will be detrimental to the health, safety, or general welfare of the public.
7. That the design of the subdivision or the type of improvement will conflict with easements on record or with easements established by judgment of a court.
8. That the subdivision is premature as determined by the standards of Section 508 of this Chapter.

**Subd. 5. City Council Consideration.** The City Council shall consider a preliminary plat application, as follows:

- A. Upon receiving the reports and recommendations of the Planning Commission and staff, the City Administrator shall schedule the application for City Council consideration. The Council shall have the option of receiving additional testimony on the matter if they so choose.
- B. The Council shall either approve or deny the application.
- C. Approval of a preliminary plat by the City Council shall require passage by a majority vote of all its members. Such 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.
- D. If a preliminary plat is denied by the City Council, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant within 60 days.

**Subd. 6. Effect of Approval.** For one year following preliminary plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.

**Subd. 7. Effect of Denial.** If a preliminary plat application is denied by the City Council, the Planning Commission or City Council shall not consider a similar application for a preliminary plat affecting substantially the same property again for at least 6 months from the date of its denial.

**Subd. 8. Expiration of Preliminary Plat Approval.** Unless the City Council specifically approves a different time period, the approval of a preliminary plat shall expire one year from the date it was approved, unless the applicant has filed a complete application for approval of a final plat; or, unless before expiration of the one year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following: 1) an explanation for why a final plat has not been applied for, 2) what, if any, good faith efforts have been made to complete the platting process, and 3) the anticipated completion date. The Zoning Administrator may approve up to 2 such extensions of not more than one additional year per extension.

### **930.020 - APPLICATION REQUIREMENTS.**

The materials, information, and drawings required for submission of a preliminary plat application are listed in this section. 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.

- Subd. 1. Application Form.** The subdivider shall submit an official application form, as provided by the City, including the following information:
- A. Location, address (if assigned), legal description, and Hennepin County property identification number (P.I.N.) of all parcels included within the proposed plat.
  - B. Name, address, telephone number, and signature of the subdivider and all persons currently having an ownership interest in the parcels comprising 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. Such description may be provided on a separate sheet of paper that is attached to the application form.
- Subd. 2. Other Written Materials.** The application form shall be accompanied by, or address, the following written materials:
- A. Estimated lot sizes for all lots and outlots in tabular form.
  - B. Written verification that all commonly owned contiguous land is included in the plat.

C. A wetland report by a Certified Wetland Specialist.

**Subd. 3. Fees and Cash Deposits.** The fees shall accompany the application form as set forth in the Corcoran City Code. The applicant shall also deposit with the City the estimated cost of any consultant review of the preliminary plat 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.

**Subd. 4. Drawings, General Requirements.**

A. Drawings must meet all following specifications:

1. Be at a scale of one inch equals fifty feet (1" = 50') or less using an engineer's scale only. All plan sheets shall be prepared using the same scale.
2. Be on paper not exceeding 24-inch by 36-inch.
3. Include a title, and north point indication, the name and address of the subdivider, and the name and address of the designer of the drawing.
4. Include a signature of the person who prepared the drawing, together with any registration number or other professional certification number or title.
5. Provide the date of preparation and any revisions thereto.

B. The subdivider shall provide complete full-sized (24-inch by 36-inch) assembled sets of the drawings that are collated, stapled and rolled, the number of which shall be determined by the Zoning Administrator.

C. The subdivider shall provide complete assembled sets of the drawings reduced to 11-inch by 17-inch, the number of which shall be determined by the Zoning Administrator.

D. The subdivider shall provide one copy of the preliminary plat at a scale of one inch equals two hundred feet (1" = 200').

E. The subdivider shall submit electronic files of the drawings in a manner specified by the City in the Engineering Design Standards. The applicant may appeal directly to the City Council for a waiver of this requirement for subdivisions resulting in three or fewer parcels. No waiver shall be

granted under this subsection unless the Council finds that the applicant and his surveyor do not have ready, economical access to the technology required to comply with the electronic filing requirement.

**Subd. 5. Drawings, Existing Conditions.** The application form shall be accompanied by drawings and information indicating the following:

- A. An accurate certified survey of the proposed plat, current within one 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 one-tenth of an acre.
- 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 such 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 such 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 such 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 such 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 identifying the trees to be removed or preserved.

- K. Soil borings and percolation tests, as may be required by the Building Official or City Engineer.

**Subd. 6. Drawings, Preliminary Plans.** The application form shall be accompanied by drawings and information indicating the following:

A. Preliminary plat, including the following:

1. Name of the proposed plat.
2. Layout of all proposed lot lines, together with the number, size, and preliminary dimensions, including the width of the lots at the front setback line.
3. 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 pursuant to the City's street naming system.
4. Location and width of all proposed sidewalks, trails, pedestrian ways, and fire lanes.
5. Location, dimensions, and purpose of all easements.
6. Minimum building setback lines.
7. Areas other than streets, sidewalks, trails, pedestrian ways, and utility easements intended to be dedicated or reserved for private or public use, including the size of such area(s).
8. Floodplain and shoreland district boundaries within the proposed plat.
9. Proposed guiding and zoning classifications if the plat application includes a reguiding and/or rezoning request.
10. A tentative plan for future platting, if the proposed plat includes any areas intended for future re-subdivision.

B. Preliminary grading and erosion control plan for the proposed plat, including the following:



1. Lot and block numbers, building pad locations, building style and proposed building pad elevations at the lowest floor and garage slab for each lot.
  2. Topography in 2-foot contour intervals, with existing contours shown as dashed lines and proposed contours shown as solid lines. Existing topography shall extend 100 feet beyond the borders of the proposed plat. For lots greater than 3 acres, the Council may waive this topography requirement.
  3. 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, etc.
  4. 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. Pipe type and size, pipe grades, rim and invert elevations, and normal high water elevations shall be included.
  5. Flood elevations and locations if the plat is located within, or adjacent to, a 100-year flood plain.
  6. Spot elevations at drainage break points and directional arrows indicating site and swale drainage.
  7. Locations, grades, and rim invert elevations of all storm sewer facilities, including ponds, proposed to serve the plat.
  8. Locations and elevations of all street high and low points.
  9. Street grades.
  10. Phasing of grading.
  11. Location of all easements, including oversize or non-typical easements.
  12. An erosion control plan, pursuant to Section 950 of this Chapter.
- C. Preliminary utility plan for the proposed plat, including the following:
1. Location, dimensions, and purpose of all easements.

2. Location, type, size, grades, and rim and invert elevations of existing and proposed sanitary sewer, storm sewer, water mains, culverts, catch basins, manholes, hydrants, and other similar facilities within the proposed plat and to a distance of 100 feet beyond the plat.
  3. Schematic storm sewer, sanitary sewer, and water layouts, illustrating invert and top rim elevations, proposed gradients, direction of flow, hydrant locations, and drainage areas.
  4. Where applicable, a report prepared by a MPCA certified and licensed individual on the feasibility of individual on-site sewer and water systems on each lot and shall include soil boring analysis and percolation tests to verify conclusions, and other necessary information as regulated by State and City regulations. The report and findings shall be subject to review and approval by the City Building Official.
- D. Tree preservation plan for the proposed plat. The plan shall identify the location and type of trees and all existing trees to be preserved. Such plan shall also include proposed locations and details of tree protection fencing to be installed for all trees to be preserved.
- E. Other drawings required for the proposed plat, as follows:
1. Source of water supply.
  2. Provisions for sewage disposal, drainage and flood control.
  3. Location of proposed street lights, as well as the utilities of electricity, gas, telephone, and CATV.
  4. A general landscaping plan showing plantings, berms, fences, walls, sidewalks and trails, and any subdivision signage.
  5. For plats containing one- or two-family dwellings, the location on each lot where an attached or detached garage containing at least one parking stall could be built within ordinance standards, if the principal structure is to be built without a garage.
- F. A topographic survey and certified wetland delineation report are required for preliminary plat applications. A waiver from the topographic survey and wetland delineation requirements can be granted to the property or properties that do not propose improvements or further subdivision. The request requires

submittal of a land use application form, narrative, concept plan, and required fee per the adopted fee schedule. The request will be reviewed by the Zoning Administrator and City Engineer to determine if the proposal requires either a topographic survey or wetland delineation. The Zoning Administrator can grant the waiver. If the waiver is denied, the applicant can request an appeal with the City Council.

*(Ord. 262, passed 12-19-11, Ord. 330, passed 08-25-16, Ord. 510, passed 10-26-23)*

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## SECTION 935 – FINAL PLAT PROCEDURE

### 935.010 - FINAL PLAT PROCEDURE.

An application for a final plat shall be approved or denied Pursuant to Minnesota Statutes, Chapter 462.358.

- Subd. 1. Compliance with Preliminary Plat.** A final plat application shall be in substantial compliance with the approved preliminary plat, including any required modifications thereto.
- Subd. 2. Filing.** A final plat application shall be filed with the Zoning Administrator on an official application form. The application shall be accompanied by the fee as set forth in the City Code. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, that describes the final plat. 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.
- Subd. 3. Staff Analysis.** Upon receiving a complete application, as determined by staff review, the Zoning Administrator shall refer copies of the final plat to the City staff and other applicable public agencies as needed in order to receive written comments. The Zoning Administrator shall instruct the appropriate staff person to 1) coordinate an analysis of the application, 2) prepare technical reports and coordinate preparation of the development contract, and 3) assist in preparing a recommendation to the City Council.
- Subd. 4. City Council Consideration.** The City Council shall consider a final plat as follows:
- A. Upon receiving the reports and recommendations of the staff, the City Administrator shall schedule the application for City Council consideration. The Council shall have the option of receiving additional testimony on the matter if they so choose.
  - B. The City Council shall either approve or deny the application.
  - C. Approval of a final plat and any related development contract by the City Council shall require passage by a majority vote of all its members. The Council may require such revisions in the final plat as it deems necessary for the health, safety, general welfare and convenience of the City.

D. If a final plat is denied by the City Council, the reasons for such action shall be recorded in the Council proceedings and transmitted to the applicant within 60 days.

**Subd. 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. 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.

**Subd. 6. Effect of Approval.** For 2 years following final plat approval, unless the subdivider and City agree otherwise, no amendment to the Comprehensive Plan or other official controls shall apply to or affect the use, development density, lot size, or lot layout that was approved.

**Subd. 7. Expiration of Final Plat Approval.** Unless the City Council specifically approves a different time period, the approval of a final plat shall expire 2 years from the date it was approved, unless the applicant has recorded the final plat with Hennepin County; or, unless before expiration of the 2-year period, the applicant submits a written request for an extension thereof. Such request for an extension shall include the following: 1) an explanation for why a final plat has not been filed, 2) what, if any, good faith efforts have been made to complete the platting process, and 3) the anticipated completion date. The Zoning Administrator may approve one such extension for a term not to exceed one additional year.

#### **935.020 - APPLICATION REQUIREMENTS.**

The materials, information, and drawings required for submission of a final plat application are listed in this section. In order for a final plat application to be deemed complete, it shall include or have attached thereto all materials, information, and drawings listed in this section.

**Subd. 1. Application Form.** The subdivider shall submit an official application form, as provided by the City, including the following information:

- A. Location, address (if assigned), legal description, and Hennepin County property identification number (P.I.N.) of all parcels included within the proposed plat.
- B. Name, address, telephone number, and signature of the subdivider and all persons currently having an ownership interest in the parcels comprising the proposed plat.

- C. Written description that indicates compliance with the approved preliminary plat and all related conditions of approval thereto. If the proposed final plat varies from the approved preliminary plat, the nature and extent of the variation must be described. Such description may be provided on a separate sheet of paper that is attached to the application form.

**Subd. 2. Other Written Materials.** The application form shall be accompanied by, or address, the following written materials:

- A. Three specification books for construction of public improvements.
- B. Cost estimates for grading and all public improvements.
- C. Lot sizes for all lots and outlots in tabular form.
- D. A copy of any proposed homeowners association documents, private covenants or deed restrictions.

**Subd. 3. Fees and Deposits.** The fees shall accompany the application form as set forth in the Corcoran City Code. The applicant shall also deposit with the City the estimated cost of any consultant review of the final plat 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.

**Subd. 4. Drawings, General Requirements.**

- A. Drawings must meet all following specifications:
  - 1. Be at a scale of one inch equals fifty feet (1" = 50') or less using an engineer's scale only.
  - 2. Be on paper not exceeding 24- inches by 36-inches.
  - 3. Include a title, and north point indication, the name and address of the subdivider, and the name and address of the designer of the drawing.
  - 4. Include a signature of the person who prepared the drawing, together with any registration number or other professional certification number or title.

5. Provide the date of preparation and any revisions thereto.
- B. The subdivider shall provide complete full-sized (24-inches by 36-inches) assembled sets of the drawings that are collated and stapled, the number of which shall be determined by the Zoning Administrator.
- C. Reductions: The subdivider shall provide complete, assembled sets of the drawings reduced to 11-inches by 17-inches, the number of which shall be determined by the Zoning Administrator.
- D. The subdivider shall provide one copy of the final plat at a scale of one inch equals two hundred feet (1" = 200').
- E. The subdivider shall submit electronic files of the drawings in a manner specified by the City in the Engineering Design Standards. The applicant may appeal directly to the City Council for a waiver of this requirement for subdivisions resulting in three or fewer parcels. No waiver shall be granted under this subsection unless the Council finds that the applicant and his surveyor do not have ready, economical access to the technology required to comply with the electronic filing requirement.

**Subd. 5. Drawings, Existing Conditions.** The application form shall be accompanied by drawings and information indicating the following:

- A. An accurate certified survey of the proposed plat, current within one year of the date of application, 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 one-tenth of an acre.
- 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 such plat.

**Subd. 6. Drawings, Final Plans.** The application form shall be accompanied by drawings and information indicating the following:

- A. Final plat, including the following:



1. Name of the proposed plat.
  2. Layout of all proposed lot lines with dimensions, and lot and block numbers.
  3. Layout of all proposed streets, showing right-of-way widths and street names pursuant to the City's street naming system.
  4. Location, dimensions, and purpose of all easements.
  5. Areas other than streets, sidewalks, trails, pedestrian ways, and utility easements intended to be dedicated or reserved for private or public use, including the size of such area(s).
  6. Certification by a registered surveyor, as required by Minnesota Statutes, Section 505.03, as may be amended.
  7. 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.
  8. 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 such signatures by the City Clerk.
  9. Space for certificates of approval and review, in the format prescribed by Hennepin County.
- B. Final grading and drainage plan for the proposed plat, including the following:
1. Lot and block numbers, building pad locations, building style and proposed building pad elevations at the lowest floor and garage slab for each lot.
  2. Topography in two-foot contour intervals, with existing contours shown as dashed lines and proposed contours shown as solid lines. Existing topography shall extend 100 feet beyond the borders of the proposed plat.
  3. 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, etc.

4. 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. Pipe type and size, pipe grades, rim and invert elevations, and normal and high water elevations shall be included.
  5. Flood elevations and locations if the plat is located within, or adjacent to, a 100-year flood plain.
  6. Spot elevations at drainage break points and directional arrows indicating site and swale drainage, and emergency overflow locations, elevations and routes.
  7. Locations, grades, and rim invert elevations of all storm sewer facilities, including ponds and rain gardens, proposed to serve the plat.
  8. Locations and elevations of all street high and low points.
  9. Street grades.
  10. Phasing of grading.
  11. Benchmark elevations.
  12. Location and elevation of all retaining walls.
  13. Location of all easements, including oversize or non-typical easements.
  14. An erosion control plan, pursuant to Section 950 of this Chapter.
- C. Final utility plan for the proposed plat, including the following:
1. Location, dimensions, and purpose of all easements.
  2. Location, size, grades, and rim and invert elevations of existing and proposed sanitary sewer, storm sewer, water mains, culverts, catch basins, man holes, hydrants, and other similar facilities within the proposed plat and to a distance of 100 feet beyond the plat.

3. Storm sewer, sanitary sewer, and water layouts, including top rim and invert elevations, proposed gradients, direction of flow, hydrant locations, drainage areas and benchmark elevations.
  4. Profiles for all proposed utilities.
- D. Tree preservation plan for the proposed plat. The plan shall identify the location and type of trees and all existing trees to be preserved. Such plan shall also include proposed locations and details of tree protection fencing to be installed for all trees to be preserved.
- E. Other drawings required for the proposed plat, as follows:
1. Location of proposed street lights, as well as the utilities of electricity, gas, telephone, and CATV.
  2. A general landscaping plan showing plantings, berms, fences, walls, sidewalks and trails, and any subdivision signage.
- F. Final street plan for the proposed plat, including the following:
1. Plan view of proposed and existing streets including location, dimensions, and purpose of all rights of way and easements, location of existing or proposed utilities.
  2. Street profiles including existing and proposed elevations extended to show how they tie into the adjacent properties.
  3. Street cross-section and design information based on the soil r-value.

*(Ord. 262, passed 12-19-11)*

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## **SECTION 940 – OPEN SPACE AND PRESERVATION (OS&P) PLATS**

### **940.010 – PURPOSE OF DIVISION.**

The purpose of Open Space and Preservation plats (OS&P) is to minimize acreage used in developments that are approved prior to availability of urban services and to improve and preserve wildlife habitat, quality of life and land values within the City through economic incentives to preserve high quality woodlands, interconnected vegetated corridors, agricultural land, open space, and other significant natural features as identified in the Comprehensive Plan. OS&P plats provide owners within the Rural Residential and Urban Reserve zoning district with added flexibility in designing plats as well as incentives to voluntarily protect, preserve, enhance or restore natural resources on their property. In addition to encouraging natural resource preservation and restoration, OS&P plats are intended as a means of facilitating an orderly and economically viable transition to eventual development with urban services.

### **940.020 – OBJECTIVES OF DIVISION AND DEFINITIONS.**

**Subd. 1.** The objectives of this division are to:

- A. Preserve natural resources as identified in the Comprehensive Plan.
- B. Preserve permanent natural habitat and vegetated corridors for the shelter and movement of diverse wildlife.
- C. Preserve viable tracts of land for long-term agricultural use.
- D. Allow greater flexibility in the design of residential developments in order to create a more esthetically pleasing visual impact than standard development, particularly along arterial roadways and with respect to abutting properties.
- E. Create cohesive neighborhoods to establish local identity and increase community interaction.
- F. Reduce the costs of future public street and utility infrastructure by designing to improve the efficiency of future connections and minimize site restoration costs associated with future utility construction.
- G. Provide economic incentives to land owners to preserve, protect and/or restore high quality woodlots and other identified natural resources areas.

- H. Accomplish the objectives of the comprehensive plan in a voluntary manner through the use of incentives.

#### **940.030 APPLICATION TYPES.**

- Subd.1.** OS&P plats are subject to the standards in this section, which provides additional development rights in exchange for preservation of natural features and creation of a higher quality development than might otherwise be expected.
- Subd 2.** Lands identified on the Natural Resource Inventory or Ecologically Significant Natural Area maps in the Comprehensive Plan qualify for OS&P plats. The boundaries of the land identified in the maps may be modified by the City based on individual site characteristics. A parcel outside one of these categories may apply for preservation or restoration and, if the proposed preservation or restoration is approved by the City, receive the applicable development right bonus as approved by the City.
- Subd 3.** Any Application type can develop in stages based on the approved plat.
- Subd 4.** A Planned Unit Development (PUD) will be required for any application type that proposes a deviation from minimum lot standards, the use of off-site septic or well, or the use of community septic or well.

#### **940.040 – PROCEDURE.**

- Subd. 1.** All procedures for a standard subdivision as provided in Section 930 and Section 935 of the Subdivision Ordinance shall be followed for each type of open space preservation plat application, with the addition of the following:
- A. A pre-application meeting with the City and potential easement holders in order for all parties to be made fully aware of any procedures, policies, or other issues regarding the plat.
  - B. A sketch/concept plan shall be required that includes the following:
    - 1. Classification by wetland type and acreage of all wetlands with and to a distance of 100 feet beyond the boundary lines of such plat.
    - 2. Vegetation of the site (pasture, woodlands, hedgerows, etc.) including a general description of species of trees and a summary of the

approximate percent of each species and their size and stage of maturity.

3. An outline of the land area to be designated as open space and its proposed use as park, trail, temporary open space, preserve or restoration, or wastewater treatment area.
- C. Data for preliminary plat. All information required to be submitted in Section 930 is required to be submitted with any OS&P application, with the addition of the following:
1. A resource inventory presented on an aerial photograph at a scale of no less than one inch equals 200 feet, including the following:
    - a. Vegetation inventory identifying the general cover types defining boundaries of woodland areas and identifying stand-alone trees of a size and species identified in the City preservation and restoration standards as significant.
    - b. Trees or wooded areas to be removed for streets, drives, buildings, drainage or other purposes shall be identified.
    - c. Visual resources, showing views onto the tract from surrounding streets and public areas, as well as views within the tract.
    - d. Description of the historic character of buildings and structures, historically important landscapes, and known archeological features.
    - e. Context, including general outlines of existing buildings, land uses, and natural features such as water bodies or wooded areas, streets and property boundaries within 100 feet of the tract.
  2. A calculation of the proposed open space or preservation plat density as determined by Section 940.070.
  3. A narrative from the applicant as to the rationale behind the proposed layout and open space.
  4. An itemized list of all documents, agreements and actions necessary to be completed prior to recording of the plat, including land area to be protected with a conservation easement as open space or park dedication, the number and size of lots, areas proposed for

stormwater management and sewage treatment areas (primary and secondary). This shall include all applicable Homeowners' association documents (if any), including bylaws, deed restrictions, covenants, and proposed conservation easements, prepared or approved by the holder of the conservation easement.

#### **940.050 – DEVELOPMENT STANDARDS.**

**Subd. 1.** OS&P or restoration plats shall comply with the following minimum standards:

**A.** Land area.

1. Minimum gross acreage is determined based on a wastewater treatment plan. On-site treatment will require appropriate setbacks and a primary and secondary wastewater treatment/disposal site.
2. Under an OS&P, land not used in the development may be retained by the owner and any successor in interest, subject to a covenant with the City that such land may not be developed until such time as urban sewer service is provided and at such time shall be subject to development standards with urban densities. Continued agricultural use shall be permitted until such time as sewer and water are available and orderly urban development occurs.
3. Under an OS&P plat a minimum of 50% percent of the gross land area (of no more than two non-contiguous pieces) of the development site shall be dedicated as preserved open space. Open space must be protected by a conservation easement or deed restrictions in favor of the city. Of that amount, 50 percent (net 25%) shall be upland area.

**B.** Open space development standards. Open space to be preserved or restored within an OS&P plan shall meet the following criteria:

1. Open space shall be in a contiguous, connected configuration including or adjacent to existing natural areas or parks. Open space that is divided by a local street shall be considered contiguous.
2. Open space shall be maintained free of noxious weeds, litter or debris.



3. Open spaces shall be protected by the placement of a conservation easement, covenant or deed restriction in favor of the City over the open space.
  - a. For areas designated as high quality by the Natural Resource Inventory or Ecologically Significant Natural Area maps in the Comprehensive Plan, the conservation easement shall be permanent.
  - b. For all other areas, the conservation easement shall remain in place until municipal sewer and water are available to serve the site. At such time, the open space may be developed in accordance with the regulations in place at that time.
4. Open space shall be owned by an individual, a homeowners' association, the City or other legal entity that will use the land for open space purposes pursuant to a conservation easement or covenant restricting additional development until urban services are provided. In the case of private ownership of open space where public access is desired, such as a trail crossing or other public purpose, the City shall require that a public easement be provided over the open space area.
5. In the event that it is impossible to locate sufficient suitable building sites to use the development rights generated by the property and plat design, such rights may be transferred to an adjacent property, within the city, so long as the development rights are used in a development that also follows open space development standards and does not exceed a 35% increase in development intensity compared to the property without transferred-in development rights. A PUD will be required for any OS&P desiring to transfer development rights.
6. A preservation, restoration and management plan agreeable to the City shall be prepared and filed for open space land. This plan shall include areas proposed for interim agricultural uses as well as temporary open space easements.
  - a. The City Council may, at its discretion, require financial guarantees of performance of restoration, seeding, cutting or planting.
  - b. Where land remains in the ownership of the developer or an association, the City may inspect the property at any time to

ensure that provisions of the management plan are being implemented.

C. Water and sewer systems.

1. Water may be provided by individual on-site wells, or by one or more community wells in open space areas, meeting all State Department of Health requirements.
2. Individual sewage treatment systems are required to be located on each individual lot, except as otherwise approved by the City Council. The developer must identify both primary and secondary locations for City planning review. Permitting of individual septic systems shall be through Hennepin County. Individual sewage systems shall not be located on land with preservation or restoration easements or land dedicated to the City.
3. The City may approve a centralized wastewater treatment system and smaller individual lots as part of a Planned Unit Development (PUD), provided the applicant can show compliance with MPCA standards and the City finds that the proposal would comply with PUD standards, all City requirements and would have no adverse impact on the environment or neighboring properties. The City will review the following information as part of the plan review, but all permitting shall be as required by the State of Minnesota. Centralized wastewater treatment systems may be located in temporarily restricted open space within an easement. This area shall not be included in the land area designated as preserved or restored open space. A sewage treatment system management plan must be submitted to the city that must be reviewed and approved prior to being recorded with the final plat. The plan shall clearly identify the following:
  - a. The applicant must provide the following information to support the proposed primary and secondary septic sites:
    - i. Hydrologic study prepared by a qualified individual for the proposed septic site.
    - ii. A minimum of 4 soil borings on each primary septic site and 2 soil borings on each secondary site.
    - iii. Percolation tests for the primary septic site.

- iv. Well locations for the proposed development.
- b. The applicant must provide a management (maintenance, replacement and repair) plan for centralized wastewater treatment system as approved by the City. The management plan must be reviewed and approved by the City Council and recorded with the final plat. The plan should clearly identify the following:
  - i. The ownership of the centralized wastewater treatment system.
  - ii. An annual schedule for maintenance, inspection and monitoring of the centralized wastewater treatment system.
  - iii. Assignment of responsibility for the management of and payment for the centralized wastewater treatment system.
  - iv. Contingency plan in the event of failure of the centralized wastewater treatment.
  - v. Financial guarantees, covering the estimated cost of maintaining and replacing a centralized system.
  - vi. Provisions describing how the sewage treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk.
  - vii. The name and license number of the system's designer.
  - viii. Provision for cost effective future connection of the wastewater treatment system(s) to urban services within one year after such services are provided at the boundary of the development, with sufficient financial guarantees to ensure no added cost to the City.
  - ix. If financial guarantees for any of the above provisions are part of an association assessment or treasury fund, the City shall be given access to annual audit records, at the expense of the association, to ensure proper funding. If such guarantees are the private responsibility of the developer, the City shall require guarantees from the responsible individual(s).

- D. Dimensional regulations and Development standards. The dimensional regulations for open space preservation plats must comply with the following standards:
1. Minimum lot size. There is no minimum lot size. The applicant must provide information to show that a primary and secondary septic site can fit on the site or on adjacent property in compliance with ordinance requirements.
  2. The maximum lot area of each created lot shall not exceed two times the minimum lot area for a single family dwelling in the zoning district that is compatible with the land use category in which the property is located
  3. Building setbacks. The minimum building setbacks shall be as follows:
    - a. Front: 25 feet (unless adjacent to a Major Roadway, which has minimum setback of 100 feet. Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander Roadways and A Minor Connector as shown on the Roadway Functional Classification map in the Comprehensive Plan.).
    - b. Side, internal: 10 feet.
    - c. Side, street: 25 feet.
    - d. Rear: 25 feet.
  4. Variations from the minimum lot standards, the use of off-site septic or well, or the use of community septic or well may be approved with a PUD if the City Council finds that the request is consistent with the PUD standards.
  5. Street standards. Street standards shall comply with this article.
    - a. OS&P plats in the UR zoning district shall comply with urban street standards, which include curb and gutter and sidewalks within the right-of-way and shall be permitted to develop at 200% of the existing development rights.
    - b. OS&P plats in the RR zoning district may be permitted to use the rural street standards.

- i. OS&P plats in RR district that choose to develop with rural street section shall be permitted to develop at 150% of the existing development rights.
  - ii. OS&P plats that choose to develop with the urban street section shall not be required to provide sidewalk and shall be permitted to develop at 200% of the existing development rights.
- 6. Accessory structures (such as gazebos, benches and play equipment) shall be allowed on preserved open space lots without a principal structure as provided for in the developer's agreement and approved by the City Council.
- 7. A buffer zone of at least 100 feet shall be provided at the perimeter of the developed area of the site abutting public streets. The buffer zone shall be thickly planted with native grasses, shrubs and trees to minimize land use conflicts.

E. Development design guidelines applicable to all OS&P developments:

- 1. All lots shall be clustered in a manner to create temporary open space that will be held in a covenant for future development at the time sewer is extended.
- 2. The temporary open space shall be contiguous land, or adjacent to a similarly classified property, in order to facilitate future development.
- 3. A ghost plat shall be designed for all temporary open space areas at the same time as the Preliminary and Final plat is review and approved. The ghost plats shall indicate future access, internal street network and connections and future lot layout.
- 4. All lots shall front a paved street, internal to the site.

F. Residential lots should be designed to achieve as many of the following objectives as possible:

- 1. Arrange lots around a central focal point such as:
  - a. A central green, boulevard or square.

- b. A physical amenity such as a meadow, a stand of trees, a stream or water body, or some other natural feature.
- 2. Locate lots such that at least 50 percent of the lots within a neighborhood abut open space, or other amenity, on at least one side. A local street may separate lots from open space.
- 3. Preserve views from each building unit and from off-site vantage points to the maximum possible.
- 4. Locate neighborhood recreational open spaces such that they are an integral part of the neighborhood, are suitable for the projected demographic makeup of residents, are at an elevation appropriate to their intended recreational use, have boundaries that are clearly defined and are accessible to all neighborhood residents from a public street or trail. Connect individual home sites with pedestrian corridors or sidewalks to larger open spaces and places of destination on-site and off-site. Open spaces should be accessible to pedestrians at roughly 1,200-foot intervals along public roadways. Pedestrian corridors between lots shall be at least 50 feet in width and buffered from view of adjacent properties.
- 5. Locate lots to preserve woodlands, farmland or other natural features or character, including places of historic, archeological or cultural value. Preserve natural resources as identified in the Comprehensive Plan to the maximum extent possible in a contiguous, connected configuration. Natural open spaces may include, but are not limited to, fields, wetlands, slopes, bluffs, woods, lakes, ponds, streams, shore lands, and other environmentally sensitive areas.
- 6. Providing covenants to create an architectural theme to include items such as landscaping, porches, side or rear loaded or detached garages. A written narrative describing the architectural theme shall be provided with the preliminary plat.
- 7. Locate houses and garages such that the garages do not dominate the streetscape.
- 8. Locate septic systems on the most suitable soils for subsurface septic disposal and in such manner as to provide for cost effective and least disruptive future connection of the wastewater treatment system(s) to urban services.

9. Landscape common areas and street rights-of-way with native vegetation with high wildlife conservation value.

#### **940.060 – OWNERSHIP OF COMMON AREAS.**

- Subd. 1.** Operation and maintenance requirements for residential subdivision common open space facilities shall be as provided in this division. Where certain land areas or structures are provided within the subdivision for private recreational use or as common service facilities or centralized wastewater treatment systems, the owner of such land and buildings shall provide covenants as approved by the City to ensure their continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following, depending upon which is more appropriate in the discretion of the city:
- A. Dedicated to the public where a community-wide use would be anticipated; or
  - B. Subdivider's ownership and control; or
  - C. Homeowners' associations. A homeowners' association shall be established to maintain all preserved open space and recreational facilities, except in cases where the land is dedicated to the City for public purposes. Such homeowners' association management agreements shall be established prior to the sale of any lots. Homeowners' association management agreements shall include the following:
    1. The agreement shall include a legal description of the common lands, facilities and open space or conservation areas.
    2. Membership in the association shall be mandatory for all purchasers of homes in the development and their successors.
    3. The agreement shall include restrictions placed upon the use and enjoyment of the lands or facilities, including the persons or entities entitled to enforce the restrictions.
    4. The agreement shall include a mechanism for resolving disputes among the owners or association members.

5. The agreement shall provide standards for scheduled maintenance of open spaces, buildings and facilities. The association must be responsible for liability insurance and local taxes,
6. The agreement shall provide a plan guaranteeing continuing maintenance of open spaces that shall be submitted to the city council as part of the data requirements for an open space development.
7. The agreement shall include a mechanism to assess and enforce the common expenses for the land or facilities, including upkeep and maintenance expenses, real estate taxes and insurance premiums.
8. The agreement shall include the conditions and timing of the transfer of ownership and control of land or facilities to the association or the common ownership.
9. The homeowners must pay their pro rata share of associated costs and the assessment levied by the association shall become a lien on the property in accordance with the law; and
10. The association must be able to adjust the assessment to meet changed circumstances and needs
11. Any proposed change in the articles of association or incorporation shall require the prior written approval of the City.
12. Any other matters the developer or City deems appropriate shall be included.

#### **940.070 – CALCULATION OF BASE DENSITY; DENSITY BONUSES.**

**Subd. 1.** To calculate the allowed density for a given parcel for open space preservation plat purposes, the following shall apply:

- A. OS&P Plats must provide paved access within the site and must require all owners and their successors to covenant that they will participate at 100% of the per unit cost of future assessments for paving to City standards the streets outside of the development boundaries and servicing the site, if those streets are not currently paved.



- B. Development rights shall be as recorded on the official City of Corcoran “Development Rights Map” and as described in Section 1040.020, Subd. 8 and 1040.030, Subd. 7 (Density Requirements) of the Zoning Ordinance.
- C. Multiply the number of development rights on the parcel by the percent based on the application type to determine the maximum number of lots. Percentages are as follows:
  - 1. Standard Plat: = 100% of development rights (one development right per 10 acres)
  - 2. OS&P design in the RR district with rural street section = 150%
  - 3. OS&P with urban street section = 200%

Example 1:

Gross land area consisting of approximately 46 acres and one development right per 10 acres.

Standard Plat:  $46 \times 1$  (100% of development rights) = 4.6 development rights which is rounded up to 5.

OS&P in the RR district with rural street section =  $(46/10) \times 1.5$  (150% of development rights) = 6.9 development rights which is rounded up to 7.

OS&P in the UR district or in the RR district with urban street section =  $(46/10) \times 2.0$  (200% of development rights) = 9.2 development rights, which rounds down to 9.

Maximum density =  $46/9 = 1$  in 5.11

Example 2:

Gross land area consisting of approximately 60 acres and one development right per 10 acres.

Standard Plat:  $6 \times 1$  (100% of development rights) = 6 development rights

OS&P in the RR district with rural street section = 9 development rights.

OS&P in the UR district or in the RR district with the urban street section =  $(60/10) \times 2.0$  (200% of development rights) = 12 development rights.

Maximum density =  $60/12 = 1$  in 5

*(Ord. 212, passed 12-21-04, Ord. 224, passed 10-27-05, Ord. 262, passed 12-19-11, Ord 348, passed 05-25-17, Ord. 394, passed 06-27-19, Ord. 510, passed 10-26-23)*

## SECTION 945 – DESIGN STANDARDS

### 945.010 - GENERAL STANDARDS.

- Subd. 1. Contiguous Land.** A preliminary plat shall include all of the owner's contiguous land, unless subdivision of property contiguous to the subdivision would be premature as defined by this Chapter. If subdivision of the contiguous property owned by the applicant would be premature, the applicant shall submit a sketch plan with enough detail to demonstrate how that property can be subdivided in the future in a manner consistent with the Comprehensive Plan and this Chapter. Final platting may be accomplished in phases.
- Subd. 2. Subdivisions Straddling Municipal Boundaries.** Whenever access to the subdivision is required across land in another city, the City shall request assurance from the affected city that access is legally established and that the access road is adequately improved or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.
- Subd. 3. Monuments.**
- A. Official permanent monuments shall be placed as required by Minnesota Statutes, Section 505.02 (as may be amended).
  - B. All monument markers shall be correctly in place upon final grading and installation of utilities.
  - C. The City will not issue building permits for a lot within a plat until monuments have been placed for that lot.
  - D. All United States, state, county or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.
- Subd. 4. Subdivision Names.** The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the City. The City shall have final authority to designate the name of the subdivision.

**Subd. 5. Engineering Design Standards.** Public and private improvements shall comply with standards set forth in the City's Engineering Design Standards, which are herein adopted by reference.

## **945.020 - LOT IMPROVEMENTS.**

**Subd. 1. Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance. In addition, all lots shall abut and have direct access to an improved street or private drive except for developments with unit lots, in which case the base lot shall abut and have direct access to an improved street.

**Subd. 2. Minimum Lot Dimensions.** All lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Depth and width of properties reserved or laid out for commercial, office or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use contemplated, as established in the Zoning Ordinance, except as may be modified within a duly approved planned unit development (PUD).

**Subd. 3. Side Lot Lines.** Side lines of lots shall be substantially at right angles to street lines and substantially radial to curved street lines, unless an alternative layout will result in a better street or lot plan.

**Subd. 4. Corner Lots.** Corner lots shall be of sufficient width and depth to comply with the minimum building setback requirement from both streets and to comply with the minimum driveway setback from the intersection, as established in the Zoning Ordinance.

**Subd. 5. Through or Double Frontage Lots and Access to Lots.**

- A. **Through or Double Frontage Lots.** Through or double frontage lots shall not be permitted except where lots back on an arterial roadway or where specific disadvantages of topography or other conditions render subdividing otherwise unreasonable.
- B. **Access from Minor Arterials and Minor Collectors.** Lots shall not, in general, derive access exclusively from a minor arterial or major collector roadway. No lot parallel to a minor arterial or major collector roadway and having a width of less than 200 feet should front on these roadways

unless 1) access is limited to streets other than a minor arterial or major collector, 2) access is provided jointly with other lots or 3) access is ultimately to be provided from a planned frontage road. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on minor arterial or major collector roadways.

- Subd. 6. Lots Abutting Water.** Lots abutting a water body, wetland, drainage way, channel, stream or pond shall be of sufficient width and depth and at the elevation needed to assure that building sites are not subject to flooding. The platting of lots within the floodplain is subject to the Zoning Ordinance provisions relating thereto.
- Subd. 7. Large Tracts.** When a parcel of land is subdivided into larger tracts than for building lots, such tracts shall be divided so as to allow for the opening of major streets and the ultimate extension of adjacent streets and utilities.
- Subd. 8. Lot Remnants.** All remnants of land which are below the minimum lot size or which are otherwise unbuildable must be added to adjacent lots and shall not be platted as an unusable outlot or parcel.
- Subd. 9. Soil Preservation, Grading and Sodding/Seeding.**
- A. **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Where possible, drainage shall be designed so as to avoid concentration of storm water drainage from each lot to adjacent lots.
  - B. **Sodding/Seeding.** Sodding and seeding shall be done in conformance with the Zoning Ordinance and Engineering Design Standards.
- Subd. 10. Debris and Waste.** No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, former building foundations, abandoned wells, abandoned septic systems or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy in a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of the Development Contract or dedication of public improvements, whichever occurs sooner.

**Subd. 11. Waterbodies and Watercourses.** If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The City may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility.

**Subd. 12. Access.**

- A. Block length and width or acreage within bounding streets shall be sufficient to accommodate the size of lots required by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.
  - 1. In the municipal urban service boundary, block lengths shall not exceed 900 feet nor be less than 500 feet, measured from the centerlines of streets, except where topography or other conditions justify a departure from that standard.
  - 2. In the rural areas, block lengths shall not exceed 1,320 feet nor be less than 400 feet, except where topography or other conditions justify a departure from that standard. In blocks longer than 800 feet, pedestrian walkways and/or easements at least 10 feet wide may be required near the center of the block.
- B. Vehicle access shall be prohibited from a stub street to adjoining lots until such time as the stub street is extended into an adjoining tract, or unless a temporary cul-de-sac is provided.
- C. When a proposed plat contains or borders on the right-of-way of an existing or planned principal or minor arterial roadway, the City Council may require dedication and installation of a street approximately parallel to and on each side of such right-of-way for adequate protection of properties and to afford a separation of local and through traffic. Such streets shall be located at a distance from the major roadway suitable for the appropriate use of any intervening land. Such distance shall also be determined with due regard for the requirements of approach connections, future grade separations, and lot depths.
- D. The subdivider shall provide access to all lots via local streets or private drives. When a proposed plat contains or borders on the right-of-way of a principal arterial, vehicle access points shall be restricted in accordance with the City's Comprehensive Plan and the access requirements of the

Minnesota Department of Transportation and Hennepin County. When a proposed plat contains or borders on the right-of-way of a minor arterial or major collector roadway, vehicle access points shall be restricted from such roadways. If access onto a minor arterial or major collector is the only option for access and is therefore required, such vehicle access points shall be limited from individual lots onto such streets through the use of shared driveways, consistent with the access management provisions of the City's Comprehensive Plan.

- E. Access to minor arterial and major collector streets shall be at intervals of not less than  $\frac{1}{4}$  mile, and through existing and established crossroads where possible. In the platting of small tracts of land fronting on minor arterial streets where there is no other alternative, a temporary access permit may be granted. As neighboring land becomes subdivided and access to other streets becomes possible, such temporary access permit shall become void.
- F. When a residential lot has frontage on multiple streets, access to such lot shall be prohibited from higher-order streets (e.g., a lot that fronts on a minor arterial street and a collector street shall be prohibited from having access on the minor arterial street, and a lot that fronts on a collector street and a local street shall be prohibited from having access on the collector street).

**Subd. 13. Street Names.** Street names shall be designated by the City street naming system, as administered by the Zoning Administrator. The Zoning Administrator shall have discretion to alter the City street naming system, when appropriate, in order to avoid confusion to the traveling public. A petition to rename a street shall require action by the City Council.

**Subd. 14. Street Regulatory Signs.** Street signs of standard design approved by the City shall be installed at each street intersection or at such other locations within the subdivision as designated by the City Engineer.

**Subd. 15. Traffic Control Signs.** Traffic control signs pursuant to Minnesota Statutes, Section 169.06, shall be installed at locations within the subdivision as designated by the City Engineer.

**Subd. 16. Turn Lanes and Traffic Lights.** Turn lanes and traffic lights shall be installed at the expense of the subdivider when required as a result of the proposed subdivision. The cost of the improvements shall be apportioned among benefiting properties as determined by the City.

**Subd. 17. Street Lights.** Street lights shall be installed at all intersections and at other locations, as required by the City Engineer. All street lights within new subdivisions in the urban area shall be on ornamental poles with underground electrical service, and shall conform to City lighting standards.

**Subd. 18. Sidewalks and Trails.** Required sidewalks and trails shall be installed at the time a street is constructed.

**Subd. 19. Dead-End Streets, Stub Streets and Cul-de-Sac Streets (permanent and temporary).**

A. Dead-End Streets. Dead-end streets shall be prohibited, except as stub streets.

B. Stub Streets. Stub streets shall be installed to permit future street extensions into adjoining tracts, where appropriate. Barricades shall be installed at the end of stub streets and signage shall be provided indicating a future street connection

C. Cul-de-Sac Streets (permanent). Cul-de-sac streets may be installed where necessary due to topography, configuration of land, existing road layouts or other special circumstances. Maximum length of a cul-de-sac shall not exceed the Corcoran Engineering Design Standards.

D. Cul-de-Sac Streets (temporary). In those instances where a street is terminated pending future extension in conjunction with future platting and its terminus is located 1,320 feet or more from the nearest intersection in rural areas or 900 feet in urban areas, a temporary cul-de-sac with a pavement width of 90 feet in diameter shall be provided at the closed end. Any portion of a temporary cul-de-sac not located within the street right-of-way shall be placed in a temporary roadway easement extending beyond the curb line of the temporary cul-de-sac in all directions. No building permit shall be issued for any properties containing such temporary easement until after the temporary cul-de-sac is constructed. A financial guarantee will be required for removal and restoration, as required by the Development Contract for the subdivision.

**Subd. 20. Alleys and Private Drives.** Alleys and private drives may be permitted by the City Council, and are subject to the following standards:

A. Private Drives in the Rural Residential District. In conjunction with the review of plats in the Rural Residential District Zoning District, the City



Council may approve private drives provided that all of the following conditions are met:

1. The council finds that a public street connection is not required for the public street network.
2. Design Standards.
  - a. A private drive shall not exceed 2,640 feet in length unless it forms a continuous connection or loops back to a public street. Any such private drive with a terminus 1,320 feet or more from the nearest intersection will be required to provide a cul-de-sac at the closed end according to City Engineering Standards.
  - b. The subdivider shall provide access to lots via public streets. Private drives are subject to the access standards of 945.020, Subd.12, D and 945.020 Subd. 12, F.
  - c. Roadway standards must comply with Section 945.010, Subd. 5 (Engineering Design Standards). Private drives shall conform to the City of Corcoran Standard Detail Plates for shared driveways, as may be amended. The City Engineer may require additional site information and may require additional design standards that enhance safety.
  - d. Individual unit driveways that gain access from any such private drive shall be a minimum of 22 feet in length.
  - e. A decorative sign stating "Private Drive" shall be located near each entrance to a private drive. Such sign shall also provide the range of addresses served by the private drive.
  - f. If the private drive accesses directly onto a paved public street, the private drive must include a paved apron of 75 feet. The apron shall be measured from the edge of the existing pavement along the centerline of the private drive.

*(Ord. 317, passed 05-26-16)*

3. Lot Standards.

- a. Areas devoted to private roads shall not be included in parcel size calculations.

- b. The private drive may not be placed in an outlot, and must be included with the parcel.
  - c. Lot width shall be measured at the lot line. For purpose of complying with the minimum lot width requirements, the front of the lot shall be the lot line adjacent to the private drive.
  - d. Access for each lot in the subdivision shall be from the private drive. No direct access to public streets shall be allowed for lots within the subdivision.
4. Easement and Maintenance Agreement. An access easement and maintenance agreement shall be established for all private drives, subject to review and approval of the City Attorney and shall be recorded at Hennepin County prior to issuing building permits.
5. Homeowners Association Agreement. A homeowners association agreement shall be established to ensure that any such private drive remains “private” in perpetuity, subject to review and approval of the City Attorney, and shall be filed with the plat at Hennepin County. Such instrument shall require mandatory participation of all homeowners that have access via the private drive, shall include the requirement for creation of a fund to address maintenance, drainage and snow removal on the private drive, subject to City review and approval.
- B. Private Drives in Urban Residential Districts. In conjunction with the review of plats within Urban Residential Districts within the Metropolitan Urban Service Area, the City Council may approve private drives provided that all of the following conditions are met:
- 1. The council finds that a public street connection is not required for the public street network.
  - 2. Design Standards.
    - a. A private drive shall not exceed 2,640 feet in length unless it forms a continuous connection or loops back to a public street. Any such private drive with a terminus 1,320 feet or more from the nearest intersection will be required to provide a cul-de-sac at the closed end according to City Engineering Standards.

- b. The subdivider shall provide access to lots via public streets. Private drives are subject to the access standards of 945.020, Subd.12, D and 945.020 Subd. 12, F.
- c. Roadway standards must comply with Section 945.010, Subd. 5 (Engineering Design Standards). Private drives shall conform to the City of Corcoran Standard Detail Plates for shared driveways, as may be amended. The City Engineer may require additional site information and may require additional design standards that enhance safety.
- d. Individual unit driveways that gain access from any such private drive shall be a minimum of 22 feet in length.
- e. A decorative sign stating "Private Drive" shall be located near each entrance to a private drive. Such sign shall also provide the range of addresses served by the private drive.

**Subd. 21. Design Standards, Streets.**

- A. General. In order to provide for streets of suitable location, width and general improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required.
- B. Street Surfacing and Improvements. After the subdivider has installed sewer and water, the subdivider shall construct poured-in-place concrete curbs and gutters and shall surface streets to the width prescribed in this Chapter. Types of pavement shall be as prescribed in the City's Engineering Design Standards. Adequate provision shall be made for culverts, drains and bridges. The portion of the right-of-way outside the area surfaced shall be sodded. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications in the City's Engineering Design Standards and shall be incorporated into the construction plans required to be submitted by the subdivider for final plat approval.
- C. Right-of-Way Width.

1. Minimum right-of-way width for minor arterial and collector streets shall be as follows:

| Street Type        | Right-of-Way Width |
|--------------------|--------------------|
| Principal Arterial | 100 feet           |
| A Minor Reliever   | 80 feet            |
| A Minor Expander   | 60 feet            |

2. The right-of-way width for local streets shall be determined by the City Engineer and shall be adequate to accommodate pavement width and other improvements required within the right-of-way.
  3. In order to ensure safety and accommodate existing and future street intersections, bridge overpasses, railway crossings, interchanges, topography and the like, the City may require dedication of a greater right-of-way width than specified above.
  4. A subdivider may be required to install landscaped medians for certain minor arterial and collector roadways platted within the subdivision, in accordance with roadway standards established by the City Engineer and the Design Guidelines located in Appendix A of the Zoning Ordinance.
- D. Principal Arterials. Lots abutting principal arterials shall have sufficient lot depth required to accommodate any additional structure setbacks provided by the Zoning Ordinance.
- E. Pavement Width shall be as identified in the City Engineering Design Standards.
- F. Cul-de-Sac Street Turnarounds. Residential cul-de-sacs may include a center island within the turn-around for snow storage. Maintenance of such center islands shall become the responsibility of a Homeowners Association for the subdivision. The pavement width between the outside curb of the turn-around and such island shall be a minimum of 28 feet wide.
- G. Street Grades. The minimum grade for all streets shall be ½ percent. Grades within 30 feet of intersections with arterial and collector streets and grades for the turnaround portion of a cul-de-sac street shall not exceed 3 percent. Otherwise, the maximum grades shall be as follows:

| <b>Street Type</b> | <b>Maximum Grade</b> |
|--------------------|----------------------|
| Minor Arterial     | 4%                   |
| Collector          | 6%                   |
| Local              | 8%                   |

#### H. Intersections.

1. Streets shall be laid out to intersect at right (90 degree) angles with a 50-foot minimum tangent from the radius return. The angle of an intersection may be varied in cases where topography or other factors justify a variation, but in no case shall a street intersect with another street at angle of less than 75 degrees. Intersections having more than 4 corners shall be prohibited.
2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs shall have a centerline offset of at least 150 feet.
3. Minimum curb radius at the intersection of 2 local streets shall be at least 10 feet.

#### I. Street Alignment.

1. Reverse Curves (horizontal alignment). Collector and Arterial streets shall comply with Minnesota State Aid Standards.
2. Differing Street Gradients (vertical alignment). Differing connecting street gradients for minor arterial and collector streets shall be connected with vertical parabolic curves. The minimum length of such curves shall be in accordance with the Minnesota Department of Transportation Road Design Manual, latest revision.

### **Subd. 22. Street Dedication and Reservations.**

- A. All streets within a subdivision shall be dedicated as public streets on the plat, except as may be allowed by Subd. 20 of this Section.
- B. Streets in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The City Council may authorize a new

perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within the subdivision boundaries.

- C. Where a subdivision borders an existing substandard street or street needing improvement, the subdivider shall be required to improve and dedicate at its expense those areas for widening or improvement. Such streets shall be improved and dedicated as required by this Subdivision Ordinance. The cost of the improvements shall be apportioned among benefiting properties as determined by the City.

*(Ord. 310, passed 10-08-15, Ord. 510, passed 10-26-23)*

### **945.030 - SIDEWALKS AND TRAILS.**

#### **Subd. 1. Required Improvements.**

- A. A sidewalk or trail shall be installed along all arterial and collector roadways consistent with the City's Comprehensive Plan and the Park and Trail Plan. Sidewalks shall extend to the turn-around portion of a cul-de-sac street. Construction of both sidewalks and trails shall be as specified in the City's Engineering Design Standards.
- B. Width. Sidewalks along local streets shall be a minimum of 5 feet wide. Trails shall be a minimum of 8 feet wide, unless located directly behind a curb, in which case they shall be a minimum of 10 feet wide.
- C. Grade. Sidewalks and trails shall be sloped in such a manner so as to prevent pooling of storm water runoff and to drain away from any nearby buildings. The profile grade shall not exceed the grade of the adjacent roadway, unless authorized by the City Engineer.

### **945.040 - DRAINAGE AND WATER QUALITY.**

#### **Subd. 1. General Requirements.**

- A. The City Council will not approve any subdivision that does not make adequate provision for quantity and quality of storm water runoff. Any storm water drainage system shall be separate and independent of the sanitary sewer system.
- B. Water quality basins shall be designed in accordance with the City's Engineering Design Standards.

**Subd. 2. Dedication of Drainage Easements.**

- A. General Requirements. Where a watercourse, drainage way, channel or stream traverses a subdivision, the subdivider shall provide a storm water easement, drainage right-of-way or park dedication, whichever the City may deem more appropriate. This easement, right-of-way or dedication shall conform substantially with the lines of such water courses, together with such further width or construction, or both, as will be adequate for the storm water drainage of the area. The City Engineer shall determine the width of such easements, etc.
- B. Drainage Easements.
  - 1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, the subdivider shall provide perpetual, unobstructed easements at least 20 feet in width for drainage facilities across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.
  - 2. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
  - 3. The subdivider shall dedicate by a drainage easement, land on each side of the centerline of any wetland, body of water, watercourse or drainage channel, whether or not shown on the City's Comprehensive Plan, to a sufficient width to 1) provide proper protection for water quality, 2) provide retention of storm water runoff and 3) provide for the installation and maintenance of storm sewers.

**945.050 - SEWER AND WATER FACILITIES.**

**Subd. 1. General Requirements.**

- A. The subdivider shall install adequate sewer and water facilities subject to the specifications in the City's Engineering Design Standards.
- B. Within the municipal urban service boundary, the subdivider shall install sewer and water mains and service connections, which are stubbed to the

property line, to serve all lots in the subdivision. The City Council, in its discretion, may waive this requirement upon a showing that to require the installation of sewer and/or water mains within the subdivision would not be feasible with regard to the extension of existing trunk mains to service the subdivision or that particular locations or unusual circumstances of the proposed plat would cause undue hardship to either the owner or subdivider or the City.

- C. Within the municipal urban service boundary, the subdivider shall extend sewer and water lines to the lot lines of abutting sites within the urban service area that do not have public water service.
- D. In the rural areas, well and septic systems shall be installed in accordance with City and State requirements.

#### **945.060 - OTHER UTILITIES.**

- Subd. 1. Location.** All utility facilities, including but not limited to telephone, CATV, natural gas and electric power, shall be located underground. Whenever existing utility facilities are located above ground, except when existing on public roads and right-of-way, they shall be removed and placed underground. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the City, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
- Subd. 2. Easements.** Utility easements shall be required within the perimeter of each lot, measured from the lot lines. Such easements shall be at least 10 feet wide. Such easements shall have continuity for alignment from block to block. Such easements shall also be provided at deflection points for pole-line anchors where necessary.
- Subd. 3. Dedication.** Easements shall be dedicated on the plat instrument for the required use.

*(Ord. 262, passed 12-19-11)*



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## **SECTION 950 – EROSION CONTROL**

### **950.010 - EROSION CONTROL PLAN.**

Prior to commencing any land disturbing activity in a subdivision, the developer shall submit an erosion control plan for approval by the City Engineer. All grading and construction activity that results in disturbance of the ground shall comply with Minnesota Pollution Control Agency's General Stormwater Permit for Construction Activity No. MN R10001, the Minnesota Stormwater Manual, Chapter 54 of the City Code, and all other applicable City Ordinances.

*(Ord. 378, passed 09-13-18, Ord. 450, passed 02-24-22)*

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## SECTION 955 – PARK DEDICATION

### 955.010 - STATUTORY AUTHORIZATION, FINDINGS OF FACT AND STATEMENT OF PURPOSE

**Subd. 1. Statutory Authorization.** Minnesota Statutes Section 462.358.Subd.2b provides that municipal subdivision regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, playgrounds, trails, wetlands, or open space, and that the municipality may alternatively accept an equivalent amount in cash based upon the undeveloped land value.

**Subd. 2. Findings of Fact.** The City Council finds that:

- A. The preservation and development of parks, playgrounds, trails and open space areas within the City are essential to maintaining a healthy and desirable environment for residents and persons employed within the City. The presence of parks, trails and open space amenities also enhances the value and attractiveness of residential and commercial/industrial developments to landowners, developers, purchasers, employers, and employees. The City must not only provide for its present citizens, but it must also provide for the future.
- B. New developments place a burden upon the City's parks and open space system. New facilities must be developed concurrently with development in order to provide the desired level of service and the quality of the environment for all. Therefore, new developments shall be required to contribute toward the City's park system in rough proportion to the relative burden they will place upon the park system.
- C. The City Council recognizes that the need for such parks, trails, and public open spaces is directly related to the density and intensity of population and development permitted and allowed in the City. Urban development results in increased population, increased intensity of use and greater demands for such public areas and facilities.
- D. Residential development of land will create approximately ninety-five (95) percent of the need for park and recreational land and facilities within the City.
- E. Commercial/industrial development of land will create approximately five (5) percent of the need for park and recreational land and facilities within the City.

- F. Development of land for schools, religious institutions or other non-profit organizations may create additional demand on the City's park and recreational land and facilities. The City may create partnerships with these organizations that foster cooperative use of school, non-profit and park properties for recreational activities.

## **955.020 - REQUIRED DEDICATION**

### **Subd. 1. Dedication of Land or Cash**

- A. Pursuant to Minnesota Statutes Section 462.358, Subd. 2b, the City requires all subdividers as a prerequisite to approval of a final subdivision plat, land division or development of any land previously divided by plat, metes or bounds or any other means, which has not provided park dedication, to convey to the City or dedicate to the public use for park, playground, open space, or trail a reasonable portion of the land being platted, divided, or developed as hereinafter specified. The portions to be dedicated will be approved by the City; or in lieu thereof the subdivider shall at the option of the City pay to the City, for use in the acquisition or development of public parks, playgrounds, or in debt retirement in connection with land previously acquired for such public purposes, an equivalent amount in cash based upon the undeveloped land value. Park Dedication is only due in cases where additional new parcels are created. Park dedication would not be due in situations where a replat or lot line adjustment is required to modify lot boundaries without creating any additional lots.
- B. The form of contribution (cash, land, or any combination thereof) shall be decided by the City Council based upon need and conformance with the comprehensive plan.

**Subd. 2. Administrative Procedures.** The City Council shall establish such administrative procedures as they may deem necessary and required to implement the provisions of this chapter.

### **Subd. 3. Parks and Trails Commission Recommendation.**

- A. The Parks and Trails Commission shall, in each case, recommend to the City Council the total area and location of such land that the Parks and Trails Commission feels should be so conveyed or dedicated within the development for the above public purposes. These recommendations shall be based on the recommendations included in the City parks and trails plan.

- B. The Parks and Trails Commission shall review the preliminary plat and recommend to the Planning Commission and City Council the total area and location of the land the Park and Trails Commission determines should be dedicated for park use. The Park and Trails Commission shall provide its recommendation, prior to the time that the Planning Commission completes its public hearings on the preliminary plat.
- C. In those instances where the Parks and Trails Commission concludes that a cash equivalency payment should be made by the applicant or owner in lieu of dedication of land, the Parks and Recreation Commission shall recommend to the Planning Commission the percentage of the total park dedication requirement to be paid to the City in cash.
- D. In the event that review at a regular meeting of the Parks and Trails Commission would result in a delay in the review and approval process so that the time limitations of Minnesota Statutes Section 462.358 may not be met, the requirement of review by the Parks and Trails Commission may be waived by either the applicant or by the City Council at the time of its review of the application.

**Subd. 4. Standards for Determination.**

- A. The Parks and Trails Commission shall develop and recommend to the City Council for adoption standards and guidelines for determining which portion of each such development should reasonably be required to be conveyed or dedicated. Such standards and guidelines may take into consideration the zoning classification to be assigned to the land to be developed, the particular use proposed for such land, amenities to be provided, and factors of density and site development as proposed by the subdivider. The Parks and Trails Commission shall further recommend changes and amendments from time to time to such standards and guidelines to reflect changes in the usage of land which may occur, changes in zoning classification and concepts and changes in planning and development concepts that relate to the development and usages to which land may be put.
- B. The Parks and Trails Commission shall develop and recommend standards for design and construction of public parks, trails, and open space areas in the City. These standards shall be included in the parks and trails plan.

**Subd. 5. Dedicated Land Requirements.** Any land to be dedicated as a requirement of this chapter shall be reasonably adapted for the above public purposes.

Factors used in evaluating the adequacy of proposed dedication areas shall include size, shape, topography, drainage, geology, tree cover, rare species and other significant wildlife habitats, access, and location.

**Subd. 6. Area of Dedicated Land.** Subdividers shall be required to dedicate to the City for park, trail and open space the percentage of net land area identified below:

**Land Dedication Requirements:**

| <b>Land Use Category based on the Comprehensive Plan</b> | <b>Units per acre (Density, Net – Pre-Development)</b> | <b>Percentage of land</b> |
|----------------------------------------------------------|--------------------------------------------------------|---------------------------|
| Rural/Ag Residential                                     | Less than 2                                            | 5%                        |
| Conservation and Low Density Residential                 | 2-5                                                    | 10%                       |
| Medium-Density Residential                               | 5-8                                                    | 19%                       |
| Mixed Residential                                        | 8-10                                                   | 30%                       |
| High-Density Residential                                 | 10-30                                                  | 21%                       |
| Mixed Use                                                | 8-30                                                   | 23%                       |
| Commercial and Industrial                                | N/A                                                    | 4%                        |

The City Council will identify a park dedication fee per residential unit to be paid in lieu of land dedication when the council determines that that land is not needed in the area of the proposed subdivision. If the council determines that land is needed in the subdivision, but in a lesser amount than the required percentage, the council will require payment of the per unit fee based on a pro-rata share of the land dedication that would otherwise be required.

- A. The City Council shall review park dedication fee requirements periodically, to ensure that the required fee remains consistent with park and trail system development costs.
- B. **Commercial and industrial land uses:** Dedication requirement is four percent (4%) of land or equivalent market value in cash.
- C. Dedication requirements for mixed use development will be pro-rated based on the acres of land devoted to each type of land use.
- D. Developments that include memory care and assisted living units shall apply the commercial rate to the percentage of memory care and/or assisted living units that are in the project, multiplied by the project net acres.

- E. Schools, religious institutions and other non-profit organizations: Dedication requirement shall be determined by the City Council based on discussion with the School District or non-profit agency. Recommendations will be based on anticipated use of City park facilities by the school or organization, and shall consider agreements for cooperative use of school recreational facilities.
- F. Determination of Fair Market Value The fair market value of the undeveloped land shall be determined by the City annually based on tax valuation or other relevant data. If the City's calculation of valuation is objected to by the applicant, then the value shall be as negotiated between the City and the applicant, or based on the market value as determined by the City based on an independent appraisal of land in a same or similar land use category.
- G. Lands Designated on Official Map or Comprehensive Land Use Plan. Where a proposed park, playground, trail or open space area indicated in the City park and trail plan or comprehensive plan is located in whole or in part within a proposed subdivision, all or part of the proposed public site shall be designated as such and should be dedicated to the City, based on the area of land dedication required by this ordinance.
- H. Deviation from Required Dedication. The dedication requirements based on the development's proportional share of the City park system are presumptively appropriate. The City Council may modify the land dedication required for a subdivision if it finds that the value of the land dedicated would exceed the development's proportional share of the park system cost.
- I. Wetlands and Ponding Areas. Existing wetlands drainage ways accepted by the City shall not be considered in the parkland and/or cash contribution to the City.

*(Ord. 291, passed 12-11-14, Ord. 325, passed 07-01-16, Ord. 474, passed 12-22-22, Ord. 524, passed 6-27-24)*

#### **Subd. 7. Land Dedication/Payment of Fees**

- A. Land Dedication. When land is to be dedicated to satisfy the park dedication requirement, separate lots or outlots shall be indicated on the plat drawings for the area(s) to be dedicated. Permanent trail easements may be allowed for dedication of trail corridors shown on the Parks and Trails Plan. Park dedication credit shall be given for the



net acreage (pre-development) of these off-road trails, but no credit shall be given for trails within the public right-of-way. Such lots, outlots or easements shall be deeded to the City prior to the issuance of any building permits within the plat

- B. Installation of Improvements. As part of their development contract or site plan approval responsibilities, owners and developers shall be responsible for making certain improvements to the developments for park, playground, trail and public open space purposes, including, but not limited to, finished grading and ground cover for all park, playground, trail and public open spaces within their developments. No credit toward the required dedication shall be given for this work. The City reserves the right to pave the trails or require the developer to pave these off-road trails. Should the City require the developer to pave the trails, the City shall reimburse the Developer for the costs for paving of the trail.
- C. Cash fee. When a cash fee is to be paid in lieu of land dedication, the payment of such fee shall be required as follows:
  - 1. For residential developments, the fee shall be paid prior to the City's release of the signed final plat mylars for recording with Hennepin County.
  - 2. For commercial and industrial developments the fee shall be paid prior to issuance of any building permits within the subdivision.
  - 3. Park dedication is required for all newly created lots or parcels. Park dedication is not due for parcels that have previously paid park dedication (land or cash-in-lieu).
  - 4. In plats that include outlots for future development, the subdivider may pay to the City 1) the development's proportional share for the entire subdivision, including the outlots, or 2) the development's proportional share excluding such outlots, providing that the park dedication requirement shall be satisfied when such outlots are replatted.

*(Ord. 291, passed 12-11-14)*

#### **Subd. 8. Credit for Private Parks**

- A. Standards for Credit. At the City Council's discretion, Park dedication credit may be given where private parks and facilities are provided in a

proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision. Credit may be considered when the City Council finds it is in the public interest to do so, and that the following standards are met:

1. Such credit may be given only for park areas within the proposed subdivision that are designed on the Parks and Trails Map as Neighborhood Parks.
2. The facilities proposed for the private parks and facilities shall be in substantial accordance with the provisions of the Parks and Trails Plan, and approved by the City Council.
3. In no circumstances shall such credit for private facilities exceed 20 percent of the amount required to be dedicated to the public under this chapter. The council and Parks Commission will consider the proportion of neighborhood park needs provided by the proposed facility, and the proportion of new neighborhood residents to be served by the facility in determining the credit to be given for private park facilities.
4. Yards, court areas, setbacks and other open space required to be maintained by the zoning ordinance shall not be included in the computation of such private open space.
5. The private ownership and maintenance of the parks is adequately provided for by written agreement.
6. The private parks are restricted for park and recreation purposes by recorded covenants that run with the land in favor of the future owners of property within the subdivision and which cannot be modified without the written consent of the City Council.
7. The proposed private parks are reasonably adaptable for use for park or recreation purposes, taking into consideration such factors as size, shape, topography, geology, drainage, access, and location of the proposed facilities.

#### **Subd. 9. Park Fund.**

- A. Purpose of Park Fund. Cash payments shall be placed by the City in a special park fund and used only for the acquisition and development of land for parks, trails, playgrounds, public open space; development of existing park and playground sites, public open space; and debt

retirement in connection with land previously acquired for park purposes.

- B. Annual Financial Report. Each year, the Parks and Trails Commission shall present to the council, in such detail as the council shall require, its estimate of the financial needs of the Parks and Trails Commission for the ensuing fiscal year.
- C. Gifts and Donations. The Parks and Trails Commission is authorized to receive gifts, devises, bequests, endowments, or other donations of money and property on behalf of the City. All moneys received shall be deposited in the Park Fund.

*(Ord. 196, passed 06-24-04, Ord. 223, passed 08-11-05, Ord. 265, passed 12-19-11, Ord. 405, passed 06-11-20)*

## SECTION 960 – DEVELOPMENT CONTRACT

### 960.010 – PURPOSE.

It is the purpose of this section to ensure that a subdivider follows the conditions of approval and properly installs the basic improvements required in a plat. To that end, whenever a subdivision includes any public improvements or other conditions of approval, the subdivider shall enter into a development contract with the City, setting forth the conditions under which the subdivision is approved.

### 960.020 - REQUIRED BASIC IMPROVEMENTS.

**Subd. 1. Subdivider Installation of Improvements.** The subdivider shall arrange for installation of all required improvements in the development subject to the development contract and the requirements defined in the City of Corcoran Engineering Design Standards.

**Subd. 2. City Installation of Improvements.** The City reserves the right to elect to install all or any part of the basic improvements required under the provisions of this section pursuant to Minnesota Statutes, Chapter 429, as may be amended.

**Subd. 3. Basic Improvements Required.** All of the following required improvements to be installed under the provisions of this section shall be designed and constructed in accordance with the design standards of this Chapter and the City of Corcoran Engineering Design Standards, which are adopted herein by reference; and approved by and subject to the inspection of the City Engineer. All of the City's expenses incurred as the result of the required improvements shall be paid to the City by the subdivider.

- A. Streets.
- B. Sanitary sewer.
- C. Watermain.
- D. Surface water facilities (pipe, ponds, rain gardens, etc.).
- E. Grading and erosion control.
- F. Sidewalks/trails.
- G. Street lighting.

- H. Street signs and traffic control signs.
- I. Landscaping required by Section 1060.070 of the Zoning Ordinance.
- J. Wetland mitigation and buffers.
- K. Monuments required by Minnesota Statutes.
- L. Miscellaneous facilities.

### **960.030 - OTHER IMPROVEMENTS REQUIRED.**

The subdivider shall arrange for the installation of telephone, CATV, electrical and natural gas service following the grading of boulevard or utility easements.

### **960.040 - COMPLETION OF BASIC IMPROVEMENTS.**

- Subd. 1.** The subdivider shall complete all required basic improvements no later than one year following the commencement of work on the improvements, except 1) where weather precludes completion, 2) for street lighting, 3) for landscaping and 4) for the wearing course of streets.
- A. Where weather precludes completion, the improvement(s) may be completed at the outset of the next construction/growing season.
  - B. The subdivider shall complete street lighting within 2 years following the initial commencement of work on the required basic improvements.
  - C. The subdivider shall complete landscaping within one year following the issuance of a building permit for the last vacant lot within the subdivision unless weather precludes completion, in which case the landscaping shall be completed at the outset of the next growing season.
- Subd. 2.** Reproducible record plans of all public improvements as required by the City Engineer shall be furnished to the City by the subdivider. Such record plans shall be in mylar format and, unless previously exempted from the electronic format requirements, an electronic format approved by the City Engineer and shall be certified to be true and accurate by the registered engineer responsible for the installation of the improvements.

## **960.050 - FINANCIAL GUARANTEES.**

Subsequent to execution of the development contract but prior to the release of a signed final plat mylar for recording, the subdivider shall provide the City with a financial guarantee in the form of a letter of credit from a bank or cash escrow. The guarantee shall be in an amount equal to 100 percent of the estimated cost of completion of the specified basic improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the City.

- Subd. 1. Letter of Credit.** If the subdivider posts a letter of credit as a guarantee, the credit shall 1) be irrevocable, 2) be from a bank approved by the City, 3) be in a form approved by the City, 4) be for a term sufficient to cover the completion, maintenance and warranty periods identified in this Section and 5) require only that the City present the credit with a sight draft and an affidavit signed by the City Administrator or the Administrator's designee attesting to the City's right to draw funds under the credit.
- Subd. 2. Cash Escrow.** If the subdivider posts a cash escrow as a guarantee, the escrow instructions approved by the City shall provide that 1) the subdivider will have no right to a return of any of the funds except as provided in Section 960.060, and 2) the escrow agent shall have a legal duty to deliver the funds to the City whenever the City Administrator or the Administrator's designee presents an affidavit to the agent attesting to the City's right to receive funds whether or not the subdivider protests that right.
- Subd. 3. Cash.** A cash deposit made with the City may be used as part of the required financial guarantee in those instances where the subdivider elects to have the City install some or all of the public improvements.

## **960.060 - RELEASE AND EXPIRATION OF FINANCIAL GUARANTEES.**

- Subd. 1.** The financial guarantee shall be held by the City until, upon written notice by the subdivider and certification from a professional engineer that part or all of the required improvements have been completed and upon verification of such by the City staff, a portion or the entire financial guarantee is released by the City Engineer. No financial guarantee shall be released in full until the City has received 1) certified, reproducible record plans of all required improvements installed by the subdivider and 2) a title insurance policy approved by the City Attorney indicating that the improvements are free and clear of any and all liens and encumbrances.

- Subd. 2.** It shall be the responsibility of the subdivider to insure that a submitted financial guarantee shall continue in full force and effect until the City Engineer has approved and accepted all of the required improvements, and thereby is authorized to release the guarantee or reduce the amount of the guarantee as provided in Subd. 1 above.
- Subd. 3.** When any instrument submitted as a financial guarantee contains provision for an expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the Development Contract or of the required improvements, the expiration date shall be October 31 or the closest business day in the case of weekends and legal holidays. Further, the financial guarantee shall be deemed automatically extended without change for 6 months from the expiration date unless 60 days prior to the expiration date, the financial institution notifies the City in writing by certified mail that it does not elect to renew the financial guarantee for an additional period. If the instrument is not to be renewed and has not been released by the City Engineer, another acceptable financial guarantee in the appropriate amount shall be submitted at least 60 days prior to the expiration. The term of any extension shall be approved by the City Engineer and subject to the requirements of this section. Upon receipt of an acceptable substitute financial guarantee, the City Engineer may release the original guarantee.

#### **960.070 - PERFORMANCE GUARANTEE.**

- Subd. 1.** The subdivider shall submit either 1) a performance bond or 2) a letter of credit for 25 percent of the amount of the original cost of the improvements.
- A. The required warranty period for materials and workmanship from the utility contractor installing public sewer and water mains shall be 2 years from the date of final written City acceptance of the work.
  - B. The required warranty period for all work relating to street construction, including concrete curb and gutter, sidewalks and trails, materials and equipment shall be subject to one year from the date of final written acceptance, unless the wearing course is placed during the same construction season as the bituminous base course. In those instances, the subdivider shall guarantee all work, including street construction, concrete curb and gutter, sidewalks and trails, material and equipment for a period of 2 years from the date of final written City acceptance of the work.
  - C. The required warranty period for sod, trees, and landscaping is one growing season following installation.

*(Ord. 378, passed 09-13-18)*

## **SECTION 965 – OFFICIAL MAPS**

### **965.010 – PURPOSE.**

Land that is needed for future street purposes and as sites for other necessary public facilities and services is frequently diverted to non-public uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on an official map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish. It is the purpose of this ordinance to provide a uniform procedure for the proper use of official maps as authorized by the Minnesota Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.36.

### **965.020 - OFFICIAL MAP DEFINED.**

“Official map” as used in this ordinance means a map adopted in accordance with this ordinance showing existing streets, proposed future streets, and the area needed for widening of existing streets of the City. An official map may also show the location of existing and future land and facilities within the City. An official map may cover the entire City or any portion of the City.

### **965.030 - INITIATION OF PROCEEDINGS.**

Proceedings for adoption, amendment, or repeal of an official map or any part thereof may be initiated by 1) the City’s Planning Division; 2) a recommendation of the Planning Commission; or 3) action by the City Council.

### **965.040 - REFERENCE TO PLANNING COMMISSION.**

Every proposed official map or change in a map shall be referred to the Planning Commission for advice and recommendation thereon, and such recommendation shall be submitted to the City Council within 45 days after reference to the Planning Commission along with the report of the Commission on the effect of the proposal on the comprehensive plan of the City. If no recommendation is received by the Council from the Planning Commission within 45 days after reference of the proposal to the Commission by the Council, the Council may take such action as it may deem proper upon the proposal without further action by the Planning Commission.



## **965.050 - NOTICE AND HEARING.**

- Subd. 1. Notice.** Upon receiving the recommendation of the Planning Commission or after 45 days from the submission of the proposal to the Planning Commission without a recommendation from the Commission, the Council may call a public hearing on the proposal. A notice of the time, place, and purpose of the hearing and a description of property to be included in the mapped streets and public grounds shall be published in the official newspaper at least 10 days prior to the date of the hearing. At least 10 days prior to the hearing the Clerk shall also mail a copy of the notice to each owner of land situated within or abutting any street or other public ground shown on the official map. For purposes of this notice the owners shall be determined by the records of the County Auditor and the notice shall be addressed to the last known address as shown by the Auditor's records. Failure to serve any such notice shall not invalidate the proceedings.
- Subd. 2. Hearing.** At the time and place specified in the notice, the Council shall hear evidence and arguments concerning the proposal. The hearing may be continued from time to time without further notice. The Council may direct the Planning Commission to conduct a hearing and following the hearing to report its recommendation to the Council.

## **965.060 - PREPARATION AND FILING OF MAPS.**

The official map or maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall be made prior to the preparation of the final draft of the official map. A licensed land surveyor shall attest to the accuracy of the future acquisition lines shown on the official map. After enactment of any ordinance adopting an official map or amending or repealing a previous official map ordinance, a certified copy of the official map or section to which the ordinance relates together with an attached copy of the ordinance shall be filed with the County Recorder.

## **965.070 - EFFECT.**

After an official map has been adopted and filed, the issuance of building permits by the City shall be subject to the provisions of this ordinance. The City shall deny every application for a permit to construct a new building or structure or expand an existing building or structure within any area designated on the official map for street or other

public purposes. Whenever any street or highway is widened or improved or any new street is opened, or any interest in lands for other public purposes is acquired by the City, the City is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the City any right, title, or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the City to acquire such interest without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.

### **965.080 – APPEALS.**

Whenever a building permit is denied pursuant to this ordinance, the Board of Appeals and Adjustments shall, upon appeal filed with it by the owner of the land, grant a permit for building in an area designated on the official map for a street or other public purpose in any case in which the Board finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which the area designated for public purposes forms a part cannot yield a reasonable use to the owner unless such a permit is granted, or (b) that balancing the interest of the City in preserving the integrity of the official map and of the comprehensive City plan and the interest of the property owner in the use of his property and in the benefits of ownership, the grant of such permit is required by considerations of justice and equity. The Board of Appeals and Adjustments shall hold a public hearing upon the appeal after notice of the hearing has been published in the official newspaper once at least 10 days before the hearing. If the Board authorizes the issuance of a permit, it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted. If the Board authorizes issuance of a permit, the Council or other Board or Commission having jurisdiction shall have 6 months from the date of the decision of the Board to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the City shall issue the permit if the application otherwise conforms to local ordinances.

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## **SECTION 970 – ADMINISTRATION - VARIANCES**

### **970.010 – PURPOSE.**

The purpose of this section is to provide for variations from the literal provisions of this Chapter in instances where strict enforcement would cause practical difficulties because of conditions affecting the individual property under consideration, and to grant such variances only when it is demonstrated that such actions would be in keeping with the spirit and intent of this Chapter.

### **970.020 - BOARD OF ADJUSTMENTS AND APPEALS.**

The City Council shall be designated to act as the Board of Adjustments and Appeals. References to the “Council” hereafter in this section shall mean the City Council acting in its capacity as the Board of Adjustment and Appeals.

### **970.030 - REVIEW CRITERIA.**

The Council shall not approve a variance unless they find that failure to grant the variance will result in practical difficulties to the applicant, as defined by Minnesota Statute 462.357. The burden of proof is on the applicant to show that all of the following criteria have been met:

- A. That there are practical difficulties in complying with the zoning ordinance.
- B. That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.
- C. That the granting of the variation will not alter the essential character of the locality.
- D. The proposed variance would be in harmony with the general purposes and intent of the ordinance.
- E. The variance is consistent with the Comprehensive Plan.
- F. The City may impose conditions on the variance to address the impact of the variance.

## **970.040 – PROCEDURES.**

An application for a variance shall be approved or denied pursuant to Minnesota Statutes 462.358. Additional City requirements are as follows:

### **Subd. 1. Processing.**

- A. Requests for a variance to the provisions of this Chapter shall be filed with the Zoning Administrator on an official application form. Such variance application shall be considered simultaneously with an application for subdivision approval. A fee as set forth by the City Code shall accompany such application. This fee shall not be refunded. The variance application shall be considered officially complete when the applicant has complied with all the specified informational requirements, which shall include the following:
  - 1. A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in this section; and
  - 2. Supporting materials such as site plans, as determined by the Zoning Administrator, as necessary for the complete and clear definition and understanding of the request.
  - 3. The applicant shall sign the application. If the fee owner of the property is not the applicant, the applicant shall provide written authorization by the fee owner as part of the application.
- B. Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall establish a schedule for consideration by the Planning Commission. At least 10 days before the date of the Planning Commission meeting, a written notice of the request shall be mailed to all owners of property located within 500 feet of the boundaries of the property which is the subject of the application.
- C. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.
- D. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general

assistance in preparing a recommendation on the action to the Planning Commission.

- E. The applicant or a representative thereof may appear before the Planning Commission in order to present and answer questions concerning the proposed request.
- F. 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.
- G. The Council shall not act upon the request until they have received a report and recommendation from the Planning Commission and the City staff.
- H. Upon receiving the report and recommendation of the Planning Commission and the City staff, the City Administrator shall schedule the application for consideration by the Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the Council meeting.
- I. Upon receiving the report and recommendation of the Planning Commission and the City staff, the Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition they consider necessary to protect the public health, safety and welfare.
- J. If, upon receiving said reports and recommendations of the Planning Commission and City staff, the Council finds that specific inconsistencies exist in the review process and thus the final determination of the Council will differ from that of the Planning Commission, the Council may, before taking final action, refer the matter back to the Planning Commission for further consideration. The Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
- K. Approval of a request shall require passage by a majority vote of the entire Council.

- L. When granting a variance, the Council may impose conditions it deems necessary to protect the health, safety and general welfare, and to meet the objectives of the provision to which the variance is granted.
- M. In all cases where a variance is granted, the Council shall require such evidence and guarantees as it deems necessary to insure compliance with the conditions designated in connection therewith.
- N. The Zoning Administrator shall serve a copy of the final order of the Council upon the applicant by mail.
- O. Whenever an application for a variance has been considered and denied by the Council, a similar application for a variance affecting substantially the same property shall not be considered again by the Planning Commission or Council for at least 6 months from the date of its denial.

#### **970.050 - APPEAL OF COUNCIL RULING.**

Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Council shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may from time to time be amended, supplemented or replaced.

#### **970.060 - EXPIRATION.**

A variance approved under this section shall expire without further action by the Planning Commission or the Council, at such time as the related subdivision approval expires.

*(Ord. 262, passed 12-19-11, Ord. 510, passed 10-26-23)*

## **SECTION 975 – ADMINISTRATION - VACATIONS OF RIGHTS-OF-WAY AND EASEMENTS**

### **975.010 – PROCEDURE.**

A request for vacation of a right-of-way or easement shall be filed in writing with the City Engineer. In the case of a request for vacation of a right-of-way, a landowner directly abutting such right-of-way shall sign the written request. In the case of a request for vacation of an easement, a landowner of the property encumbered by such easement shall sign the written request.

### **975.020 – FILING.**

A written request to vacate a right-of-way or an easement shall be accompanied by the following:

- A. Information, both written and graphic, that describes the reason for, and location of, the proposed vacation;
- B. A fee as set forth in the City Code;
- C. For requests involving the vacation of right-of-way, the applicant shall submit the addresses of all properties directly abutting the right-of-way to be vacated; and
- D. For requests involving the vacation of an easement, the applicant shall submit a legal description of the area to be vacated.

### **975.030 - PUBLIC HEARING REQUIRED.**

- Subd. 1.** Upon receipt of a complete vacation request, the City Engineer shall set a public hearing following proper notification.
- Subd. 2.** Notice of said hearing shall be published once in the official newspaper at least 10 days prior to the hearing, and shall be mailed to all landowners of property directly abutting the area to be vacated and to all utility companies serving the area.
- Subd. 3.** The City Engineer shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of the action to the City Council.



- Subd. 4.** The City Council shall consider possible adverse effects of the requested vacation. Its judgment shall be based upon (but not limited to) the following factors:
- A. 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's Comprehensive Plan, including public facilities and capital improvement plans.
  - B. The proposed action meets the purpose and intent of this Chapter.
  - C. The proposed action has been considered in relation to the future needs of the City, utility companies and surrounding property owners.
- Subd. 5.** The City Council and City staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.
- Subd. 6.** The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request.
- Subd. 7.** Upon receiving the report and recommendation of the City staff, the City Council shall conduct the hearing, consider the request, and render its decision. The staff recommendation shall be entered in and made part of the permanent written record of the City Council meeting.
- Subd. 8.** Approval of a right-of-way or easement vacation by the City Council shall require passage by a majority vote of all its members.
- Subd. 9.** Whenever an application for a right-of-way or easement vacation has been considered and denied by the City Council, a similar application for a vacation shall not be considered again by the City Council for at least 6 months from the date of its denial.

*(Ord. 262, passed 12-19-11)*

## **SECTION 980 – ADMINISTRATION - APPEALS**

### **980.010 - BOARD DESIGNATION.**

The City Council shall serve as the Board of Adjustments and Appeals. References to the “Council” hereafter in this section shall mean the City Council acting in its capacity as the Board of Adjustment and Appeals.

### **980.020 - APPLICABILITY.**

An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Chapter. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

### **980.030 – FILING.**

An appeal from the ruling of an administrative officer of the City shall be filed by the property owner or their agent with the Zoning Administrator within 30 days after the making of the order being appealed.

### **980.040 - STAY OF PROCEEDINGS.**

An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Council, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, and upon subsequent notice to the City.

### **980.050 – PROCEDURE.**

The procedure for making such an appeal shall be as follows:

Subd. 1. The property owner or their agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. A fee set forth in the City Code shall accompany said application.

Subd. 2. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Council.

Subd. 3. The Council shall make its decision by resolution within 60 days from the date on which a completed application is filed.

Subd. 4. The Zoning Administrator shall serve a copy of the final order of the Council upon the petitioner by mail.

**980.060 - APPEALS FROM THE CITY COUNCIL.**

Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Council shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented or replaced.

## **SECTION 985 – ENFORCEMENT AND PENALTIES**

### **985.010 – ADMINISTRATION.**

This Chapter shall be administered and enforced by the Zoning Administrator. The Zoning Administrator's duties shall include, but not be limited to, the following:

- Subd. 1.** Periodically inspect property to determine compliance with the terms of this Chapter.
- Subd. 2.** Notify, in writing, any person responsible for violating a provision of this Chapter, indicating the nature of the violation and ordering the action necessary to correct it.
- Subd. 3.** Order discontinuance of illegal work being done or take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions, including cooperation with the City Attorney in the prosecution of complaints.
- Subd. 4.** Maintain permanent and current records of the Subdivision Ordinance.
- Subd. 5.** Maintain current files of all subdivision approvals and copies of notices of violations thereto and, upon request, provide complaint and violation information to any person having a proprietary or tenancy interest in any specific property.
- Subd. 6.** Provide clerical and technical assistance to the Planning Commission, City Council, and Board of Zoning Adjustments and Appeals.
- Subd. 7.** Receive, file and forward as applicable to the Board of Zoning Adjustments and Appeals, Planning Commission, or City Council all applications for subdivision as required herein.

### **985.020 – FEES**

- Subd. 1.** Administrative fees shall be charged to the applicant based on the fee schedule adopted by City Council resolution.
- Subd. 2.** In addition to the application fees set by the City Council, the applicant shall provide an escrow and agree to pay the total cost of staff and consultant time spent exclusively in reviewing and researching the application and presenting requests to the Planning Commission and City Council.

- Subd. 3. Fees shall be payable at the time applications are filed with the City and are not refundable unless the application is withdrawn prior to Planning Commission review.
- Subd. 4. Any escrow not spent on application review shall be refunded to the applicant after the review and administrative process is completed.
- Subd. 5. The applicant is responsible for all costs associated with the proposed application. If the required escrow accounts are delinquent, the City may approve a special assessment against the property, pursuant to the process outlined in Minnesota Statutes §429.061.

#### **985.030 – ENFORCEMENT.**

If any subdivision, construction, reconstruction, or use occurs in violation of this Chapter, the Zoning Administrator may, in addition to other remedies, institute any proper criminal action or proceedings in the name of the City of Corcoran, and hereby shall have the powers of a police officer to prevent such unlawful subdivision, construction, reconstruction, or use, to restrain or correct such violations, to prevent the occupancy of said property, or to prevent any illegal act, conduct, business or use in or about said premises.

#### **985.040 – PENALTIES.**

Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses.

*(Ord. 266, passed 12-19-11)*



# Zoning Ordinance

City of Corcoran, Minnesota

THIS ZONING ORDINANCE IS SUBJECT TO PERIODIC AMENDMENTS TO REFLECT ZONING DISTRICT CHANGES (MAP) AND LANGUAGE CHANGES. USERS ARE RESPONSIBLE FOR ASSURING THAT THEIR COPY OF THE ORDINANCE IS CURRENT. THE CITY MAINTAINS A CURRENT LISTING OF ALL ORDINANCE AMENDMENTS.

THE CITY COUNCIL PERIODICALLY SUPPLEMENTS THE CITY CODE, INCLUDING THIS ORDINANCE, WITH POLICY RESOLUTIONS WHICH ARE DEEMED PART OF THE ORDINANCE. COPIES OF SUCH POLICIES ARE AVAILABLE AT CITY HALL.

City of Corcoran  
8200 County Road 116  
Corcoran, MN 55340  
763.420.2288

Adopted September 22, 2011 (Ord. 2011-258)  
Updated December 31, 2022 (Ord. 476)

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## **SECTION 1010 – TITLE, PURPOSE AND INTENT**

### **1010.010 - TITLE**

This Ordinance shall be known, cited and referred to as the Corcoran Zoning Ordinance except as referred to herein, where it shall be known as “this Ordinance”.

### **1010.020 - PURPOSE AND INTENT**

This Ordinance is adopted for the purpose of:

1. Implementing the approved Comprehensive Plan.
2. Protecting the public health, safety, morals, comfort, convenience and general welfare.
3. Facilitating adequate provisions for transportation, water, sewage, schools, parks, and other public requirements.
4. Balancing residential, commercial and industrial development and population to provide a tax base that can adequately supply the necessary level of services within the City.
5. Providing convenient retail sales and service centers for residents.
6. Facilitating continuation of commercial agriculture within the City.
7. Minimizing conflicts between land used for agricultural production and land demanded for development.
8. Conserving natural resources and maintaining a high standard of environmental quality.
9. Conserving the natural, scenic beauty, rural character, and attractiveness of the Corcoran countryside.
10. Providing for the administration of this Ordinance.
11. Defining the powers and duties of the administrative officers and bodies.
12. Prescribing penalties for the violation of the provisions of this Ordinance.

### **1010.030 - APPLICATION OF THIS ORDINANCE**

- Subd. 1. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety and welfare.
- Subd. 2. Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other law, ordinance, rule or regulation of the City, State, or Federal government, the law, ordinance, rule, or regulation which imposes the more restrictive condition, standard or requirement shall prevail.
- Subd. 3. No structure shall be erected, converted, enlarged, reconstructed or altered, 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 Ordinance.

Subd. 4. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

Subd. 5. Except as herein provided, no land subdivision shall be permitted that creates non-conformities with this Ordinance.

#### **1010.040 - USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS**

Whenever in any zoning district a use is not specifically allowed, the use shall be considered prohibited. In such case the City Council, or the Planning Commission, on their own initiative or upon request, may conduct a study 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.

#### **1010.050 - RELATIONSHIP TO COMPREHENSIVE PLAN**

It is the policy of the City of Corcoran that the enforcement, amendment, and administration of this Ordinance shall be accomplished by adhering to the recommendations contained in the Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council. The City Council recognizes the Comprehensive Plan as the guiding policy for responsibility to regulate land use and development in accordance with the policies and purpose set forth in this Ordinance.

#### **1010.060 - AUTHORITY**

This Ordinance is enacted pursuant to the authority granted under Minnesota Statutes, Section 462.357.

#### **1010.070 - SEPARABILITY**

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

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

### **1010.080 - REPEAL OF EXISTING ZONING REGULATIONS**

The existing zoning regulations entitled, "Zoning Ordinance" as passed on March 23, 2004 and as subsequently amended, are repealed. The adoption of this Chapter, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, an existing violation of prior regulations.

### **1010.090 - EFFECTIVE DATE**

The Zoning Ordinance shall become effective at the date specified by the enabling Ordinance.

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## SECTION 1020 – RULES AND DEFINITIONS

### 1020.010 – RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and future tenses.
- C. The words “shall” and “must” are mandatory, and the words “may” and “should” are permissive.
- D. The masculine gender includes the feminine and neuter genders.
- E. Whenever a word or term is defined and appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
- F. All measured distances expressed in feet shall be in the nearest tenth of a foot.
- G. In event of conflicting provisions, the more restrictive provisions shall apply.
- H. For terminology not defined in this Ordinance, the City Code, the Minnesota State Building Code, or the Webster’s Dictionary shall be used to define such terms.
- I. In the event of a conflict between text and graphics, the text shall apply.

### 1020.020 - DEFINITIONS

**ACCESSORY BUILDING:** A subordinate building, or a portion of the main building which is located on the same lot or parcel as the main building and the use of which is clearly incidental to that of the main building or to the use of the premises.

**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.

**ACREAGE, GROSS:** The total acreage of the land area, based on the predevelopment conditions of the site. Existing public streets are deducted from the predevelopment land area.

**ACREAGE, NET:** The gross land area minus wetlands and areas below the 100-year ordinary high water elevation. For proposed developments, net acreage is based on the predevelopment conditions of the site. Existing public streets are deducted from the predevelopment land area.

**AGRICULTURAL USE:** The production, for sale, of livestock, dairy animals, dairy products, poultry, or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees and apiary products.

**AGRICULTURAL BUILDING:** An accessory building located on residential property for the exclusive use of an Agricultural Use. Agricultural buildings shall not be used for storage of personal or business vehicles or materials unrelated to the Agricultural Use. To be classified as an agricultural building for the purposes of the Zoning Ordinance, the building

must be located on a minimum of 10 contiguous acres that are used for agricultural purposes.

**ALLEY:** A public right-of-way which provides a secondary means of access to abutting property.

**BASEMENT:** A portion of a building located partly underground but having half or more of its floor to ceiling height below the average grade of the adjoining ground.

**BED AND BREAKFAST:** A single family dwelling in which four (4) or fewer transient guest rooms are rented on a nightly basis for periods of less than one (1) week and where at least one (1) meal is offered in connection with the provision of sleeping accommodations only.

**BOARDINGHOUSE (ROOMING OR LODGING HOUSE):** A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed 20 persons.

**BUILDING:** Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building. For the purpose of this definition, "roof" shall include an awning or other similar coverings, whether or not they are permanent in nature.

**BUILDING AREA:** The total floor area of the structure.

**BUILDING FOOTPRINT:** The horizontal area measured within the outside of the exterior walls of the ground floor of the structure.

**BUILDING HEIGHT:** The vertical distance to be measured from the grade of a building line to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the upper most point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

**BUILDING INSPECTOR OR BUILDING OFFICIAL:** Individual so designated and authorized by the Corcoran City Council.

**BUILDING LINE:** A line within a lot parallel to a public right-of-way, a side or rear lot line, a bluff line, or a high-water mark or line, behind which buildings or structures are placed.

**CARPORT:** A permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

**CENTRAL WATER AND SEWER SYSTEMS:** Utility systems serving a group of buildings, lot or any area of the City, with the design and construction of such utility systems as approved by the City and State of Minnesota.



**CHARGING LEVELS:** Means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC are the most common charging levels, and include the following specifications:

1. Level 1 is considered slow charging with 120v outlets.
2. Level 2 is considered medium charging with 240v outlets, charging head and cord hardwired to the circuit.
3. DC is considered fast or rapid charging. Voltage is greater than 240.

**CITY:** City of Corcoran, Hennepin County, Minnesota.

**CITY CLERK:** Individual so designated and authorized by the Corcoran City Council.

**CITY COUNCIL:** The governing body of the City of Corcoran, Hennepin County, Minnesota.

**CITY ENGINEER:** Individual or firm so designated and authorized by the Corcoran City Council.

**CITY PLANNER:** Individual or firm so designated and authorized by the Corcoran City Council.

**CIVIC BUILDING:** A building that is operated by the U.S. federal government, State of Minnesota, Metropolitan Council, Hennepin County, or City of Corcoran for purposes of carrying out governmental duties. The definition does not include publicly or privately operated school facilities (e.g., classrooms, administrative offices, maintenance buildings).

**COLLOCATE or COLLOCATION:** To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit.

**COMPREHENSIVE PLAN:** "Comprehensive Plan" is a compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in the Minnesota Municipal Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**CONDITIONAL USE:** A use classified as conditional generally may be appropriate or desirable in a specific zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk, abnormal traffic congestion or environmental disruption.

**CONTRACTOR OPERATION:** An area and/or building devoted to use by a person who contracts to supply certain materials or to do certain work in the field of building trades.

**DAY CARE FACILITY:** Any public or private facility licensed by the State of Minnesota, that regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or development guidance on a regular basis for a period less than 24 hours

per day. Day Care facilities include, but are not limited to: family day care homes, group family day care homes, day care nurseries, day nurseries, nursery schools, Preschools, Montessori schools, as defined by Minnesota State Statutes, Chapter 245A. Day care facilities are not residential facilities as defined by this Section.

**DAY CARE FACILITY, HOME:** A daycare facility that is operated out of the private residence of the day care operator.

**DAY CARE FACILITY, COMMERCIAL:** A daycare facility that is operated out of commercial property rather than the private residence of the day care operator.

**DECK:** A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features attached or functionally related to a principal use or site.

**DENSITY, GROSS (PRE-DEVELOPMENT):** The number of housing units divided by the gross residential acreage (total land area), based on the predevelopment conditions of the site. Existing public streets are deducted from the predevelopment land area.

**DENSITY, NET (POST-DEVELOPMENT):** The number of housing units divided by the net residential acreage (gross land area minus land to be dedicated as public park, lakes, streams, wetlands, required wetland or shoreland buffer strips, areas below the 100-year ordinary high water elevation, stormwater management ponds that are covered by easement and right-of-way or easements for existing and proposed public streets).

**DENSITY, NET (PRE-DEVELOPMENT):** The number of housing units divided by the net residential acreage (gross land area minus wetlands and areas below the 100-year ordinary high water elevation). For proposed developments, net acreage is based on the predevelopment conditions of the site. Existing public streets are deducted from the predevelopment land area.

**DEVELOPABLE AREA:** The net land area available for development. Developable area is based on the pre-development conditions of the site and is calculated as follows: gross land area minus wetlands, areas below the 100-year ordinary high water elevation and right-of-way or easements for existing public streets.

**DRIVE, PRIVATE:** Land not dedicated as a public street, over which a public access easement for street purposes has been granted, which intersects or connects with a public street and where an access easement and maintenance agreement has been recorded at Hennepin County. The easement shall allow for access by police, emergency vehicles, trash collection, and other service vehicles.

**DRIVEWAY:** A paved or unpaved access strip of land providing a vehicular connector between the public right-of-way of the street or private drive and the parking space or garage of a property.

**DRIVE-THROUGH:** Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether the service is provided within the building.

**DWELLING:** A building or portion thereof, designated exclusively for residential occupancy, but not including hotels, motels, nursing homes, boarding or rooming houses, tents, seasonal cabins, or motor homes or travel trailers.

**DWELLING, MULTIPLE FAMILY (APARTMENT):** A building designed with 3 or more dwelling units exclusively for occupancy by 3 or more families living independently of each other.

**DWELLING, ATTACHED:** A building where a dwelling unit is joined in a horizontal fashion to one or more dwelling units by party wall or walls.

**DWELLING, DETACHED:** A dwelling unit entirely surrounded by open space.

**DWELLING, SENIOR (AGE RESTRICTED):** Multiple family dwelling designed for and occupied primarily by persons over 55 years of age, and which may include on-site recreational, social or health care services for the benefit of the residents.

**DWELLING, TOWNHOME:** A single-family dwelling unit constructed within a group of more than two attached units in which each unit extends from the foundation to the roof, has direct exterior access, and has open space on at least one side. A townhome is not considered an apartment or multiple-family dwelling.

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

**DWELLING, TWO FAMILY:** A building designed for occupancy by 2 families in separate dwelling units.

**DWELLING UNIT:** A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers.

**DWELLING UNIT, ACCESSORY:** A separate, self-contained dwelling unit that is clearly incidental and subordinate to the principal use of a lot. The unit must have bathroom facilities and kitchen facilities that include a sink with piped water, a range, and a refrigerator. The unit may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

**ELECTRIC VEHICLE:** A vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes.

**ELECTRIC VEHICLE CHARGING STATIONS:** Means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**ESSENTIAL SERVICES:** The erection, construction, alteration or maintenance by private or public utilities, or municipal departments of underground or overhead telephone, gas, electrical, steam, hot water, waste, or water transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Essential services shall not include waste facilities.

**ESSENTIAL SERVICE STRUCTURES:** Structures and buildings necessary for the operation of essential services, including but not limited to: telephone buildings, telephone booths, gas regulator stations, substations, electrical stations, water tanks, lift stations. Essential service structures shall not include transmission/reception antennas.

**EVENT CENTER:** A facility located on private property that primarily functions to provide a facility for any type of social gathering that is available for use by various groups for such activities as public assemblies, meetings, private meetings, retreats, parties, weddings, receptions and dances.

**EXPANSION, ENLARGEMENT, OR INTENSIFICATION:** Any increase in a dimension, size, area, volume, or height; any increase in the area of use; any placement of a structure or part thereof where none existed before; any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool; any improvement that would allow the land to be more intensely developed; any move of operations to a new location on the property; any increase in intensity of use based on a review of the original nature, function, or purpose of the nonconforming use, such as the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city.

**EXTERIOR STORAGE:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**EXTRACTIVE USE:** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat not regulated under Minnesota Statutes, Section 93.44 to 93.51.

**FAMILY:** An individual or a group of two or more persons each related by blood, marriage, adoption, or foster care arrangement living together as a single housekeeping unit, or a group of not more than four persons not so related, maintaining a common household, and using common cooking and kitchen facilities, exclusive of usual servants.

**FLOOD PLAIN RELATED** (Some of the flood plain related terms appear elsewhere in the Zoning Ordinance. The definitions below apply ONLY to Section 1050.030--Flood Plain Overlay District--of the Zoning Ordinance):

**BASE FLOOD ELEVATION:** the elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

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

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

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

**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.

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

**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:** that portion of the Special Flood Hazard Area (one percent annual chance flood) outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City of Corcoran.

**FLOOD INSURANCE RATE MAP:** an official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM.)

**FLOOD PRONE AREA:** any land susceptible to being inundated by water from any source (see “Flood”).

**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; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

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

**OBSTRUCTION:** any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel 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 such water.

**PRINCIPAL USE OR STRUCTURE:** means all uses or structures that are not accessory uses or structures.

**ONE HUNDRED YEAR FLOODPLAIN:** lands inundated by the “Regional Flood” (see definition).

**REACH:** a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the



segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

**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 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

**REGULATORY FLOOD PROTECTION ELEVATION (RFPE):** The regulatory flood protection elevation shall be an elevation no lower than two feet 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.

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

**SPECIAL FLOOD HAZARD AREA:** a term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

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

**SUBSTANTIAL DAMAGE:** means 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 percent of the market value of the structure before the damage occurred.

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

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

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in Code of Federal Regulations, Part 59.1.

**FLOOR AREA:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include basement floor area, penthouses, attic space having headroom of seven feet or more, interior balconies and mezzanines, lean-tos, enclosed porches and floor area devoted to accessory uses. However, any space devoted to mechanical equipment, stairwells, elevator shafts, parking or loading shall not be included in floor area for the purposes of parking calculations.

**GARAGE, PRIVATE:** A detached accessory building or an attached accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families who reside upon the premises and in which no occupation or business for profit is carried on, and enclosed on all four sides and pierced only by windows and customary doors.

**GARDEN CENTER:** A place of business where retail and wholesale garden products are sold to the retail consumer and may include nurseries and greenhouses. These centers import the majority of the items sold. These centers may also include the sale of handicrafts, nursery products, fertilizer, potting soil, mulch, rock and other garden supplies, including power equipment, such as garden tractors, lawnmowers, farm equipment, etc.

**GOVERNING BODY:** Corcoran City Council.

**GREENHOUSE:** A building used for the cultivation or protection of trees, plants, flowers, vegetable and nursery stock for subsequent sale or seasonal enjoyment. Greenhouses include hoop houses and may be permanent or portable.

**HOTEL:** A building which provides a common entrance lobby, halls and stairway and 3 or more guest rooms intended to be used for temporary lodging for compensation, whether with or without meals.



**HOME OCCUPATION:** A Home Occupation is any gainful occupation or profession engaged in by the legal resident of a dwelling, at or from the dwelling, or from an accessory building. Home Occupations in this Ordinance are identified as allowed, special (requiring an administrative permit) and conditional home occupations (requiring an interim use permit).

**INTERIM USE:** An approved temporary use of property until a particular date or until the occurrence of a particular event.

**IMPERVIOUS SURFACE:** A surface compacted or covered with material so as to be highly resistant to infiltration by runoff. Impervious surface shall include roads; driveways; and parking areas, whether or not paved; sidewalks greater than three feet wide; patios; tennis and basketball courts; swimming pools; covered decks and other structures. Open decks with joints at least ¼ inch wide, areas beneath overhangs less than two feet wide, and sidewalks three feet or less wide shall not constitute impervious surfaces under these rules.

**IMPROVEMENT:** Making a legal nonconforming use, structure, or lot better, more efficient, or more aesthetically pleasing, including any change that does not replicate what preexisted, but does not include an expansion, enlargement, or intensification.

**JUNK YARD:** An open area where waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap, iron and other metals, paper, rags, rubber, ties, and bottles. A junk yard includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

**KENNEL, COMMERCIAL:** A structure or premises where dogs are kept or possessed for the business of boarding, breeding, grooming and or training for profit.

**KENNEL, HOBBY:** A structure or premises that is located in a residential area that is not operated as a business for the sale, breeding, grooming, boarding, or training but rather as a hobby. Wherein the dogs are kept exclusively as personal/family pets.

**LANDSCAPING:** Alteration of the natural terrain, including the planting of trees, grass, shrubs, and ground cover.

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

**LOT AREA:** The area of a lot in a horizontal plane bounded by the lot lines.

**LOT, CORNER:** A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line of a lot.

**LOT, FRONTAGE:** A lot line abutting the right-of-way of a public street or property/easement of a private street or private drive.

**LOT LINE:** The property line bounding a lot except that where any portion of a lot extends into an easement for public right-of-way, the line of such public right-of-way shall be the lot line for applying this Ordinance.

**LOT LINE, FRONT:** That boundary of a lot which abuts an existing or dedicated public street or private drive easement, and in the case of a corner lot it shall be the shortest dimension on a public street or private drive easement. If the dimensions of a corner lot are reasonably equal, the front lot line shall be designated by the owner and filed with the City. However, all front lot lines shall be subject to the front setback requirements.

**LOT LINE, INTERIOR:** A lot line that does not qualify as a lot frontage.

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

**LOT LINE, SIDE:** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD:** Any lot which is one unit of a plat duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the Office of the Register of Deeds or Registrar of Titles for Hennepin County, Minnesota, prior to the effective date of this Ordinance.

**LOT, THROUGH:** A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

**LOT WIDTH:** The maximum horizontal distance between the side lot lines of a lot measured at the required front lot line or ordinary high water level of the shoreline. For lots on a cul-de-sac, the lot width shall be measured at the required minimum front setback.

**MINING:** The extraction of sand, gravel, rock, soil or other materials from the land in the amount of 301 cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building provided such removal is an approved item in the building permit.

**MANUFACTURED HOME:** a structure, transportable in one 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.”

**MANUFACTURED HOME PARK:** An area which lots are rented for the placement of non-transient occupied manufactured homes.

**MODEL HOME:** A home which is similar to others in a development and which is temporarily open to public inspection for the purpose of selling.

**MODULAR BUILDING:** A non-mobile building that is primarily fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the building to the site.

**MOTEL:** A building or group of detached, semi-detached or attached buildings containing 3 or more guest rooms or units, each of which has a separate entrance directly from the outside of the building, or corridor, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of transient guests traveling by automobile.

**MOTOR FUEL STATION:** Any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuels. When the use is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Such uses may include convenience food sales and car wash facilities, as accessory uses.

**NONCONFORMING BUILDINGS AND STRUCTURES:** Structures which at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Zoning Ordinance no longer conform to applicable yard, height, lot coverage or other dimensions or bulk provisions or do not meet other on-site development standards, such as an insufficient number of parking spaces.

**NONCONFORMING LOT:** A lot of record that was created lawfully based on the access, frontage, area, and other dimensional requirements of the then prevailing Zoning Ordinance, but it no longer meets the minimum requirements after the adoption, revision, or amendment to the requirements of the underlying zoning district.

**NONCONFORMING USE:** The use of land or structures that, as of the effective date of this Code, or applicable amendment thereto, are used for purposes that are not permitted in the zoning district in which they are located. Uses that were specifically authorized as a conditional or interim use are not considered non-conforming uses even if the use is no longer permitted within that zoning district. Such use will continue to be considered a conditional or interim use.

**NURSERY:** A place for propagation, cultivation, growth, sale and storage of trees, plants, flowers, vines, fruits, vegetables and similar agricultural products, including materials

integral to proper nursery operation, from seed or stock. Nurseries may also provide accessory items for the care and maintenance of nursery products, including fertilizer, potting soil, mulch, rock and other garden supplies, but not including power equipment, such as garden tractors, lawnmowers, farm equipment, etc. "Nursery" may include greenhouses.

**OFFICES, PROFESSIONAL OR COMMERCIAL:** A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

**OFF-STREET LOADING SPACE:** A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of sufficient size to be accessible to and accommodate one vehicle of the type typically used in the particular business.

**PERMITTED USE:** A public or private use which of itself conforms to the purposes, objectives, requirements, regulations, performances standards of a particular district.

**PLACES OF WORSHIP:** Any place of worship, including any church, synagogue, temple, mosque, or other building or facility, primarily engaged in religious worship. The term does not include uses, such as schools, recreational facilities, day care or child care facilities, kindergartens, dormitories, or other facilities, for temporary or permanent residences, which are connected or related to the worship facility or the principal buildings on the site, or are located on the same site, even if the curriculum or services offered as part of such use includes religious services and/or training.

**PLANNED UNIT DEVELOPMENT:** A zoning designation which allows a mixing of buildings and uses which cannot be otherwise addressed under this Section, and/or whereby internal site design standard deviations from this Section may be allowed to improve site design and operation.

**PLANNING COMMISSION:** The Planning Commission of the City of Corcoran except when otherwise designated.

**POST-DEVELOPABLE AREA:** The net land area available for development. Developable area is based on the pre-development conditions of the site and is calculated as follows: gross land area minus land to be dedicated as public park, lakes, streams, wetlands, required wetland or shoreland buffer strips, areas below the 100-year ordinary high water elevation, stormwater management ponds that are covered by easement and right-of-way or easements for existing and proposed public streets.

**PRE-DEVELOPABLE AREA:** The net land area available for development. Developable area is based on the pre-development conditions of the site and is calculated as follows: gross land area minus wetlands, areas below the 100-year ordinary high water elevation and right-of-way or easements for existing public streets.

**PRINCIPAL BUILDING, STRUCTURE OR USE:** One which determines the predominant use as contrasted to accessory building, structure or use.

**PUBLIC LAND:** Land owned or operated by municipalities, school district, county, state, or other governmental unit.

**PUBLIC UTILITY:** An essential service (not limited to electric, gas, water, sewer, cable television, and telephone) owned, operated or franchised by city, school district, county, state or other governmental unit.

**RECREATION, COMMERCIAL:** Includes all uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and/or operated with the intention of earning a profit by providing entertainment for the public.

**RECREATION EQUIPMENT:** Play apparatus such as swing sets and slides, sandboxes, poles for nets, stands, and similar equipment or structures but not including tree houses, swimming pools, playhouse exceeding 25 square feet of floor area, or sheds utilized for storage of equipment.

**RECREATION, PUBLIC:** Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

**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 ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

**REPLACEMENT, RECONSTRUCTION, OR RESTORATION:** Construction that exactly matches preexisting conditions.

**RESIDENTIAL FACILITY:** Any facility licensed by the Minnesota Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons with twenty-four (24) hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to: state institutions under the control of the Commissioner of Public Welfare, foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

**SEASONAL PRODUCE STAND:** A temporary and transient business within the City, selling the products of the farm or garden occupied and cultivated by the operator; where the operator conducts the business in or on a building, structure, vacant lot, motor vehicle

trailer, or railroad car, on a site other than the property on which the produce is grown and cultivated.

**SETBACK:** The minimum horizontal distance between a structure and the nearest lot line, except that if an outlot for a public trail separates such lot line from a street right-of-way, setback shall mean the minimum horizontal distance between a structure and the street right-of-way line. Additionally, within the shoreland districts setback shall mean the minimum horizontal distance between a structure or a sewage treatment system and the ordinary high water level. For purposes of earth shelter buildings only, above grade portions shall be used in determining setback requirements. In all cases, distances are to be measured from the most outwardly extended portion of the structure at ground level, except as provided hereinafter. In the case of street easements, the setback shall be the required front setback plus  $\frac{1}{2}$  the easement width measured from the centerline.

**SEWAGE TREATMENT SYSTEM:** On-site means for disposing and treating human and domestic waste such as a septic tank and soil absorption system or other system allowed by State and City regulations; used where authorized by the City when access to the municipal sewer system is not required or feasible.

**SEWER SYSTEM:** The public utility operated by the City to conduct sanitary wastes to the Metropolitan Council Environmental Services facility for treatment and disposal.

**SHORELAND RELATED** (Some of the shoreland related terms appear elsewhere in the Zoning Ordinance. The definitions below apply ONLY to Section 1050.020--Shoreland Overlay District--of the Zoning Ordinance):

**ACCESSORY STRUCTURE OR FACILITY:** any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

**BOATHOUSE:** a structure designed and used solely for the storage of boats or boating equipment.

**BLUFF:** A topographic feature such as a hill, cliff or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff):

1. Part or all of the feature is located in a shoreland area.
2. The slope rises at least 25 feet above the ordinary high water level of the water body.
3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.
4. The slope must drain toward the water body.

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



**COMMISSIONER:** The Commissioner of the Department of Natural Resources.

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

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

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

**PUBLIC WATERS:** any waters defined in Minnesota Statutes, Section 103G.005, subdivisions 15 and 15a.

**SENSITIVE RESOURCE MANAGEMENT:** the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

**SHORE IMPACT ZONE:** the land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

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

**SHORELINE BUFFER AREA:** An area of vegetated ground cover abutting a shoreline of a lake, stream or wetland that is unmown, undisturbed or re-established to meet the requirements of Section 1050.010 of this Ordinance.

**SIGNIFICANT HISTORIC SITE:** any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places, or is listed in the State Register of Historic Sites, or is determined to be an

unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**STEEP SLOPE:** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 18 percent, as measured over horizontal distances of 50 feet or more and that are not bluffs.

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

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

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

**SOLAR ENERGY SYSTEM RELATED:**

**Building-integrated Solar Energy Systems** - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, siding, windows, skylights, awnings or within driveways and sidewalks.

**Community Solar Garden-** A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes §216B.1641, as may be amended. A community solar system shall be accessory to a principal use and may be building integrated, roof mounted, or ground mounted.



**Grid-intertie Solar Energy System** - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

**Ground Mounted Solar Energy System** – a solar energy system that is structurally mounted to the ground, generally upon a pole or rack mount and that is accessory to a principal use. A ground mounted system may be a fixed or tracking system.

**Off-grid Solar Energy System** - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**Photovoltaic System** - A solar energy system that converts solar energy directly into electricity.

**Roof Mounted Solar Energy System** – a solar energy system that is structurally mounted to the roof of a principal or accessory building. These systems are generally affixed with a racking system and may be flush or angled. Solar equipment which is mounted to a roof which is not flat, and which is visible from the nearest right-of-way, shall not have a finished pitch more than five percent steeper than the roof.

**Solar Collector** - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

**Solar Collector Surface** - Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

**SMALL WIRELESS FACILITY:** A wireless facility that meets both of the following qualifications:

- (1) each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- (2) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

**STORY:** That portion of the building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it.

**STREET:** A public right-of-way for vehicular traffic, whether designated as a highway, thoroughfare, arterial, parkway, collector, throughway, road, avenue, boulevard, lane, place, drive, court or otherwise designated, which has been dedicated or deeded to the public for public use and which provides the principal means of access to abutting property.

**STREET VENDOR:** Any person who travels from street to street upon public rights-of-way with food, beverages, flowers, balloons or similar items and offers them for sale from a non-motorized mobile type device such as a pushcart or like conveyance.

**STRUCTURAL ALTERATION:** Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

**STRUCTURE:** Anything which is built, constructed or erected on the ground or attached to the ground or on-site utilities; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character. Among other things, structures include but are not limited to buildings, factories, sheds, detached garages, cabins, manufactured homes, gazebos, decks, retaining walls, walls, fences, and swimming pools, but excluding patios and similar at-grade improvements, fences less than seven (7) feet in height which do not have the potential to obstruct flood flows, and recreational vehicles that meet the exemption criteria of Section 1050.030 Subd. 9.D. of this ordinance.

**TEMPORARY STRUCTURE:** structure without a foundation that is not permanently erected on a site. Temporary structures shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of the Minnesota State Building Code as necessary to ensure the public health, safety and general welfare.

**SUBDIVISION:** Any division or rearrangement of land, except for those separations:

1. Where all the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet in width for residential uses and 5 acres or larger in size for commercial and industrial uses;
2. Creating cemetery lots;
3. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

**TAVERN:** Any use in which the primary purpose is the sale of alcoholic beverages for on-premises consumption.

#### **TELECOMMUNICATIONS RELATED:**

**ANTENNA SUPPORT STRUCTURE:** A building, athletic field lighting, water tower, or other structure, other than a tower, which can be used for location or telecommunications facilities.

**ENGINEER:** An engineer licensed by the State of Minnesota.

**PERSON:** Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

**STEALTH:** Designed to blend into the surrounding environment; examples of stealth facilities include, without limitation, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunication towers designed to appear other than as a tower, such as light poles, power poles, and trees.

**TELECOMMUNICATIONS FACILITIES:** Cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of communications located or installed on or near a tower or antenna support structure; the term does not include:

1. A satellite earth station antenna two meters in diameter or less located in an industrial or commercial district.
2. A satellite earth station antenna one meter or less in diameter, wherever located.

**TELECOMMUNICATIONS TOWER OR TOWER:** A self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities; the term does not include amateur radio operations equipment licensed by the Federal Communications Commission.

**TREE FARM:** An agricultural operation limited to the planting, growing and harvesting of trees. Trees may be exported for sale, but no wholesale or retail sales are permitted on site.

**TOWNHOME:** One unit of a single family attached housing facility with the first story at or near the ground level with no other dwelling units or portions thereof directly above or below, and each unit having direct exterior access with no sharing of a common hallway for entry.

**URBAN GARDEN:** Small-scale gardens located in an urban area that produce food crops.

**VARIANCE:** A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.

**WETLAND RELATED** (Some of the wetland related terms appear elsewhere in the Zoning Ordinance. The definitions below apply ONLY to Section 1050.010--Wetland Overlay District--of the Zoning Ordinance):

**ALTERATION:** Human-induced actions that adversely impact the existing condition of a wetland or wetland buffer area, including grading, filling, dredging, dumping, cutting, pruning, topping, clearing native vegetation, and discharging pollutants. Alteration does not include walking, passive recreation, fishing, farming, or planting that enhances native vegetation, or other similar activities allowed under the Minnesota Wetland Conservation Act.

**AVERAGE BUFFER WIDTH:** The average width of a buffer area within a single development or development phase.

**APPLICANT:** The owner, their agent or person having legal control, ownership and/or interest in land which the provisions of this Chapter are being considered for or reviewed.

**BUFFER STRIP OR BUFFER AREA:** an area of vegetated ground cover abutting a wetland that is unmown, undisturbed, or re-established to have the characteristics identified in Section 1050.01, Subd. 8 of this Ordinance.

**BUILDING SETBACK:** The minimum horizontal distance between the building and the property line; or in the case of a shoreland yard, the ordinary high water level; or in the case of a lot containing all or a portion of a wetland, the nearest edge of the wetland buffer area.

**COMMUNITY, PLANT:** an interacting assemblage of plant populations sharing a given habitat.

**FILLING (FLOODPLAIN, SHORELAND, WETLAND RELATED):** The act of depositing any rock, soil, gravel, sand or other material so as to fill a water body, watercourse, or wetland.

**FUNCTIONAL VALUE:** A number value from 0.1 to 1.0 that is assigned to a wetland to indicate its value for stormwater management, vegetation diversity, habitat value, recreational and aesthetic values as determined by the Minnesota Rapid Assessment Methodology (MnRAM).

**NATIVE GRASSES:** Those species of perennial grasses that are native to the local region, and were not introduced as a result of European settlement or subsequent human introduction.

**NATIVE PLANT SPECIES:** The pre-European settlement group of plant species that is native to the local region, and were not introduced as a result of European settlement or subsequent human introduction.

**WETLAND:** Lands transitional between terrestrial and aquatic ecosystems, where the water table is usually at or near the surface, or the land is covered by shallow water. Consistent with the Wetland Conservation Act (WCA), wetlands are to be identified and delineated using the methodology set forth in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Interagency Task Force on Wetland Delineation, 1987, or its most recent revision). For purposes of this definition, wetlands have three of the following attributes:

1. A predominance of hydric soils
2. Inundation or saturation by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions
3. Under normal circumstances support a prevalence of such vegetation

This definition does not include wetlands created from uplands either: (1) for storm water storage and management purposes, or (2) by actions not intended to create the wetland and approved, permitted, funded or overseen by a public entity.

**WETLAND EDGE:** The line delineating the outer edge of a wetland. This line shall be established by using the 1987 Corps of Engineers (COE) Wetlands Delineation Manual, or its most recent version.

**WETLAND FUNCTIONS:** The natural processes performed by wetlands, including providing wildlife and fishery habitat, facilitating food chain production, providing habitat for nesting, rearing, and resting sites for animal species, maintaining the availability and quality of water, purifying water, acting as a recharge and discharge area for groundwater aquifers, and moderating surface water and storm water flows, improving storm water quality, providing aesthetic benefits, and performing other functions, including but not limited to those set out in U.S. Army Corps of Engineers regulations at CFR Section 320.4 (b)(2)(1988).

**WETLANDS, HIGH QUALITY:** These wetlands exist in a largely unaltered state and have special or unusual qualities that call for a high level of protection. These wetlands may provide habitat for rare, threatened and/or endangered plant and animal species; and are ranked High in Wetland Functional Level for most categories (Floral Diversity/Integrity, Flood/Stormwater Attenuation, Water Quality Protection, Wildlife and/or Fishery Habitat, Aesthetics/Recreation) when evaluated using the Minnesota Rapid Assessment Method for Evaluating Wetland Functions.

**WETLANDS, MEDIUM QUALITY:** These wetlands have experienced some alteration, and are ranked Medium in Wetland Function Level for most categories (Floral Diversity/Integrity, Flood/Stormwater Attenuation, Water Quality Protection, Wildlife and/or Fishery Habitat, Aesthetics/Recreation) when evaluated using the Minnesota Rapid Assessment Method for Evaluating Wetland Functions.

**WETLANDS, LOW QUALITY:** These wetlands have usually been substantially altered by human activities, and ranked Low in Wetland Function Level for most categories (Floral Diversity/Integrity, Flood/Stormwater Attenuation, Water Quality Protection, Wildlife and/or Fishery Habitat, Aesthetics/Recreation) when evaluated using the Minnesota Rapid Assessment Method for Evaluating Wetland Functions.

**YARD:** An area on a lot between the lot line and the nearest principal structure, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance.

**YARD, FRONT:** An area extending the full width of a lot between the front lot line and the nearest principal structure.

**YARD, REAR:** An area extending the full width of a lot between the rear lot line and the nearest principal structure.

**SIDE YARD:** An area extending the depth of a lot from the front yard to the rear yard between the side lot line and the nearest principal structure.

**ZONING ADMINISTRATOR:** Individual or firm so designated and authorized by the Corcoran City Council.

**ZONING DISTRICT:** An area or areas within the limits of the City for which the regulations and requirements governing use are uniform.

**ZONING DISTRICT AMENDMENTS:** A change authorized by the governing body either in the allowed use within a district or in the boundaries of a district.

*(Ord. 279 passed 11-25-13, Ord. 310, passed 10-08-15, Ord. 328, passed 08-25-16, Ord. 332, passed 08-25-16, Ord. 355, passed 09-28-17, Ord. 374, passed 08-23-18, Ord. 376 passed 08-23-18, Ord. 389, passed 02-28-19, Ord. 442, passed 11-22-21, Ord. 445, passed 12-22-21, Ord. 459, passed 05-26-22, Ord. 465, passed 09-22-22, Ord. 510, passed 10-26-23)*

## **SECTION 1030 – GENERAL REQUIREMENTS**

### **1030.010 - NON-CONFORMING BUILDINGS, STRUCTURES, USES AND LOTS**

#### **Subd. 1. General Standards of Applicability**

##### **A. Authority to Continue**

Any use, structure, or lot that existed as a lawful nonconformity as of when this Code was adopted on March 23, 2004, and any use, structure, or lot that has been made nonconforming because of the terms of this Code or its subsequent amendments, may continue subject to the provisions of this Ordinance so long as it remains otherwise lawful. A structure or use that is illegal at the time of the adoption of this Code, remains illegal if it does not conform with each and every requirement of this Code.

##### **B. Burden on Property Owner to Establish Legality**

In all cases, the burden of establishing the legality of a nonconformity under the provisions of this Ordinance is upon the property owner of the nonconforming use, structure, or lot.

##### **C. Safety Regulations**

The City may impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, and safety. All police power regulations enacted to promote public health, welfare, and safety including, but not limited to, all building, fire, and health codes, apply to nonconforming structures.

#### **Subd. 2. Nonconforming Use**

##### **A. Ordinary Repairs and Maintenance**

Normal repair, replacement, restoration, maintenance, or improvement may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided it will not create any new nonconformity or increase the intensity, bulk or density of the nonconforming use.

##### **B. Structural Alterations**

Structural alterations to a structure containing a nonconforming use are permitted so long as they do not create any new nonconformity or increase the intensity, bulk or density of the nonconforming use. In addition, the following exceptions apply:



1. When the alteration is required by law or is necessary to restore the building or structure to a safe condition upon the order of any official charged with protecting the public safety.
2. When the alteration is for the purpose of bringing the use into conformity.

C. Expansion of Use

A nonconforming use of land or a structure may not be expanded, enlarged, or intensified, as defined in Section 1020.020. An expansion of a nonconforming use to any land area or structure not currently occupied by such nonconforming use or to any portion of the floor area that was not occupied by such nonconforming use is prohibited.

D. Changes to Nonconforming Uses:

1. A change of use is deemed to occur when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of the Zoning Ordinance is deemed an abandonment of the previously existing lawful nonconforming use.
2. When a nonconforming use of land or a structure has been changed, in whole or in part, to a conforming use, the whole or part which has been made to conform may not be changed back to a nonconforming use.
3. A nonconforming use of land or a structure may be changed to reduce the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

E. Discontinuation or Abandonment

If a nonconforming use or occupancy is discontinued for a continuous period of one (1) year, such nonconformity or occupancy is deemed to be abandoned and may not be reestablished or resumed regardless of the intent to resume or to continue the use. Any subsequent use of such land or structure must conform to all regulations of the zoning district in which such land or structure is located. The period of such discontinuance caused by government action, uncontrollable events, or other acts without any contributing fault by the user, must not be included in calculating the length of discontinuance for this section.



## F. Damage or Destruction

1. If a structure and/or property devoted in whole or in part to a nonconforming use is damaged or destroyed to the extent of fifty percent (50%) or less of the market value at that time, then the structure and/or property may be repaired, reconstructed, or restored and the nonconforming use continued, provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one (1) year of the date of damage or destruction, and construction must be completed within one (1) year of issuance of the building permit. If a building permit is not obtained within one (1) year, then the nonconforming use cannot be continued.
2. If a nonconforming structure and/or property devoted in whole or in part to a nonconforming use is damaged or destroyed to the extent of greater than fifty percent (50%) of its market value at that time and no building permit has been applied for within one-hundred eighty (180) days of when the property is damaged, the nonconformity may not be continued, repaired, or replaced. The City may impose reasonable conditions upon a building permit issued under this section to mitigate any newly created impact on adjacent property.

## Subd. 3. Nonconforming Buildings and Structures

### A. Proposed Structure

Any proposed structure that will become nonconforming by amendment of this title but for which a building permit has been lawfully granted prior to the effective date of the amendment, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of the amendment, is not abandoned for a period of more than one hundred twenty (120) days, and continues to completion within two (2) years. The structure shall thereafter be a legal nonconforming structure.

### B. Ordinary Repairs and Maintenance

Normal repair, replacement, restoration, maintenance, or improvement may be performed on any legal nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity, increase the degree or intensity of any previously existing nonconformity, or increase the bulk or density of the structure in any manner.

### C. Structural Alterations

Structural alterations to a legal nonconforming building or structure may be made through the building permit process provided:

1. The alterations do not expand the foundation and/or building size (including deck additions), unless specifically allowed by this section; and
2. The alterations do not increase the building occupancy capacity or parking demand; and
3. The alterations do not increase the degree of the nonconforming conditions of the building, site, or the use.

### D. Expansion of Legal Nonconforming Buildings or Structures

#### 1. Administrative Approvals

The Zoning Administrator may approve the following expansions of legal nonconforming buildings and structures after a determination that the building expansion will have no external negative impacts upon adjacent properties or public rights-of-way, and subject to the provision of Corcoran City Code Section 1070.060, Subd. 3.:

- a. Expansion of buildings found to be non-conforming only by reason of height, yard setback, or lot coverage area may be permitted provided the structural nonconformity is not increased and the expansion complies with the performance standards of the Zoning Ordinance, unless otherwise provided herein.
  - i. The expansion of buildings found to be nonconforming only by reason of yard setback may be permitted provided the proposed expansion is no closer to the affected property line than the existing building.
  - ii. The expansion of buildings found to be nonconforming only by reason of height may be permitted provided the proposed expansion does not exceed the height of the existing building.

#### 2. Conditional Use Permit

Legal, nonconforming commercial, industrial, public, semi-public, and multiple-family structures may be expanded on the same lot by conditional use permit provided:

- a. The expansions will not increase the nonconformity of the building or site; and
- b. The new building expansion will conform to all the applicable performance standards of the Zoning Ordinance. A conditional use permit shall not be issued under this Section for a deviation from other requirements of the Zoning Ordinance unless variances are also approved; and
- c. The request for conditional use permit shall be evaluated based on standards and criteria set forth in Corcoran City Code Section 1070.020, Subd. 3.

#### E. Relocation

A nonconforming structure may not be relocated, in whole or in part, to any other location on the same lot or parcel unless brought into full compliance with the Zoning Ordinance. A nonconforming structure may be relocated to another lot or parcel if the structure conforms to all regulations of the zoning district in which it is relocated.

#### F. Damage or Destruction

1. If a nonconforming building or structure is damaged or destroyed to the extent of less than fifty percent (50%) of the market value at that time, then the structure and/or property may be repaired, reconstructed, or restored and the nonconforming use continued, provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one (1) year of the date of damage or destruction, and construction must be completed within one (1) year of issuance of the building permit.
2. If a nonconforming structure is damaged or destroyed to the extent of greater than fifty percent (50%) of its market value, and no building permit has been applied for within one-hundred eighty (180) days of when the property is damaged, the nonconformity may not be continued, repaired, or replaced. The City may impose reasonable conditions upon a building permit issued under this section in order to mitigate any newly created impact on adjacent property.

Subd. 4. Nonconforming Lots

A. Vacant or Redeveloped Lots

1. A lot or parcel of land for which a deed or contract for deed has been recorded in the office of the Hennepin County Recorder upon, or prior to, the effective date of this Code shall be deemed a buildable lot provided:
  - a. The lot has frontage on a public right-of-way, or is governed by a valid driveway agreement; and
  - b. The lot has access to municipal sewer and water if located within the municipal urban service boundary, or otherwise has an approved well and an approved on-site septic system or is able to provide a well and on-site septic system in compliance with all City and State requirements; and
  - c. The setback and yard requirements of the applicable zoning district can be achieved while simultaneously resulting in development that complies with the character and quality of the immediate area and the objectives of the City's Comprehensive Plan and Zoning Ordinance; and
  - d. The lot, if located within the Rural Residential or Urban Reserve districts, has a development right.
2. The owner must apply for and receive a valid driveway permit from the Public Works director for access to any public street, including new, modified, or relocated driveways, prior to construction.

B. Developed Lots

An existing conforming use on a lot of substandard size and width may be expanded or enlarged if such expansion or enlargement meets all other provisions of the Zoning Ordinance.

C. Shoreland Overlay District

1. Nonconforming shoreland lots of record may be allowed as a building site without variances from lot size requirements, subject to the following provisions consistent with Minn. Stat. § 462.357, subd. 1(e) as it may be amended from time to time:

- a. All structure and septic system setback distance requirements can be met; and
  - b. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
  - c. The impervious surface coverage does not exceed twenty-five percent (25%) of the lot.
2. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered a separate parcel of land for the purpose of sale or development, if it meets the following requirements consistent with Minn. Stat. § 462.357, subd. 1(e) as it may be amended from time to time:
  - a. The lot must be at least 66% of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120; and
  - b. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080; and
  - c. Impervious surface coverage must not exceed twenty-five percent (25%) of each lot; and
  - d. Development of the lot is consistent with the 2040 Comprehensive Plan.
3. A lot unable to meet the requirements of paragraph (2) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
4. Notwithstanding paragraph (2), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minn. Stat. § 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
5. In evaluating all variances, conditional use permits, building permits, and other land use applications for a nonconforming lot of record,

the property owner shall be required, when appropriate, to address storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

6. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

Subd. 5      Exceptions to Nonconformity Regulations

- A. The City shall regulate the repair, replacement, maintenance, improvement of nonconforming uses, buildings, and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and to avoid an increase in flood damage potential or increase the degree of obstruction to flood flows in the floodway.
- B. The nonconformity provisions of this Ordinance do not prohibit the City from enforcing an ordinance that applies to nonconforming adult uses (adult bookstores, adult theaters, or similar adult use businesses). The City may enact, amend, or enforce an ordinance providing for the elimination or termination of adult uses by amortization, even if such use was lawful at the time of its inception.

*(Ord 493, passed 06-22-23)*

## **1030.020 - ACCESSORY BUILDINGS, STRUCTURES, USES AND EQUIPMENT**

Subd. 1.      Permits Required.

- A. A building permit is required for all accessory buildings, except:
  1. Agricultural buildings as defined by this Chapter. These buildings shall not require a building permit, but shall be required to obtain a Certificate of Compliance from the City prior to beginning construction and shall comply with all other zoning Ordinance standards and permit requirements.
  2. Accessory structures less than 200 square feet in area. These buildings shall be required to meet all setback requirements.

- Subd. 2. Time of Construction. No accessory building shall be constructed or developed on a lot prior to the construction of the principal building, except for agricultural buildings as defined by this Ordinance and allowed by this Section.
- Subd. 3. Location
- A. Except in the UR and RR districts, no accessory building, structure, or use shall be allowed within a front yard.
  - B. Detached accessory structures shall have a minimum building separation of 10 feet from the principal building.
  - C. Accessory structures located on through lots may be located between the rear of the principal building and the public right-of-way.
  - D. Recreation equipment such as play apparatus, swing sets and slides, sandboxes, tree houses, above or in-ground swimming pools, hot tubs, play houses, etc. shall comply with the minimum accessory structure setbacks.
  - E. Setbacks
    - 1. Setbacks for accessory buildings in the UR and RR district shall comply with the following:
      - a. Front – same as underlying zoning district
      - b. Side – 20 feet
      - c. Rear – 15 feet
      - d. Agricultural uses shall be a minimum of 100 feet from all property lines, unless the agricultural use is an animal shelter and said shelter is no more than one-half the total allowable square footage as set forth in Subd. 4(E) of this Section, in which case said shelter may be set back a minimum of 25 feet from the property line and 75 feet from neighboring residences.
    - 2. Setbacks for accessory buildings in the urban residential zoning districts shall comply with the following:
      - a. Front – no accessory building shall be located in the front yard
      - b. Side – 10 feet

- c. Rear – 10 feet
- 3. Setbacks for accessory buildings in the non-residential zoning districts shall comply with the following:
  - a. Front – no accessory building shall be located in the front yard
  - b. Side – 10 feet
  - c. Rear – 10 feet
  - d. Adjacent to residential – accessory buildings shall comply with the minimum setback requirements for principal structures in the district.

Subd. 4.      Size

- A. Attached garages with a footprint of less than 1,000 square feet shall not be considered as part of the maximum footprint for purposes of the detached accessory structure calculations. However, attached accessory space in excess of the initial 1,000 square feet shall be counted towards the maximum allowable detached accessory building footprint.
- B. The footprint of above grade or below grade swimming pools and 1 accessory structure of less than 200 square feet shall not be included in the calculation of maximum allowable area of accessory structures.
- C. A maximum of one fish house shall be permitted to be stored on a property and shall meet all accessory structure setback requirements. Such structures 200 square feet in area or greater shall be counted toward the allowed detached accessory area.
- D. Except in the UR and RR districts, a conditional use permit is required for construction of more than one detached accessory building with a footprint in excess of 200 square feet.
- E. The maximum allowable total or accumulated footprint (total footprint of all accessory structures) for detached accessory buildings in the Urban Reserve and Rural Residential districts shall be as follows:



| Acres | 0                                                                    | 0.1   | 0.2   | 0.3   | 0.4   | 0.5   | 0.6   | 0.7   | 0.8   | 0.9   |
|-------|----------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| <1    | 1,250 or 25 percent of the area of the rear yard, whichever is less. |       |       |       |       |       |       |       |       |       |
| 1     | 1,250                                                                | 1,275 | 1,300 | 1,325 | 1,350 | 1,375 | 1,400 | 1,425 | 1,450 | 1,475 |
| 2     | 1,500                                                                | 1,531 | 1,563 | 1,594 | 1,625 | 1,656 | 1,688 | 1,719 | 1,750 | 1,781 |
| 3     | 1,813                                                                | 1,844 | 1,875 | 1,906 | 1,938 | 1,969 | 2,000 | 2,031 | 2,063 | 2,094 |
| 4     | 2,125                                                                | 2,156 | 2,188 | 2,219 | 2,250 | 2,281 | 2,313 | 2,344 | 2,375 | 2,406 |
| 5     | 2,438                                                                | 2,469 | 2,500 | 2,531 | 2,563 | 2,594 | 2,625 | 2,656 | 2,688 | 2,719 |
| 6     | 2,750                                                                | 2,781 | 2,813 | 2,844 | 2,875 | 2,906 | 2,938 | 2,969 | 3,000 | 3,031 |
| 7     | 3,063                                                                | 3,094 | 3,125 | 3,156 | 3,188 | 3,219 | 3,250 | 3,281 | 3,313 | 3,344 |
| 8     | 3,375                                                                | 3,406 | 3,438 | 3,469 | 3,500 | 3,531 | 3,563 | 3,594 | 3,625 | 3,656 |
| 9     | 3,688                                                                | 3,719 | 3,750 | 3,781 | 3,813 | 3,844 | 3,875 | 3,906 | 3,938 | 3,969 |
| 10+   | 3,969                                                                | CUP   | CUP   | CUP   | CUP   | CUP   | CUP   | CUP   | CUP   | CUP   |

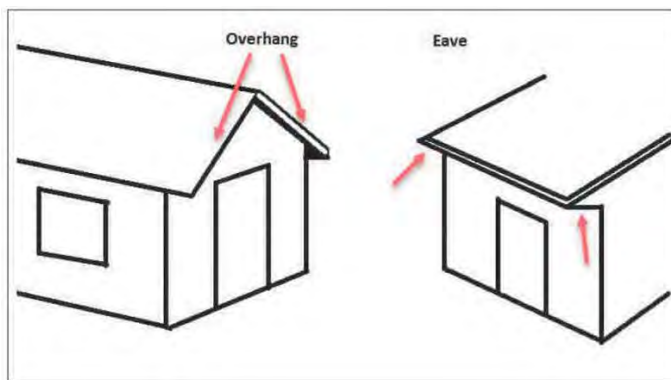
- F. In the non-residential and urban residential districts, the maximum size of accessory buildings shall not exceed 1,000 square feet or 25 percent of the area of the rear yard, whichever is less.
- G. Non-agriculture accessory buildings that would result in more than the 3,969 square feet allowed by this Section shall only be permitted on parcels located in the UR or RR district and 10 acres or more in size with a conditional use permit and subject to the following criteria:
1. The proposed use shall be in conformance with all City regulations.
  2. A certificate of survey shall be required that identifies all existing structures on site, including buildings, septic sites and wells. In addition, the survey shall include the proposed structure, flood plain, wetlands, and any recorded easements.
  3. Applicable criteria as outlined in Section 1070.020 (Conditional Use Permits) of the Corcoran Zoning Ordinance.
  4. The building materials standards required by this Section have been met.
- H. Agricultural buildings that would result in more than the 3,969 square allowed by this Section shall only be permitted on parcels 10 acres or more in size with a Certificate of Compliance from the City and subject to the following criteria:
1. The proposed use shall be in conformance with all City regulations.

2. A certificate of survey shall be required that identifies all existing structures on site, including buildings, septic sites and wells. In addition, the survey shall include the proposed structure, flood plain, wetlands, and any recorded easements.
  3. The building materials standards required by this Section have been met.
  4. The agricultural building is used for agricultural purposes only.
- I. Agricultural buildings in excess of the size limitations allowed by Subd. 4 (E) of this Section shall be allowed by conditional use permit on parcels that are located in the UR or RR district and are less than 10 acres in size, but are adjacent to actively farmed land under the same ownership or ownership by the landowner in a recognized legal relationship, shall be allowed subject to the following criteria:
1. The proposed use shall be in conformance with all City regulations.
  2. A certificate of survey shall be required that identifies all existing structures on site, including buildings, septic sites and wells. In addition, the survey shall include the proposed structure, flood plain, wetlands, and any recorded easements.
  3. The building materials standards required by this Section have been met.
  4. The applicant provides proof of ownership as required above.
  5. The agricultural building is used for agricultural purposes only.
- J. Agricultural buildings shall be allowed as a principal use by conditional use permit on parcels that are actively farmed, are located in the UR or RR district and are located adjacent to the farmstead under the same ownership or ownership by the landowner in a recognized legal relationship, shall be allowed subject to the following criteria:
1. The proposed use shall be in conformance with all City regulations.
  2. A certificate of survey shall be required that identifies all existing structures on site, including buildings, septic sites and wells. In addition, the survey shall include the proposed structure, flood plain, wetlands, and any recorded easements.
  3. The building materials standards required by this Section have been met.

4. The applicant provides proof of ownership as required above.
5. The agricultural building is used for agricultural purposes only.

Subd. 5. Building Height.

- A. Sidewall height shall be measured from the base of the structure to the bottom of the eave on the exterior sidewalls.
- B. All accessory structures shall be constructed with eaves and overhangs that are a minimum of 12 inches in length.



- C. The maximum sidewall height of an accessory building constructed in the front or side yard is 10 feet and a maximum sidewall height of an accessory building constructed in the rear yard is 13 feet, 6 inches, except:
  1. Multi-story accessory building may be allowed by administrative permit to exceed these height limits, provided the structure does not exceed the height of the principal structure. All multi-story accessory buildings shall include a minimum of two different building materials and building articulation to add architectural interest to the building elevations.
  2. Agricultural buildings may be allowed by Certificate of Compliance to exceed these height limits, provided the structure does not exceed the building height limitations of the zoning district in which it is located.
  3. Accessory buildings with accessory dwelling units may exceed these height limits when approved as part of the applicable review process for the accessory dwelling unit provided all other performance standards for accessory buildings are met.

- D. Any building that does not meet the standards above may only be permitted to exceed the allowable building height with a conditional use permit and subject to the following criteria:
1. The proposed use shall be in conformance with all City regulations.
  2. A certificate of survey shall be required that identifies all existing structures on site, including buildings, septic sites and wells. In addition, the survey shall include the proposed structure, flood plain, wetlands, and any recorded easements.
  3. Applicable criteria as outlined in Section 1070.020 (Conditional Use Permits) of the Corcoran Zoning Ordinance.
  4. The building materials standards required by this Section have been met.
  5. The proposed building will be compatible with surrounding land uses.

Subd. 6. Architectural Standards.

- A. Accessory buildings on parcels 2 acres or smaller must comply with the building material standards in Section 1060.050, Subd. 1(B) of the Zoning Ordinance.
- B. Building materials must comply with performance standards in Section 1060.050, Subd. 1(D) of the Zoning Ordinance.
- C. Accessory buildings constructed primarily of canvas, plastic, or other similar non-permanent building materials shall be prohibited. All accessory buildings must meet Minnesota State Building Code requirements.

*(Ord 348, passed 05-25-17, Ord 427, passed 08-26-21, Ord. 442, passed 11-22-21, Ord. 508, passed 10-26-23, Ord. 510, passed 10-26-23)*

### **1030.030 - MINIMUM RESIDENTIAL BUILDING STANDARDS**

- Subd. 1. Homes must be placed on a permanent foundation which complies with the Minnesota State Building Code.
- Subd. 2. Single family detached homes must have a minimum floor area of 1,100 square feet.
- Subd. 3. Single family detached homes must have a minimum width of 24 feet.
- Subd. 4. Dwelling Unit Restrictions. No model home, cellar, garage, tent, travel trailer, basement with unfinished structure above or accessory building shall at any time be used as a dwelling unit, except as may be allowed on a temporary basis in an emergency by the City Council or as otherwise allowed by the Zoning Ordinance.

### **1030.040 – TEMPORARY STRUCTURES**

- Subd. 1. Opt Out of M.S. § 462.3593. Pursuant to authority granted by M.S. 462.3593, subd. 9, the City of Corcoran opts out of the requirements of M.S. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.
- Subd. 2. Temporary Structures (including manufactured homes on a temporary basis) shall only be permitted as provided below:
  - A. Reconstruction. During the reconstruction of a home that has been damaged or destroyed and is uninhabitable, the City Council may grant a permit for a period not to exceed one year for a temporary structure in any zoning district.
  - B. The City Council may grant an Interim Use Permit with stipulated time limitations for the temporary utilization of manufactured homes or other temporary structures as living quarters when a special hardship is found to exist. Such hardship shall be generally a result of age or a physical handicap of a blood relative. The following conditions shall apply in such situations:
    - 1. Any person requiring such temporary habitation shall make application to the City Council for an Interim Use Permit. The request shall state the location, type of structure, length of time the structure will be used, and the reason for the need of such structure.
    - 2. The Building Official shall review each proposal and report his findings and recommendations to the Council.

3. If the City finds that the public health, safety, morals and general welfare will not be impaired and will not be affected adversely, it may grant a temporary habitation, provided that the person so applying shall enter into a written agreement with the City as to when such occupation is to cease. No permit for temporary habitation shall be granted for a period longer than one year, and the City may revoke such permit upon 90 days written notice if and when it finds:
    - a. That the public health, safety, morals or general welfare are being impaired by such habitation.
    - b. That the continued existence of such habitation conflicts with the City's Comprehensive Plan.
    - c. The temporary habitation structure has been abandoned or put to any use other than that stated in the application as the reason for the need of such habitation.
    - d. That the value of public or private property is being affected adversely thereby.
  4. Extensions of such permits may be obtained only by reapplying to the City for an Interim Use Permit amendment.
  5. The sanitary sewer and water supply serving temporary habitation shall comply with all applicable rules, regulations and standards of the State Board of Health and of the County of Hennepin.
  6. Any material used to insulate around the exterior of or underneath such temporary habitation shall be noncombustible and nontoxic.
- C. The City Council may also grant an Interim Use Permit with stipulated time limitations for any other temporary structures without a determination of hardship provided these temporary structures are not used for habitation. The following conditions shall apply in such situations:
1. Any person desiring a temporary structure shall make application to the City Council for an Interim Use Permit. The request shall state the location, type of structure, length of time the structure will be used, and the reason for the need of such structure.
  2. The Building Official shall review each proposal and report his findings and recommendations to the Council.

3. If the City finds that the public health, safety, morals and general welfare will not be impaired and will not be affected adversely, it may grant an Interim Use Permit, provided that the person so applying shall enter into a written agreement with the City as to when such use is to cease.
4. No permit for temporary structures (except as provided for in Subsections A and B above) shall be granted for a period longer than one year, and the City may revoke such permit upon 90 days written notice if and when it finds:
  - a. That the public health, safety, morals or general welfare are being impaired by such temporary structure.
  - b. That the continued existence of such use conflicts with the City's Comprehensive Plan.
  - c. The temporary structure has been abandoned or put to any use other than that stated in the application as the reason for the need of such use.
  - d. That the value of public or private property is being affected adversely thereby.
  - e. The provisions of this Section, in no way limit the City's ability to immediately order the removal of any temporary structure determined to be a significant threat to public health and safety.

#### **1030.050 - RELOCATED STRUCTURES**

- Subd. 1. Application. Before any house or other structure is moved, an application for building permit shall be made and the property owner or his designated representative shall complete a questionnaire on the structure.
- Subd. 2. Inspection. The Building Official shall make a preliminary inspection to determine that the structure meets all State building codes and City ordinances.
- Subd. 3. If the structure does not meet these regulations, the owner must present complete and detailed plans to the Building Official showing the changes to be made in order to bring the structure up to Code.
- Subd. 4. The Building Official must review the plans and present them to the Planning Commission for their review and recommendation to the City Council.

- Subd. 5. No Building Permit will be issued until the owner has agreed in writing that the entire building will be completed within a period of 6 months, the fee has been paid, and performance bond or certified check guaranteeing completion of said changes and equal to at least 1½ times the estimated finished value of the building has been posted with the City.

### **1030.060 – GRADING AND LAND DISTURBANCE**

All grading and construction activity that results in disturbance of the ground shall comply with Minnesota Pollution Control Agency's General Stormwater Permit for Construction Activity No. MN R10001, the Minnesota Stormwater Manual, Chapter 54 of the City Code, and all other applicable City Ordinances.

Every person, prior to commencing any land disturbing activities, shall apply for and secure all applicable permits from the City.

*(Ord. 450, passed 02-24-22)*

### **1030.070 - BULK STORAGE (LIQUID)**

All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of and have appropriate permits indicating compliance with the Minnesota State Fire Code and Minnesota Department of Agriculture regulations.

### **1030.080 - HEIGHT LIMITATIONS**

- Subd. 1. The building height limits established herein for districts shall not apply to the following:
- A. Belfries.
  - B. Chimneys or flues.
  - C. Church spires.
  - D. Cooling towers.
  - E. Cupolas and domes which do not contain useable space.
  - F. Elevator penthouses.
  - G. Flag poles.
  - H. Monuments.



- I. Parapet walls extending not more than 3 feet above the limiting height of the building.
  - J. Water towers.
  - K. Poles, towers and other structures for essential services.
  - L. Necessary mechanical and electrical appurtenances.
  - M. Television and radio antennas not exceeding 20 feet above roof (not including telecommunications towers regulated by Section 1060.100).
- Subd. 2. No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than 25 percent of the area of such roof nor exceed 10 feet unless otherwise noted.

#### **1030.090 - ESSENTIAL SERVICES**

- Subd. 1. It is illegal, for any person to construct, operate or maintain an essential public service in the City, except in conformance with this Ordinance.
- Subd. 2. Essential services, as defined herein, shall be permitted in any zoning district of the City by administrative permit issued by the City of Corcoran. The permit shall be processed according to the following:
- A. Prior to the installation of any essential public services, the owner of such service shall file with the City all maps and other information as deemed necessary by the City of Corcoran to review the proposed project.
  - B. The City shall consider the effect of the proposed project upon the health, safety and general welfare of the City, as existing and anticipated, and the effect of the proposed project upon the Comprehensive Plan.
  - C. For essential public services that will include permanent structures, a site plan must also be submitted for review and approval by the Zoning Administrator. The site plan shall be reviewed for compliance with the standards outlined in this Section. The site plan may be approved administratively.
  - D. Upon approval by City staff, a permit shall be issued for installation and operation of the essential services.
- Subd. 3. Essential services must comply with all federal, State and local rules and regulations pertaining to their construction, maintenance and operation.
- Subd. 4. Performance Standards.

- A. Except for electrical lines, phone lines, cable television lines, gas lines and similar linear facilities, all essential public services in the Agricultural and Residential zoning districts shall be located on land at least one acre in size. In all other zoning districts, parcels of land for essential services must be at least 1 ½ times the minimum lot area required in the zoning district.
- B. Utility substations and communications antennas permitted by the Corcoran City Code and this Ordinance shall be encouraged to be located on the same parcel; however, the parcel shall be large enough so that all structures and facilities comply with the required setbacks for the zoning district.
- C. The site shall be landscaped and maintained in accordance with Section 1060.070 (Landscaping) of this Ordinance. All above grade lift stations, pump stations, substations and similar structures not located in a building shall be screened.
- D. Buildings and structures shall be constructed to be compatible with the size, color, appearance and character of other structures in the zoning district.
- E. Facilities and equipment shall be removed within 6 months of becoming unnecessary or obsolete.

Subd. 5. Special Districts. Essential public services located in a special overlay district shall comply with the requirements and development guidelines in that district.

Subd. 6. All electrical, cable television, phone lines and similar facilities serving new development within the urban service area shall be located underground.

### **1030.100 - HOME OCCUPATIONS**

Subd. 1. Purpose. The purpose of this Ordinance is to maintain the character and integrity of residential areas and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood. In addition, this Ordinance is intended to provide a mechanism enabling the distinction between permitted home occupations and special or customarily “more sensitive” home occupations, so that appropriate, permitted home occupations may be allowed outright or through an administrative process rather than a legislative hearing process.

- Subd. 2. Application. Subject to the non-conforming use Section and other applicable provisions of this Ordinance, all occupations conducted in the home and accessory buildings located on the homestead site shall comply with the provisions of this Ordinance.
- Subd. 3. Procedures and Permits. Whenever used in this Ordinance, the phrase “Home Occupation” shall include Allowed Home Occupations, Special Home Occupations and Conditional Home Occupations.
- A. An Allowed Home Occupation, as defined in this Ordinance, shall not require a permit as long as all of the criteria in Subd. 4 and Subd. 5 of this Section are satisfied.
  - B. Any Special Home Occupation, as defined in this Ordinance, shall require an administrative permit, as outlined in Subd. 7 of this Section.
  - C. A Home Occupation License shall be required for any Conditional Home Occupation as described in Subd. 8; which license shall be processed by the Planning Commission as outlined in Section 1070.030 (Interim Use Permit) of the Zoning Ordinance.
- Subd. 4. General Standards for Allowed and Special Home Occupations. All Allowed Home Occupations and Special Home Occupations shall comply with the following general provisions:
- A. No Home Occupation shall produce light, glare, noise, fumes, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
  - B. No equipment shall be used in the Home Occupation that will create electrical interference to surrounding properties. No equipment shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the voltage off the premises.
  - C. Any Home Occupation shall be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
  - D. No Home Occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and State fire and police recommendations.

- E. There shall be no exterior evidence visible from public roads or adjacent parcels of the Home Occupation, including but not limited to storage of material, equipment, supplies, garbage dumpsters, etc. Personal vehicles [not to exceed 12,000 gross vehicle weight (GVW)] used in the Home Occupation, which comply with applicable provisions of this Ordinance, may be parked on the site.
- F. The area used for the Home Occupation shall meet all applicable fire and building codes.
- G. There shall be no exterior display or exterior signs or interior display or interior signs that are visible from outside the dwelling advertising the Home Occupation.
- H. All Home Occupations shall comply with the provisions of the City Code.
- I. An Allowed or Special Home Occupation shall not include work staging areas or employees reporting to the home occupation site to receive work assignments and working elsewhere.
- J. The applicant shall demonstrate, in a manner found acceptable to the City Building Inspector that such use is within the capabilities of the property's sewage treatment system.
- K. No Allowed Home Occupation or Special Home Occupation shall employ any person at the home site location who does not reside in the dwelling unit.

Subd. 5. Allowed Home Occupations. A Home Occupation meeting all of the requirements of Subd. 4, as well as the following criteria shall be an Allowed Home Occupation and may be conducted without a permit or fee:

- A. The Allowed Home Occupation shall be located within the principal dwelling on the property, except that a business office or computer workstation may be maintained in any permitted structure.
- B. No customer visits to the premises shall be permitted.
- C. No deliveries other than those routinely made in a residential district (U.S. Mail, United Parcel Service, etc.) shall be permitted.

Subd. 6. Special Home Occupation - Administrative Permit.

- A. This permit may be issued by the City Administrator or assigned staff based upon proof of compliance with the provisions of this Section. Application for the permit shall be submitted to the City with an

associated fee as established by the City Council. Prior to issuance of the permit, a notice of intent shall be sent to all property owners within 500 feet of the perimeter of the applicant's property. The notice shall request that written comments be forwarded to the City Administrator within 10 days of the date of the notice. Upon expiration of the comment period, the City Administrator shall determine if a permit should be issued, denied, or forwarded to the City Council. Notice of the decision shall be sent to all persons who have submitted written comment. The applicant or a noticed property owner may appeal a decision of the City staff to the City Council for final decision. Notice of an appeal must be made within 10 business days following the notice of the City Administrator's decision.

- B. Except as modified by this Subd. 7, all Special Home Occupations shall comply with the requirements of Subd. 5 and Subd. 6. A Special Home Occupation-Administrative Permit shall be required for Home Occupations that are not otherwise permitted under Subd. 5 and subject to the following criteria:
  - 1. Services may be provided to customers on site provided no more than 2 additional parking stalls are necessary for customer parking and the spaces shall be provided on the lot. The Home Occupation shall not add more than 10 daily, non-residential vehicle trips to or from the property.
  - 2. A single vehicle up to 26,000 lb. GVW may be allowed by Administrative Permit. The City Administrator shall consider the vehicle size in relation to the intended use, the road surface, the character of the neighborhood, number of vehicle trips and any other relevant matters in deciding whether to issue an Administrative Permit.

Subd. 7. Conditional Home Occupation License (CHOL).

- A. All Home Occupations not defined as Allowed or Special shall be defined as Conditional Home Occupations and will require a Conditional Home Occupation License (CHOL) to be issued, subject to review and approval by the City Council. The CHOL shall be processed by the Planning Commission pursuant to Section 1070.030 (Interim Use Permit) of the Corcoran Zoning Ordinance. A CHOL is not a conditional use permit, but a license personal to the individual applicant and the particular business for which the application is made. If the business ceases, if ownership of the business changes, or if the individual to whom a license has been issued ceases to own the subject premises, the CHOL is automatically revoked.

- B. All applicants must demonstrate, to the satisfaction of the Planning Commission and City Council, the need for the CHOL. All applications will be reviewed and analyzed, taking into consideration the general health, safety and welfare of the community as a whole. The Planning Commission and the City Council shall consider the following standards and criteria when reviewing an application for a CHOL:
1. The nature and general character of the geographic area in which the CHOL property is located. The City may consider, in addition to other factors and not by way of limitation, the existence and condition of gravel and paved roads in the area, existence and proximity of collector, County and State roadways in the area, CHOL lot area, the proximity of CHOL operations to neighboring residences, size of neighboring lots, and use of neighboring properties.
  2. Consideration shall be made for potential property devaluation of adjacent and surrounding properties.
  3. Nuisance factors shall be considered, including but not limited to sight, odor, light, glare and noise, and any other nuisance factors that may result from issuance of the CHOL.
  4. Environmental concerns, including but not limited to drainage, wastewater, wells and wetland issues.
  5. Compliance with Section 1030.020 (Accessory Buildings, Structures, Uses and Equipment) of the Zoning Ordinance and with other relevant Code sections.
  6. Impact on the neighboring properties shall be considered before issuing a CHOL.
- C. Conditional Home Occupations with seasonal retail sales may be allowed one temporary freestanding or wall sign as allowed by Section 84.04 (10) of the City Code.

Subd. 8. Employees; On-Site/Staging for Work Off-Site.

- A. For home occupation businesses existing on May 24, 2001, the City Council may allow up to 2 full-time equivalent on-site employees or up to 4 employees reporting on-site for the purpose of staging work to be performed off-site, or any combination of the two not to exceed 2 full-time equivalent employees working on-site or 4 employees in total. The applicant must prove that the applicant had employees, as outlined above, on or within the 9 months prior to May 24, 2001 to qualify for employees.

- B. The actual number of on-site employees or employees permitted on-site for work staging will depend on all factors considered in issuing the CHOL.
- C. No home occupations that come into existence after May 24, 2001 shall be permitted to have on-site employees or employees on-site for the purpose of staging work to be performed off-site.
- D. For purposes of this Section, employees shall include independent contractors, part-time or seasonal employees.

Subd. 9. Exceptions. Day Care home facilities and group family Day Care home facilities that are licensed by the State are exempt from the requirements of this Ordinance.

Subd. 10. Denial of CHOL.

- A. In the event the City Council denies a CHOL, findings of fact shall be prepared to support the denial and shall be provided to the applicant.

Subd. 11. Ordinance Administration.

- A. Upon adoption of the Home Occupation Ordinance on August 9, 2001, all individuals operating a business not otherwise permitted by this Ordinance were required to make application for a CHOL and receive approval.
- B. Immediately following the passage of this Ordinance, the City shall commence the process of identifying all existing Home Occupations that will require permits and shall give written notice to the owner of the property requiring that application be made within 30 days.
- C. Legal, non-conforming Home Occupations shall be allowed to continue until such time as the homeowner ceases to operate the home occupation, ownership of the business is transferred, or the property is sold.
- D. There shall be an application fee for the permits and license issued under this Ordinance, together with an annual license fee; all such fees to be set from time to time by resolution of the City Council.
- E. All permits issued under this Ordinance shall be reviewed by the City every 3 years from the date of issuance for a determination that the existing Home Occupation, considered in light of the existing standards and criteria, still warrants the issuance of a license. The City may revoke or modify an administrative permit or CHOL upon a finding that

conditions have changed to warrant revocation or modification of the license.

Subd. 12. Violations/Penalty.

- A. Any person violating this Section, upon conviction, is guilty of a misdemeanor and subject to a maximum fine or a maximum period of imprisonment, or both, as specified by Minnesota Statutes §609.03.
- B. The City may also seek injunctive relief or other equitable relief for violation of this Ordinance in Hennepin County District Court. If the City is successful in seeking the injunction, or other equitable relief, the property owner shall be responsible for all costs associated with the action, including reasonable attorney's fees.
- C. Mandatory cleanup of a property in violation of this Section shall be required as part of any resolution to a violation.
- D. The City hereby reserves the right, upon approval of any home occupation, and upon reasonable notice, to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this Section or any conditions imposed.
- E. Violations of any provisions or conditions of the home occupation regulations may result in the revocation of either the administrative permit or the CHOL following a public hearing in compliance with the Administrative Procedures Act.

*(Ord. 510, passed 10-26-23)*



## **SECTION 1040 – DISTRICT REGULATIONS**

### **1040.010 – ESTABLISHMENT OF DISTRICTS**

- Subd. 1.       Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use is not specifically allowed as a permitted, accessory, conditional use, interim use or administrative permit, the use shall be considered prohibited. In such cases, the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study 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, Planning Commission or property owner, upon receipt of the staff study may initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the City.
- Subd. 2.       Other Regulations. In addition to the regulations and standards in this Section, all uses and structures shall be subject to all other regulations outlined in this Zoning Ordinance and shall comply with all local, State and Federal laws, rules and regulations.
- Subd. 3.       Minimum Requirements. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety and welfare.
- Subd. 4.       Zoning Map. The locations and boundaries of the districts established by this Ordinance are hereby set forth on the Corcoran, Minnesota Zoning Map. The map is hereby made a part of this Ordinance and shall be known as the “Corcoran, Minnesota Zoning Map.” The map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the City Planner to maintain the map and record map amendments within 30 days after official publication of amendments. The official Zoning Map shall be kept on file in City Hall.
- Subd. 5.       Zoning District Boundaries. The boundaries between districts are, unless otherwise indicated, either the centerline of streets, alleys or railroad rights-of-way or lot lines or section lines or such centerlines or lot lines parallel or perpendicular thereto.
- Subd. 6.       Future Annexations. Any land annexed to the City in the future shall be placed in the Urban Reserve (UR) district until another zoning classification is approved by action of the City Council after receipt of the recommendation of the Planning Commission.

Subd. 7. Establishment of Zoning Districts. The City is divided into the following districts and overlay districts:

- A. Urban Reserve (UR) District
- B. Rural Residential (RR) District
- C. Single Family Residential (RSF-1) District
- D. Single Family Residential (RSF-2) District
- E. Single and Two-Family (RSF-3) District
- F. Medium Density Residential (RMF-1) District
- G. Mixed Residential (RMF-2) District
- H. High Density Residential (RMF-3) District
- I. Manufactured home Park (MP) District
- J. Rural Commercial (CR) District
- K. Transitional Rural Commercial (TCR) District
- L. Neighborhood Commercial (C-1) District
- M. Community Commercial (C-2) District
- N. Business Park (BP) District
- O. Light Industrial (I-1) District
- P. Downtown Mixed Use (DMU) District
- Q. General Mixed Use (GMU) District
- R. Planned Unit Development (PUD) District
- S. Public/Institutional (PI) District
- T. Wetland Overlay District (W)
- U. Shoreland Overlay District (S)
- V. Floodplain Overlay District (FP)

## **1040.020 – URBAN RESERVE DISTRICT (UR)**

- Subd. 1. Purpose. The intent of the Urban Reserve district is to preserve areas where urban services are planned, as shown on the 2040 Comprehensive Plan, but not yet available. The large minimum lot area will retain these lands in their natural state or as agricultural uses until sanitary sewer, water, streets and other public infrastructure is available and new development occurs. This will allow orderly development to occur. The purpose of this district is to provide a holding zone until a landowner/developer makes application for development, at which time the City may rezone the affected property consistent with its designation in the Comprehensive Plan, provided that the development does not result in the premature extension of public utilities, facilities, and services as specified above. The district does allow limited use of development rights prior to sewer and water services through clustering of lots as outlined in Subd. 7. of this Section.
- Subd. 2. Permitted Uses.
- A. Agriculture and Tree Farms.
  - B. Day Care Facilities, Home.
  - C. Dwelling, Single Family Detached.
  - D. Seasonal Produce Stands.
  - E. Residential Facility in a single family detached dwelling, serving 6 or fewer individuals and licensed by the State.
- Subd. 3. Accessory Uses.
- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
  - B. Accessory uses incidental and customary to uses allowed in this Section.
  - C. Day Care Facilities, County licensed, 12 or fewer individuals.
  - D. Fences as regulated by Section 1060 (Performance Standards) of this Chapter.
  - E. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
  - F. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.

- G. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.
- H. Signs as regulated by the City Code.
- I. Temporary trailers and construction equipment for the duration of construction only where temporary lavatories are provided in compliance with City and State requirements.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Commercial Feedlots, subject to MPCA (Minnesota Pollution Control Agency) requirements.
- B. Commercial Riding Stables, subject to Chapter 81 of the City Code.
- C. Golf Courses and other outdoor recreational facilities of a commercial nature.
- D. Greenhouses and Nurseries, subject to the following:
  - 1. When abutting a residential use or district, the property shall be screened and landscaped in accordance with this Chapter. All structures shall be set back at least 100 feet from any residential property line.
  - 2. On-site storage and use of pesticides and fertilizers shall meet the standards of the Minnesota Department of Agriculture.
  - 3. Adequate off-street parking is provided on an improved surface as required by this Ordinance.
  - 4. Adequate parking, loading and maneuvering areas shall be provided.
  - 5. Loading areas are screened from adjacent residential uses.
  - 6. Well and Septic Systems can be accommodated on site to serve the proposed facility.
  - 7. Not more than 30 percent of the site area shall be covered with buildings or other structures.
  - 8. Hours for retail sale of product to customers shall be limited to 7:00 a.m. to 9:00 p.m.

9. Lighting shall comply with all ordinance requirements. If more than 25 percent of the greenhouse spaces are to be lit at night, they shall be screened from residential properties by use of a retractable curtain, landscaping, buildings or other methods to prevent light pollution, including sky glow.
10. The site complies with the minimum lot area standards for the district.
11. Sale of accessory items shall be permitted, provided they do not generate more than 20 percent of the sales (measured by retail value or sales volume) for the business nor cover more than 10 percent of the site area.
12. At least 50 percent of the nursery stock to be sold on site must be grown on site.
13. The provisions of Section 1070.020 of this Ordinance are considered and satisfactorily met.

E. Living quarters, which are provided accessory to a principal agricultural use, subject to the following:

1. The living quarters are not used as rental property.
2. A maximum of one such accessory dwelling shall be allowed.
3. There is a demonstrated need for such a facility for the permitted agricultural use.
4. The farm includes a minimum of 30 acres.
5. The structure complies with all other Zoning Ordinance requirements.

F. Towers and Antennas (freestanding) as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

A. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.

- B. Development in the 2040 Metropolitan Urban Service Area (MUSA)(as depicted on the official Zoning Map) prior to availability of municipal sewer and water, subject to the following:
1. The proposed development is consistent with the Land Use Plan in the adopted Comprehensive Plan, including applicable density goals.
  2. The subject property is classified as Mixed Use in the City's adopted Comprehensive Plan.
  3. The proposed development will not preclude full utilization of the site development potential when municipal infrastructure services are available.
  4. The applicant agrees to connect to municipal infrastructure, including, but not limited to: sanitary sewer, water and stormwater, upon its availability to the site.
  5. The applicant agrees to pay all area charges and connection fees upon connection to municipal infrastructure.
  6. The applicant agrees to put a cash reserve into a third party escrow account for the amount estimated by the City for the fees to be paid upon arrival of municipal infrastructure. The applicant understands that the fees are an estimate only and will enter into a written agreement with the City to pay all fees based on the City fee schedule in place at the time of connection.
  7. The applicant will sign an assessment waiver for future assessments for public infrastructure.
  8. The applicant will provide a removable on-site septic as a temporary means to address sewer prior to extension of municipal sanitary sewer.
  9. The applicant will provide temporary on-site wells or will reach an agreement with an adjacent community to provide a temporary water service to the site until municipal water is provided by the City of Corcoran.
  10. The applicant shall be responsible for all costs associated with the temporary sewer and water services and these costs shall not be credited against the infrastructure area charges and connection charges due when municipal infrastructure is provided.

- C. Event Centers, subject to the following:

1. Access to the site must be from a paved road.
2. The hours of operation shall be no later than 10:00 p.m. on Sunday through Thursday and midnight on Friday and Saturday.
3. The number of guests will be approved by the City based on the size of site, structures, parking availability, and other relevant factors.
4. Noise from an event shall comply with Section 82.04 Subd. 4 of the City Code.
5. No sound amplifications systems may be used outdoors after 10:00 p.m.
6. Sanitary facilities adequate for the number of attendees shall be provided as determined by the adopted Minnesota State Building Code, as may be amended from time to time. Portable toilets may be approved for temporary use and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring residential structure.
7. Off street parking shall be provided to accommodate 1 stall per 2 guests. Off street parking shall meet the same minimum setbacks as the principal structures in the zoning district. Off street parking must be on an improved surface such as class 5 gravel or pavement.
8. Screening may be required for outdoor facilities related to the event center and may include permanent landscaping, berms, fences, or walls.
9. Lighting shall comply with all ordinance requirements in Section 1060.040 of the Zoning Ordinance.
10. No overnight camping shall be allowed as part of an event center.
11. As part of the IUP, the City may approve signage for the event center. Consideration shall be given to the sign area, height, location and potential impacts on adjacent properties.
12. Compliance with all applicable regulations including State Health Code, State building codes, and local liquor licensing requirements.

D. Mining and Soil Processing.

- E. Temporary living quarters, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

A. Accessory Dwelling Unit, subject to the following standards:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 960 square feet, whichever is less.
4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.
6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
7. There shall be no separate ownership of the accessory dwelling unit.
8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.
9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling



unit shall include identifying signage and be connected to the driveway with an improved walkway.

10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

B. Essential Services, as allowed by Section 1030.090.

C. Special Home Occupations as allowed by Section 1030.100 of this Chapter.

Subd. 7. Clustering Option. This Section provides for optional clustering of lots on those properties with development rights as recorded on the official City of Corcoran "Development Rights Map" on file at City Hall at the time of adoption of this Ordinance. Lots may be considered for clustering based on the following minimum standards:

- A. Clustering shall only be considered on those properties guided for residential land use on the 2030 Comprehensive Plan.
- B. An approval for a rezoning of the property, consistent with the residential land use category of the 2030 Comprehensive Plan shall be made at the same time as the subdivision of the property.
- C. All procedures for a standard subdivision as provided in Section 930 and 935 of the Subdivision Ordinance shall be followed with the addition of the following:
  1. Buildable lots cannot exceed the number of development rights issued to the property. The number of rights is based on Subd. 8 of this Section.
  2. The maximum lot area of each created clustered lot shall not exceed two times the minimum lot area for a single family dwelling in the zoning district that is compatible with the land use category in which the property is located.
  3. The proposed development will not preclude full utilization of the site development potential when municipal infrastructure services are available. A ghost plat shall be designed for all outlot areas at the same time as the Preliminary and Final Plat is reviewed and approved. The ghost plat shall indicate future access, internal road network, future lot divisions and new lot layout based on zoning district requirements along with density as guided by the 2030 future land use plan and connection to municipal infrastructure.

D. Water and Sewer Systems. All lots shall initially be served by a community well and septic system designed to connect to municipal sewer and water. Design shall be acceptable to the City Engineer. Once municipal sewer and water services are available, all lots shall be required to connect to the municipal system and pay all area charges and connection fees as required by the City policy in place at the time the infrastructure becomes available to serve the development. The community systems may be located within the outlot. A sewage treatment system management plan must be submitted to the City and approved prior to the final plat being recorded.

1. The applicant must provide a management (maintenance, replacement and repair) plan for the community wastewater treatment system. The management plan must be reviewed and approved by the City Council and recorded with the final plat. The plan should clearly identify the following:
  - a. The ownership of the centralized wastewater treatment system.
  - b. An annual schedule for maintenance, inspection and monitoring of the centralized wastewater treatment system.
  - c. Assignment of responsibility for the management of and payment for the centralized wastewater treatment system.
  - d. Contingency plan in the event of failure of the centralized wastewater treatment.
  - e. Financial guarantees, covering the estimated cost of maintaining and replacing a centralized system.
  - f. Provisions describing how the sewage treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk.
  - g. The name and license number of the system's designer.
  - h. Provision for cost effective future connection of the wastewater treatment system(s) to urban services within one year after such services are provided at the boundary of the development, with sufficient financial guarantees to ensure no added cost to the City.
  - i. The applicant shall provide a cash reserve into a third party escrow account for the amount estimated by the City for fees to be paid upon arrival of municipal infrastructure. The applicant shall

enter into a written agreement with the City to pay all fees based on the City fee schedule in place at the time of connection.

- j. The applicant shall be required to sign an assessment waiver for future assessments for public infrastructure prior to approval of the Final Plat.
- k. If financial guarantees for any of the above provisions are part of an association assessment or treasury fund, the City shall be given access to annual audit records, at the expense of the association, to ensure proper funding. If such guarantees are the private responsibility of the developer, the City shall require guarantees from the responsible individual(s).

Subd. 8.       Development Rights. This Section identifies the maximum number of residential or non-residential lots that may be developed. The development rights program is intended to preserve a rural residential environment with active agri-businesses. Development rights shall be calculated based on the total lot area and rounded to the nearest whole number. Development rights shall be as recorded on the official City of Corcoran “Development Rights Map” on file at City Hall.

- A. Landowners shall be permitted one development right for each 10 acres of land.
- B. Additional development rights may be granted to landowners that develop the property as part of an Open Space Preservation plat, as permitted by the Subdivision Regulations.
- C. No lots or outlots shall be allowed to be created without development rights, except in the following circumstances:
  - 1. When approved as part of an Open Space and Preservation (OS&P) Plat as allowed by Section 940 of the Subdivision Ordinance,
  - 2. When approved as part of a clustering option as allowed by Subd. 7 of this Section.

Subd. 9.       Area Requirements. The following minimum requirements shall be met in the UR district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |          |
|---------------------------------------|----------|
| Minimum lot area                      | 20 acres |
| Minimum lot width                     | 300 feet |
| Minimum lot depth                     | 300 feet |
| Minimum Principal Structure Setbacks: |          |
| Front , from Major Roadways*          | 100 feet |

|                                   |         |
|-----------------------------------|---------|
| Front, from all other streets     | 50 feet |
| Front Porch (:5 120 square feet)  | 40 feet |
| Side                              | 25 feet |
| Rear                              | 30 feet |
| Maximum Principal Building Height | 35 feet |

*\*Major Roadways are state highways and county roads.*

*(Ord. 308, passed 07-23-15, Ord 348, passed 05-25-17, Ord 365, passed 06-28-18, Ord 374, passed 08-23-18, Ord. 393, passed 06-27-19, Ord. 472, passed 12-22-22, Ord 510, passed 10-26-23, Ord 532, passed 08-22-2024)*

## **1040.030 – RURAL RESIDENTIAL DISTRICT (RR)**

Subd. 1. Purpose. The purpose of this district is to provide large lots for single family homes and hobby farms. The district is intended to preserve Corcoran's rural character and its identity as a unique community within the Twin Cities metropolitan area. This district allows residential and agricultural uses that will preserve the rural nature of Corcoran and directly related, complementary uses. Municipal services (sanitary sewer and municipal water) will not be available in these areas.

Subd. 2. Permitted Uses.

A. Agriculture and Tree Farms.

B. Cannabis, state licensed cultivation business with no retail component compliant with Corcoran Code Section 119 and 1060.120.

C. Day Care Facilities, Home.

D. Dwelling, Single Family Detached.

E. Parks, playgrounds, trails, other recreational facilities of a non-commercial nature and directly related buildings and structures.

F. Residential Facility in a single family detached dwelling, serving 6 or fewer individuals and licensed by the State.

G. Seasonal Produce Stands.

Subd. 3. Accessory Uses.

A. Accessory structures as regulated by Section 1030.020 of this Chapter.

B. Accessory uses incidental and customary to uses allowed in this Section.

C. Day Care Facilities, County licensed, 12 or fewer individuals.

D. Fences as regulated by Section 1060 (Performance Standards) of this Chapter.

E. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.

F. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.

- G. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.
- H. Signs as regulated by the City Code.
- I. Temporary trailers and construction equipment for the duration of construction only where temporary lavatories are provided in compliance with City and State requirements.

Subd. 4. Conditional Uses: The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Accessory Dwelling Unit exceeding 960 square feet, subject to the following standards:
  - 1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
  - 2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
  - 3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 1,200 square feet, whichever is less. Accessory dwelling units that do not exceed 960 square feet can be approved through an Administrative Permit as detailed in Section 1040.030, Subd. 6(A).
  - 4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
  - 5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.
  - 6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
  - 7. There shall be no separate ownership of the accessory dwelling unit.

8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.
9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling unit shall include identifying signage and be connected to the driveway with an improved walkway.
10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

B. Cemeteries and Memorial Gardens.

C. Commercial Riding Stables, subject to Chapter 81 of the City Code.

D. Greenhouses and Nurseries, subject to the following:

1. When abutting a residential use or district, the property shall be screened and landscaped in accordance with this Chapter. All structures shall be set back at least 100 feet from any residential property line.
2. On-site storage and use of pesticides and fertilizers shall meet the standards of the Minnesota Department of Agriculture.
3. Adequate off-street parking is provided on an improved surface as required by this Ordinance.
4. Adequate parking, loading and maneuvering areas shall be provided.
5. Loading areas are screened from adjacent residential uses.
6. Well and Septic Systems can be accommodated on site to serve the proposed facility.
7. Not more than 30 percent of the site area shall be covered with buildings or other structures.

8. Hours for retail sale of product to customers shall be limited to 7:00 a.m. to 9:00 p.m.
  9. Lighting shall comply with all ordinance requirements. If more than 25 percent of the greenhouse spaces are to be lit at night, they shall be screened from residential properties by use of a retractable curtain, landscaping, buildings or other methods to prevent light pollution, including sky glow.
  10. The site complies with the minimum lot area standards for the district.
  11. Sale of accessory items shall be permitted, provided they do not generate more than 20 percent of the sales (measured by retail value or sales volume) for the business nor cover more than 10 percent of the site area.
  12. At least 50 percent of the nursery stock to be sold on site must be grown on site.
  13. The provisions of Section 1070.020 of this Ordinance are considered and satisfactorily met.
- E. Living quarters, which are provided accessory to a principal agricultural use, subject to the following:
1. The living quarters are not used as rental property.
  2. A maximum of one such accessory dwelling shall be allowed.
  3. There is a demonstrated need for such a facility for the permitted agricultural use.
  4. The farm includes a minimum of 30 acres.
  5. The structure complies with all other Zoning Ordinance requirements.
- F. Places of Worship.
- G. Towers and Antennas (freestanding) as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:



- A. Temporary living quarters, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.
- B. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.
- C. Event Centers, subject to the following:
  - 1. The hours of operation shall be no later than 10:00 pm. daily.
  - 2. The number of guests will be approved by the City based on the size of site, structures, parking availability, and other relevant factors.
  - 3. Noise from an event shall comply with Section 82.04 Subd. 4 of the City Code.
  - 4. No sound amplifications systems may be used outdoors after 10:00 p.m.
  - 5. Sanitary facilities adequate for the number of attendees shall be provided as determined by the adopted Minnesota State Building Code, as may be amended from time to time. Portable toilets may be approved for temporary use and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring residential structure.
  - 6. Off street parking shall be provided to accommodate 1 stall per 2 guests. Off street parking shall meet the same minimum setbacks as the principal structures in the zoning district. Off street parking must be on an improved surface such as class 5 gravel or pavement.
  - 7. Screening may be required for outdoor facilities related to the event center and may permanent include landscaping, berms, fences, or walls.
  - 8. Lighting shall comply with all ordinance requirements in Section 1060.040 of the Zoning Ordinance.
  - 9. No overnight camping shall be allowed as part of an event center.
  - 10. As part of the IUP, the City may approve signage for the event center. Consideration shall be given to the sign area, height, location and potential impacts on adjacent properties.

11. Compliance with all applicable regulations including State Health Code, State building codes, and local liquor licensing requirements.

Subd. 6. Uses by Administrative Permit.

A. Accessory Dwelling Unit, subject to the following standards:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 960 square feet, whichever is less.
4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.
6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
7. There shall be no separate ownership of the accessory dwelling unit.
8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.
9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling

unit shall include identifying signage and be connected to the driveway with an improved walkway.

10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

B. Essential Services, as allowed by Section 1030.090.

C. Special Home Occupations as allowed by Section 1030.100 of this Chapter.

Subd. 7. Development Rights. This Section identifies the maximum number of residential or non-residential lots that may be developed. The development rights program is intended to preserve a rural residential environment with active agri-businesses. Development rights shall be calculated based on the total lot area and rounded to the nearest whole number. Development rights shall be as recorded on the official City of Corcoran “Development Rights Map” on file at City Hall.

A. Landowners shall be permitted one development right for each 10 acres of land.

B. Additional development rights may be granted to landowners that develop the property as part of an Open Space Preservation plat, as permitted by the Subdivision Regulations.

C. No lots or outlots shall be allowed to be created without development rights, except when approved as part of an Open Space and Preservation (OS&P) Plat as allowed by Section 940 of the Subdivision Ordinance.

Subd. 8. Area Requirements: The following minimum requirements shall be met in the RR district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |          |
|---------------------------------------|----------|
| Minimum lot area                      | 2 acres  |
| Minimum lot width                     | 200 feet |
| Minimum lot depth                     | 300 feet |
| Minimum Principal Structure Setbacks: |          |
| Front, From Major Roadways*           | 100 feet |
| Front, From all other streets         | 50 feet  |
| Front Porch (:5 120 square feet)      | 40 feet  |
| Side                                  | 25 feet  |
| Rear                                  | 25 feet  |
| Maximum Principal Building Height     | 35 feet  |

*\*Major Roadways are state highways and county roads.*

*(Ord. 308, passed 07-23-15, Ord. 348, passed 05-25-17, Ord. 365, passed 06-28-18, Ord. 374, passed 08-23-18, Ord. 393, passed 06-27-19, Ord. 472, passed 12-22-22, Ord. 510, passed 10-26-23, Ord 532, passed 08-22-2024, Ord. 541, passed 01-09-2025)*

## **1040.040 – RSF-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT**

Subd. 1. Purpose. The purpose of the RSF-1 district is to provide large, urban lots for single family homes and directly related complementary uses. The district includes existing neighborhoods that are currently served by private wells and septic systems. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area. New development is intended to create low-density residential areas and to preserve and enhance transitional residential areas between lower and higher densities in areas served by public utilities. Areas zoned RSF-1 are guided Conservation Residential or Low Density Residential on the City's 2040 Comprehensive Plan.

Subd. 2. Permitted Uses.

- A. Day Care Facilities, Home.
- B. Dwelling, Single Family Detached.
- C. Parks, playgrounds, trails, other recreational facilities of a non-commercial nature and directly related buildings and structures.
- D. Residential Facility in a single family detached dwelling, serving 6 or fewer individuals and licensed by the State.

Subd. 3. Accessory Uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Day Care Facilities, County licensed, 12 or fewer individuals.
- D. Fences as regulated by Section 1060 (Performance Standards) of this Chapter.
- E. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
- F. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.

G. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.

H. Signs as regulated by the City Code.

I. Temporary trailers and construction equipment for the duration of construction only where temporary lavatories are provided in compliance with City and State requirements.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

A. Educational facilities, K-12, and Places of Worship, subject to the following:

1. Setbacks.

a. A minimum 50-foot setback from all property lines is required for all structures, parking spaces, drive aisles, and loading areas. The setback on all property lines will increase up to 200-feet based on the building footprint as described below:

| <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> |
|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|
| Up to 15,000                                    | 50 feet                       | 25,001 – 26,000                                 | 105 feet                      | 36,001 – 37,000                                 | 160 feet                      |
| 15,001 – 16,000                                 | 55 feet                       | 26,001 – 27,000                                 | 110 feet                      | 37,001 – 38,000                                 | 165 feet                      |
| 16,001 – 17,000                                 | 60 feet                       | 27,001 – 28,000                                 | 115 feet                      | 38,001 – 39,000                                 | 170 feet                      |
| 17,001 – 18,000                                 | 65 feet                       | 28,001 – 29,000                                 | 120 feet                      | 39,001 – 40,000                                 | 175 feet                      |
| 18,001 – 19,000                                 | 70 feet                       | 29,001 – 30,000                                 | 125 feet                      | 40,001 – 41,000                                 | 180 feet                      |
| 19,001 – 20,000                                 | 75 feet                       | 30,001 – 31,000                                 | 130 feet                      | 41,001 – 42,000                                 | 185 feet                      |
| 20,001 – 21,000                                 | 80 feet                       | 31,001 – 32,000                                 | 135 feet                      | 42,001 – 43,000                                 | 190 feet                      |
| 21,001 – 22,000                                 | 85 feet                       | 32,001 – 33,000                                 | 140 feet                      | 43,001 – 44,000                                 | 195 feet                      |
| 22,001 – 23,000                                 | 90 feet                       | 33,001 – 34,000                                 | 145 feet                      | At or above 44,001                              | 200 feet                      |
| 23,001 – 24,000                                 | 95 feet                       | 34,001 – 35,000                                 | 150 feet                      |                                                 |                               |
| 24,001 – 25,000                                 | 100 feet                      | 35,001 – 36,000                                 | 155 feet                      |                                                 |                               |

b. Any property lines fronting a county road shall require a minimum setback of 100 feet when the building footprint is 24,000 square feet or less.

c. Educational facilities and Places of Worship are not eligible for building and parking setback flexibility through additional landscaping as provided in Section 1060.070, Subd. 2., (K) – (J).

2. Maximum Building Height. The maximum structure height is 35 feet, except as allowed by Section 1030.080.
3. Maximum Impervious Surface.
  - a. The total impervious surface coverage shall not exceed 50% of the site.
  - b. The rest of the site shall be landscaped or left in a natural state.
4. Landscaping Zone.
  - a. In addition to meeting the landscaping standards in Section 1060.070, Subd. 2 (A) – (I) of the City Code, any portions of the site that abut a residential area shall contain a landscaping zone along the shared property line with a minimum width of the applicable setback established in Section 1040.040, Subd. 4., (A), (1).
  - b. The landscaping zone will consist of evergreen and/or deciduous trees and shrubs with a sufficient density to provide visual buffering to a minimum height of 8 feet. The grade for determining height shall be the grade elevation of the building or use for which the buffering is providing protection. Earth mounding or berms may be used but shall not be used to achieve more than three feet of the required buffer. A fence may also be installed, but not in lieu of the planted landscaping zone. Existing trees, shrubs, and vegetation may be used to meet the landscaping zone requirement when the intent to provide buffering is accomplished.
5. Parking Lot Screening and Landscaping.
  - a. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect glare away from adjoining property, adjacent residential uses, and public rights-of-way and be in compliance with Section 1060.040 of this Chapter.
  - b. Parking areas shall be screened from properties guided or zoned residential and from public streets. Screening to a height of at least 3 feet shall be provided to screen vehicle headlights.
  - c. Parking areas which are 3,000 square feet or greater shall have no less than 350 square feet of land devoted to internal landscaping islands (in addition to required traffic safety islands). The minimum square footage of land devoted to internal landscaping islands shall increase by 100 square feet for each additional 1,000

square feet of additional parking space. Such islands shall be bound by concrete curbing or comparable curbing as approved by the City Engineer.

6. Site Access. The primary site access shall comply with one of the following:
  - a. The site shall have direct access onto a Major Roadway, which is defined as a Principal Arterial, Minor Reliever, Minor Expander, and Minor Connector roadways; or
  - b. The site will have direct access onto a Major Collector or Minor Collector roadway no more than 1,000 square feet from an intersection with a Major Roadway as identified in the Comprehensive Plan.
7. Noise. Exterior bells or loudspeakers are permitted between the hours of 9 a.m. and 10 p.m.
8. Additional Requirements.
  - a. The City Council may attach additional conditions to the granting of the conditional use permit for the primary use as well as any accessory uses of the site as deemed necessary to protect the residential character of the neighborhood.
  - b. As provided for in federal statute 42 U.S.C. 2000cc-3 (e), the City Council may avoid the preemptive force of any provision of Chapter 21C (Protection of Religious Exercise in Land Use and By Institutionalized Person) by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions for the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

- B. Residential Facility with seven to sixteen individuals, licensed by the State.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Greenhouses and Nurseries, subject to the following:

1. When abutting a residential use or district, the property shall be screened and landscaped in accordance with this Chapter. All structures shall be set back at least 100 feet from any residential property line.
  2. On-site storage and use of pesticides and fertilizers shall meet the standards of the Minnesota Department of Agriculture.
  3. Adequate off-street parking is provided on an improved surface as required by this Ordinance.
  4. Adequate parking, loading and maneuvering areas shall be provided.
  5. Loading areas are screened from adjacent residential uses.
  6. Not more than 30 percent of the site area shall be covered with buildings or other structures.
  7. Hours for retail sale of product to customers shall be limited to 7:00 a.m. to 9:00 p.m.
  8. Lighting shall comply with all ordinance requirements. If more than 25 percent of the greenhouse spaces are to be lit at night, they shall be screened from residential properties by use of a retractable curtain, landscaping, buildings or other methods to prevent light pollution, including sky glow.
  9. The site complies with the minimum lot area standards for the district.
  10. Sale of accessory items shall be permitted, provided they do not generate more than 20 percent of the sales (measured by retail value or sales volume) for the business nor cover more than 10 percent of the site area.
  11. At least 50 percent of the nursery stock to be sold on site must be grown on site.
  12. The provisions of Section 1070.020 of this Ordinance are considered and satisfactorily met.
- B. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.
- C. Seasonal Produce Stands.



- D. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

A. Accessory Dwelling Unit, subject to the following standards:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 960 square feet, whichever is less.
4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.
6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
7. There shall be no separate ownership of the accessory dwelling unit.
8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.
9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling

unit shall include identifying signage and be connected to the driveway with an improved walkway.

10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

B. Essential Services, as allowed by Section 1030.090.

C. Special Home Occupations as allowed by Section 1030.100 of this Chapter.

D. Temporary real estate offices.

Subd. 7. Area Requirements. The following minimum requirements shall be met in the RSF-1 district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |                    |
|---------------------------------------|--------------------|
| Minimum Lot Area                      | 20,000 square feet |
| Minimum lot width                     | 100 feet           |
| Minimum Principal Structure Setbacks: |                    |
| Front, From Major Roadways*           | 100 feet           |
| Front, From all other streets         | 40 feet            |
| Front Porch (:5 120 square feet)      | 30 feet            |
| Side (living)                         | 10 feet            |
| Side (garage)**                       | 5 feet             |
| Rear                                  | 30 feet            |
| Maximum Principal Building Height     | 35 feet            |

\*Major Roadways are state highways and county roads.

\*\*Minimum separation between structures on adjacent parcels shall be 15 feet.

Subd. 8. Design Requirements. Newly constructed single family homes shall be constructed with the following design elements:

A. Front Elevation:

1. Definition:

- i. For the purpose of this Section, front elevation shall be the elevation facing the front lot line on the street of the mailing address for the property when the property has more than one front lot line.

2. Materials used:

- i. The front elevation shall have material consisting of brick, stone, stucco, fiber cement board, redwood, cedar or other similar materials. A minimum of two different materials is required, except that brick may be used on the entire elevation
- ii. Vinyl siding is permitted when combined with the materials listed in Subd. 8.A.2.i of this Section. A minimum of 3 different variations in color, style and/or material is required. For example, if vinyl siding is used, the home shall have combination of each lap, shake or board and batten plus brick or stone. The percentage of each used material/style of materials used shall be shown on the plans.
- iii. Except for brick, stucco and/or natural or artificial stone, the front elevation shall have no more than 75% of one type of exterior finish. The percentage of materials used shall be shown on the plans.

3. Architectural Elements:

- i. The front elevation façade shall consist of doors, windows and variations of the wall face with the use of pilasters or columns, wainscots, canopies or other architectural elements.

4. Design:

- i. Front elevations shall be varied with a minimum of five different styles provided in the development.
- ii. Homes in proximity to each other shall not look alike in terms of the combination of color of siding, accent and roofing materials. The home under consideration will be compared to the two homes on each side and to the three homes directly facing it.

B. Garages:

- 1. The garage shall not comprise more than 55 percent of the viewable ground floor street-facing linear building frontage. This standard is based on the measurement of the entire garage structure and not on a measurement of the garage door or doors only. Corner lots are exempt from this requirement on one street elevation.
- 2. Garage doors shall be architecturally styled (this includes details such as raised panels, accent color, windows, etc.) to match the exterior design of the home.

C. Roof:

1. Roofing materials including asphalt shingles, wood shingles (including shake), concrete, clay, ceramic tile roofs or residential steel roofing material (with hidden fasteners) are required on all roofs.

2. Overhangs must be a minimum of 12 inches.

D. Other Elevations:

1. Equal architectural treatment on all sides of the building (materials, articulation, etc.) shall be used for all new residential construction when located on or visible from a street or public park. Each elevation facing a street or public park should use a minimum of 2 different materials and/or styles compatible with the front elevation as described in this Section. All other elevations shall make a good faith effort to demonstrate that elements of the front elevation have been considered for incorporation on these elevations.

2. Each side elevation shall have at least one window or door opening.

3. A maximum of 18 inches of the foundation wall may be exposed on any elevation.

*(Ord. 338, passed 11-21-16, Ord. 348, passed 05-25-17, Ord. 445, passed 12-22-21, Ord. 472, passed 12-22-22)*

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## **1040.045 – RSF-2 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT**

- Subd. 1. Purpose. The purpose of the RSF-2 district is to provide urban sized lots for single family homes and directly related complementary uses. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area. New development is intended to create low-density residential areas in moderate lot sizes to meet overall density requirements and provide greater variety in the housing choices. Areas zoned RSF-2 are guided Conservation Residential or Low Density of the City's 2040 Comprehensive Plan.
- Subd. 2. Permitted Uses.
- A. Day Care Facilities, State licensed, as defined by statute.
  - B. Dwelling, Single Family Detached.
  - C. Parks, playgrounds, trails, other recreational facilities of a non-commercial nature and directly related buildings and structures.
  - D. Residential Facility in a single family detached dwelling, serving 6 or fewer individuals and licensed by the State.
- Subd. 3. Accessory Uses.
- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
  - B. Accessory uses incidental and customary to uses allowed in this Section.
  - C. Day Care Facilities, County licensed, 12 or fewer individuals.
  - D. Fences as regulated by Section 1060 (Performance Standards) of this Chapter.
  - E. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
  - F. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.
  - G. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.
  - H. Signs as regulated by the City Code.

- I. Temporary trailers and construction equipment for the duration of construction only where temporary lavatories are provided in compliance with City and State requirements.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Educational facilities, K-12, and Places of Worship, subject to the following:

1. Setbacks.

- a. A minimum 50-foot setback from all property lines is required for all structures, parking spaces, drive aisles, and loading areas. The setback on all property lines will increase up to 200-feet based on the building footprint as described below:

| <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> |
|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|
| Up to 15,000                                    | 50 feet                       | 25,001 – 26,000                                 | 105 feet                      | 36,001 – 37,000                                 | 160 feet                      |
| 15,001 – 16,000                                 | 55 feet                       | 26,001 – 27,000                                 | 110 feet                      | 37,001 – 38,000                                 | 165 feet                      |
| 16,001 – 17,000                                 | 60 feet                       | 27,001 – 28,000                                 | 115 feet                      | 38,001 – 39,000                                 | 170 feet                      |
| 17,001 – 18,000                                 | 65 feet                       | 28,001 – 29,000                                 | 120 feet                      | 39,001 – 40,000                                 | 175 feet                      |
| 18,001 – 19,000                                 | 70 feet                       | 29,001 – 30,000                                 | 125 feet                      | 40,001 – 41,000                                 | 180 feet                      |
| 19,001 – 20,000                                 | 75 feet                       | 30,001 – 31,000                                 | 130 feet                      | 41,001 – 42,000                                 | 185 feet                      |
| 20,001 – 21,000                                 | 80 feet                       | 31,001 – 32,000                                 | 135 feet                      | 42,001 – 43,000                                 | 190 feet                      |
| 21,001 – 22,000                                 | 85 feet                       | 32,001 – 33,000                                 | 140 feet                      | 43,001 – 44,000                                 | 195 feet                      |
| 22,001 – 23,000                                 | 90 feet                       | 33,001 – 34,000                                 | 145 feet                      | At or above 44,001                              | 200 feet                      |
| 23,001 – 24,000                                 | 95 feet                       | 34,001 – 35,000                                 | 150 feet                      |                                                 |                               |
| 24,001 – 25,000                                 | 100 feet                      | 35,001 – 36,000                                 | 155 feet                      |                                                 |                               |

- b. Any property lines fronting a county road shall require a minimum setback of 100 feet when the building footprint is 24,000 square feet or less.
- c. Educational facilities and Places of Worship are not eligible for building and parking setback flexibility through additional landscaping as provided in Section 1060.070, Subd. 2., (K) – (J).
2. Maximum Building Height. The maximum structure height is 35 feet, except as allowed by Section 1030.080.
3. Maximum Impervious Surface.

- a. The total impervious surface coverage shall not exceed 50% of the site.
  - b. The rest of the site shall be landscaped or left in a natural state.
4. Landscaping Zone.
- a. In addition to meeting the landscaping standards in Section 1060.070, Subd. 2 (A) – (I) of the City Code, any portions of the site that abut a residential area shall contain a landscaping zone along the shared property line with a minimum width of the applicable setback established in Section 1040.045, Subd. 4., (A), (1).
  - b. The landscaping zone will consist of evergreen and/or deciduous trees and shrubs with a sufficient density to provide visual buffering to a minimum height of 8 feet. The grade for determining height shall be the grade elevation of the building or use for which the buffering is providing protection. Earth mounding or berms may be used but shall not be used to achieve more than three feet of the required buffer. A fence may also be installed, but not in lieu of the planted landscaping. Existing trees, shrubs, and vegetation may be used to meet the landscaping zone requirement when the intent to provide buffering is accomplished.
5. Parking Lot Screening and Landscaping.
- a. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect glare away from adjoining property, adjacent residential uses, and public rights-of-way and be in compliance with Section 1060.040 of this Chapter.
  - b. Parking areas shall be screened from properties guided or zoned residential and from public streets. Screening to a height of at least 3 feet shall be provided to screen vehicle headlights.
  - c. Parking areas which are 3,000 square feet or greater shall have no less than 350 square feet of land devoted to internal landscaping islands (in addition to required traffic safety islands). The minimum square footage of land devoted to internal landscaping islands shall increase by 100 square feet for each additional 1,000 square feet of additional parking space. Such islands shall be bound by concrete curbing or comparable curbing as approved by the City Engineer.
6. Site Access. The primary site access shall comply with one of the following:



- a. The site shall have direct access onto a Major Roadway, which is defined as a Principal Arterial, Minor Reliever, Minor Expander, and Minor Connector roadways; or
  - b. The site will have direct access onto a Major Collector or Minor Collector roadway no more than 1,000 feet from an intersection with a Major Roadway as identified in the Comprehensive Plan.
7. Noise. Exterior bells or loudspeakers are permitted between the hours of 9 a.m. and 10 p.m.
8. Additional Requirements.
- a. The City Council may attach additional conditions to the granting of the conditional use permit for the primary use as well as any accessory uses of the site as deemed necessary to protect the residential character of the neighborhood.
  - b. As provided for in federal statute 42 U.S.C. 2000cc-3 (e), the City Council may avoid the preemptive force of any provision of Chapter 21C (Protection of Religious Exercise in Land Use and By Institutionalized Person) by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions for the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

B. Residential Facility with seven to sixteen individuals, licensed by the State.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

A. Greenhouses and Nurseries, subject to the following:

- 1. When abutting a residential use or district, the property shall be screened and landscaped in accordance with this Chapter. All structures shall be set back at least 100 feet from any residential property line.
- 2. On-site storage and use of pesticides and fertilizers shall meet the standards of the Minnesota Department of Agriculture.

3. Adequate off-street parking is provided on an improved surface as required by this Ordinance.
4. Adequate parking, loading and maneuvering areas shall be provided.
5. Loading areas are screened from adjacent residential uses.
6. Not more than 30 percent of the site area shall be covered with buildings or other structures.
7. Hours for retail sale of product to customers shall be limited to 7:00 a.m. to 9:00 p.m.
8. Lighting shall comply with all ordinance requirements. If more than 25 percent of the greenhouse spaces are to be lit at night, they shall be screened from residential properties by use of a retractable curtain, landscaping, buildings or other methods to prevent light pollution, including sky glow.
9. The site complies with the minimum lot area standards for the district.
10. Sale of accessory items shall be permitted, provided they do not generate more than 20 percent of the sales (measured by retail value or sales volume) for the business nor cover more than 10 percent of the site area.
11. At least 50 percent of the nursery stock to be sold on site must be grown on site.
12. The provisions of Section 1070.020 of this Ordinance are considered and satisfactorily met.

B. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.

C. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

D. Seasonal Produce Stands.

Subd. 6. Uses by Administrative Permit.

A. Accessory Dwelling Unit, subject to the following standards:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 960 square feet, whichever is less.
4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.
6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
7. There shall be no separate ownership of the accessory dwelling unit.
8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.
9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling unit shall include identifying signage and be connected to the driveway with an improved walkway.
10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

- B. Essential Services, as allowed by Section 1030.090.
- C. Special Home Occupations as allowed by Section 1030.100 of this Chapter.
- D. Temporary real estate offices.

Subd. 7. Area Requirements. The following minimum requirements shall be met in the RSF-2 district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |                |
|---------------------------------------|----------------|
| Minimum Lot Area                      | 11,000 sq. ft. |
| Minimum lot width                     | 80 feet        |
| Minimum Principal Structure Setbacks: |                |
| Front, From Major Roadways*           | 100 feet       |
| Front, From all other streets         | 20 feet        |
| Front Porch (:5 120 square feet)      | 15 feet        |
| Side (living)                         | 10 feet        |
| Side (garage)**                       | 5 feet         |
| Rear                                  | 30 feet        |
| Maximum Principal Building Height     | 35 feet        |

\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.

\*\*Minimum separation between structures on adjacent parcels shall be 15 feet.

Subd. 8. Design Requirements. All developments in RSF-2 shall follow the same Design Requirements as listed in 1040.040, Subd 8.

*(Ord 348, passed 05-25-17, Ord. 445, passed 12-22-21, Ord. 472, passed 12-22-22, Ord. 524, passed 6-27-24)*

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## **1040.050 – RSF-3 (SINGLE AND TWO-FAMILY RESIDENTIAL) ZONING DISTRICT**

Subd. 1. Purpose. The RSF-3 district is intended to provide for new single-family neighborhoods with a lot area that is smaller than the City's traditional single-family lot as well as directly related, complementary uses. This zoning district is intended to be the primary single-family zoning district for future residential developments. The smaller lot area will make efficient use of the City's land supply and investment in public utilities and allow the City to efficiently protect and preserve its natural resources such as wetlands and woodlands. In addition, the smaller lot area will help the City meet its density goal for new single-family homes. Single family homes, as well as two-family dwellings are allowed in this district. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area. Areas zoned RSF-3 are guided Low Density or Conservation Residential on the City's 2040 Comprehensive Plan. Development within this district must be within the density range identified for the applicable land use designation in the Comprehensive Plan.

Subd. 2. Permitted Uses.

- A. Day Care Facilities, State licensed, as defined by statute.
- B. Dwelling, Single Family Detached.
- C. Parks, playgrounds, trails, other recreational facilities of a non-commercial nature and directly related buildings and structures.
- D. Residential Facility in a single family detached dwelling, serving 6 or fewer individuals and licensed by the State.

Subd. 3. Accessory Uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Day Care Facilities, County licensed, 12 or fewer individuals.
- D. Fences as regulated by Section 1060 (Performance Standards) of this Chapter.
- E. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
- F. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.

- G. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.
- H. Signs as regulated by the City Code.
- I. Temporary trailers and construction equipment for the duration of construction only where temporary lavatories are provided in compliance with City and State requirements.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Day Care facilities accessory to educational facilities or Places of Worship.
- B. Dwelling, Two Family.
- C. Educational facilities, K-12, and Places of Worship, subject to the following:
  - 1. Setbacks.
    - a. A minimum 50-foot setback from all property lines is required for all structures, parking spaces, drive aisles, and loading areas. The setback on all property lines will increase up to 200-feet based on the building footprint as described below:

| <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> |
|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|
| Up to 15,000                                    | 50 feet                       | 25,001 – 26,000                                 | 105 feet                      | 36,001 – 37,000                                 | 160 feet                      |
| <u>15,001 – 16,000</u>                          | <u>55 feet</u>                | 26,001 – 27,000                                 | <u>110 feet</u>               | 37,001 – 38,000                                 | <u>165 feet</u>               |
| 16,001 – 17,000                                 | 60 feet                       | 27,001 – 28,000                                 | 115 feet                      | 38,001 – 39,000                                 | 170 feet                      |
| 17,001 – 18,000                                 | 65 feet                       | 28,001 – 29,000                                 | 120 feet                      | 39,001 – 40,000                                 | 175 feet                      |
| 18,001 – 19,000                                 | 70 feet                       | 29,001 – 30,000                                 | 125 feet                      | 40,001 – 41,000                                 | 180 feet                      |
| 19,001 – 20,000                                 | 75 feet                       | 30,001 – 31,000                                 | 130 feet                      | 41,001 – 42,000                                 | 185 feet                      |
| 20,001 – 21,000                                 | 80 feet                       | 31,001 – 32,000                                 | 135 feet                      | 42,001 – 43,000                                 | 190 feet                      |
| 21,001 – 22,000                                 | 85 feet                       | 32,001 – 33,000                                 | 140 feet                      | 43,001 – 44,000                                 | 195 feet                      |
| 22,001 – 23,000                                 | 90 feet                       | 33,001 – 34,000                                 | 145 feet                      | At or above 44,001                              | <u>200 feet</u>               |
| <u>23,001 – 24,000</u>                          | <u>95 feet</u>                | 34,001 – 35,000                                 | <u>150 feet</u>               |                                                 |                               |
| 24,001 – 25,000                                 | 100 feet                      | 35,001 – 36,000                                 | 155 feet                      |                                                 |                               |

- b. Any property lines fronting a county road shall require a minimum setback of 100 feet when the building footprint is 24,000 square feet or less.

- c. Educational Facilities and Places of Worship are not eligible for building and parking setback flexibility through additional landscaping as provided in Section 1060.070, Subd. 2., (K) – (J).
- 2. Maximum Building Height. The maximum structure height is 35 feet, except as allowed by Section 1030.080.
- 3. Maximum Impervious Surface.
  - a. The total impervious surface coverage shall not exceed 50% of the site.
  - b. The rest of the site shall be landscaped or left in a natural state.
- 4. Landscaping Zone.
  - a. In addition to meeting the landscaping standards in Section 1060.070, Subd. 2 (A) – (I) of the City Code, any portions of the site that abut a residential area shall contain a landscaping zone along the shared property line with a minimum width of the applicable setback established in Section 1040.050, Subd. 4., (C), (1).
  - b. The landscaping zone will consist of evergreen and/or deciduous trees and shrubs with a sufficient density to provide visual buffering to a minimum height of 8 feet. The grade for determining height shall be the grade elevation of the building or use for which the buffering is providing protection. Earth mounding or berms may be used but shall not be used to achieve more than three feet of the required buffer. A fence may also be installed, but not in lieu of the planted landscaping zone. Existing trees, shrubs, and vegetation may be used to meet the landscaping zone requirement when the intent to provide buffering is accomplished.
- 5. Parking Lot Screening and Landscaping.
  - a. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect glare away from adjoining property, adjacent residential uses, and public rights-of-way and be in compliance with Section 1060.040 of this Chapter.
  - b. Parking areas shall be screened from properties guided or zoned residential and from public streets. Screening to a height of at least 3 feet shall be provided to screen vehicle headlights.
  - c. Parking areas which are 3,000 square feet or greater shall have no less than 350 square feet of land devoted to internal landscaping



islands (in addition to required traffic safety islands). The minimum square footage of land devoted to internal landscaping islands shall increase by 100 square feet for each additional 1,000 square feet of additional parking space. Such islands shall be bound by concrete curbing or comparable curbing as approved by the City Engineer

6. Site Access. The primary site access shall comply with one of the following:
  - a. The site shall have direct access onto a Major Roadway, which is defined as a Principal Arterial, Minor Reliever, Minor Expander, and Minor Connector roadways; or
  - b. The site will have direct access onto a Major Collector or Minor Collector roadway no more than 1,000 square feet from an intersection with a Major Roadway as identified in the Comprehensive Plan
7. Noise. Exterior bells or loudspeakers are permitted between the hours of 9 a.m. and 10 p.m.
8. Additional Requirements.
  - a. The City Council may attach additional conditions to the granting of the conditional use permit for the primary use as well as any accessory uses of the site as deemed necessary to protect the residential character of the neighborhood.
  - b. As provided for in federal statute 42 U.S.C. 2000cc-3 (e), the City Council may avoid the preemptive force of any provision of Chapter 21C (Protection of Religious Exercise in Land Use and By Institutionalized Person) by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions for the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

D. Residential Facility with seven to sixteen individuals, licensed by the State.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

- A. Accessory Dwelling Unit, subject to the following standards:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 960 square feet, whichever is less.
4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.
6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
7. There shall be no separate ownership of the accessory dwelling unit.
8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.
9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and

emergency service providers. The entryway to an accessory dwelling unit shall include identifying signage and be connected to the driveway with an improved walkway.

10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

B. Essential Services, as allowed by Section 1030.090.

C. Special Home Occupations as allowed by Section 1030.100 of this Chapter.

D. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

E. Temporary real estate offices.

Subd. 7. Area Requirements: The following minimum requirements shall be met in the RSF-3 district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       | Single Family     | Two-Family dwellings and other uses |
|---------------------------------------|-------------------|-------------------------------------|
| Minimum Lot Area                      | 7,500 square feet | 15,000 square feet                  |
| Minimum lot width                     | 65 feet           | 100 feet                            |
| Minimum Principal Structure Setbacks: |                   |                                     |
| Front, From Major Roadways*           | 100 feet          | 100 feet                            |
| Front, From all other streets         | 20 feet           | 25 feet                             |
| Front Porch (:5 120 square feet)      | 15 feet           | N/A                                 |
| Side (living)                         | 10 feet           | 10 feet                             |
| Side (garage)**                       | 5 feet            | 5 feet                              |
| Rear                                  | 30 feet           | 25 feet                             |
| Maximum Principal Building Height     | 35 feet           | 35 feet                             |

\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.

\*\*Minimum separation between structures on adjacent parcels shall be 15 feet.

Subd. 8. Design Requirements. All developments in RSF-3 shall follow the same Design Requirements as listed in 1040.040, Subd 8.

(Ord 348, passed 05-25-17, Ord. 445, passed 12-22-21, Ord. 472, 12-22-22, Ord 518, passed 03-28-24)

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## **1040.060 – RMF-1 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT**

Subd. 1      Purpose. The purpose of the RMF-1, Medium Density Residential District is to allow a variety of housing types including single-family attached and detached dwelling and multi-family to expand life cycle housing options with a minimum net density of 6 units per acre and maximum net density of 8 units per acre. All lot areas in this district are intended to reflect the City's objective of promoting efficient use of land and public utilities. Areas zoned RMF-1 are guided Medium Density Residential on the 2030 Comprehensive Plan.

Subd. 2.      Permitted Uses.

- A. Day Care Facilities, State licensed, as defined by statute.
- B. Dwelling, Single Family Detached.
- C. Dwelling, Two Family.
- D. Dwelling, Single-Family Attached with no more than six (6) dwelling units per structure in a row (and no back to back townhome units)
- E. Parks, playgrounds, trails, other recreational facilities of a non-commercial nature and directly related buildings and structures.
- F. Residential Facility in a single family detached dwelling, serving 6 or fewer individuals and licensed by the State.

Subd. 3      Accessory uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Day Care Facilities, County licensed, 12 or fewer individuals
- D. Fences as regulated by Section 1060 (Performance Standards) of this Chapter.
- E. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
- F. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.
- G. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.

H. Signs as regulated by the City Code.

I. Temporary trailers and construction equipment for the duration of construction only where temporary lavatories are provided in compliance with City and State requirements.

Subd 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

A. Day Care facilities accessory to educational facilities or Places of Worship.

B. Dwelling, Senior (age-restricted).

C. Dwelling, Multiple Family.

D. Educational facilities, K-12, and Places of Worship, subject to the following:

1. Setbacks.

a. A minimum 50-foot setback from all property lines is required for all structures, parking spaces, drive aisles, and loading areas. The setback on all property lines will increase up to 200-feet based on the building footprint as described below:

| <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> |
|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|
| Up to 15,000                                    | 50 feet                       | 25,001 – 26,000                                 | 105 feet                      | 36,001 – 37,000                                 | 160 feet                      |
| 15,001 – 16,000                                 | 55 feet                       | 26,001 – 27,000                                 | 110 feet                      | 37,001 – 38,000                                 | 165 feet                      |
| 16,001 – 17,000                                 | 60 feet                       | 27,001 – 28,000                                 | 115 feet                      | 38,001 – 39,000                                 | 170 feet                      |
| 17,001 – 18,000                                 | 65 feet                       | 28,001 – 29,000                                 | 120 feet                      | 39,001 – 40,000                                 | 175 feet                      |
| 18,001 – 19,000                                 | 70 feet                       | 29,001 – 30,000                                 | 125 feet                      | 40,001 – 41,000                                 | 180 feet                      |
| 19,001 – 20,000                                 | 75 feet                       | 30,001 – 31,000                                 | 130 feet                      | 41,001 – 42,000                                 | 185 feet                      |
| 20,001 – 21,000                                 | 80 feet                       | 31,001 – 32,000                                 | 135 feet                      | 42,001 – 43,000                                 | 190 feet                      |
| 21,001 – 22,000                                 | 85 feet                       | 32,001 – 33,000                                 | 140 feet                      | 43,001 – 44,000                                 | 195 feet                      |
| 22,001 – 23,000                                 | 90 feet                       | 33,001 – 34,000                                 | 145 feet                      | At or above 44,001                              | 200 feet                      |
| 23,001 – 24,000                                 | 95 feet                       | 34,001 – 35,000                                 | 150 feet                      |                                                 |                               |
| 24,001 – 25,000                                 | 100 feet                      | 35,001 – 36,000                                 | 155 feet                      |                                                 |                               |

b. Any property lines fronting a county road shall require a minimum setback of 100 feet when the building footprint is 24,000 square feet or less.

- c. Educational facilities and Places of Worship are not eligible for building and parking setback flexibility through additional landscaping as provided in Section 1060.070, Subd. 2., (K) – (J).
- 2. Maximum Building Height. The maximum structure height is 35 feet, except as allowed by Section 1030.080.
- 3. Maximum Impervious Surface.
  - a. The total impervious surface coverage shall not exceed 50% of the site.
  - b. The rest of the site shall be landscaped or left in a natural state.
- 4. Landscaping Zone.
  - a. In addition to meeting the landscaping standards in Section 1060.070, Subd. 2 (A) – (I) of the City Code, any portions of the site that abut a residential area shall contain a landscaping zone along the shared property line with a minimum width of the applicable setback established in Section 1040.060, Subd. 4., (D), (1).
  - b. The landscaping zone will consist of evergreen and/or deciduous trees and shrubs with a sufficient density to provide visual buffering to a minimum height of 8 feet. The grade for determining height shall be the grade elevation of the building or use for which the buffering is providing protection. Earth mounding or berms may be used but shall not be used to achieve more than three feet of the required buffer. A fence may also be installed, but not in lieu of the planted landscaping zone. Existing trees, shrubs, and vegetation may be used to meet the landscaping zone requirement when the intent to provide buffering is accomplished.
- 5. Parking Lot Screening and Landscaping.
  - a. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect glare away from adjoining property, adjacent residential uses, and public rights-of-way and be in compliance with Section 1060.040 of this Chapter.
  - b. Parking areas shall be screened from properties guided or zoned residential and from public streets. Screening to a height of at least 3 feet shall be provided to screen vehicle headlights.
  - c. Parking areas which are 3,000 square feet or greater shall have no less than 350 square feet of land devoted to internal landscaping

islands (in addition to required traffic safety islands). The minimum square footage of land devoted to internal landscaping islands shall increase by 100 square feet for each additional 1,000 square feet of additional parking space. Such islands shall be bound by concrete curbing or comparable curbing as approved by the City Engineer.

6. Site Access. The primary site access shall comply with one of the following:
  - a. The site shall have direct access onto a Major Roadway, which is defined as a Principal Arterial, Minor Reliever, Minor Expander, and Minor Connector roadways; or
  - b. The site will have direct access onto a Major Collector or Minor Collector roadway no more than 1,000 square feet from an intersection with a Major Roadway as identified in the Comprehensive Plan.
7. Noise. Exterior bells or loudspeakers are permitted between the hours of 9 a.m. and 10 p.m.
8. Additional Requirements.
  - a. The City Council may attach additional conditions to the granting of the conditional use permit for the primary use as well as any accessory uses of the site as deemed necessary to protect the residential character of the neighborhood.
  - b. As provided for in federal statute 42 U.S.C. 2000cc-3 (e), the City Council may avoid the preemptive force of any provision of Chapter 21C (Protection of Religious Exercise in Land Use and By Institutionalized Person) by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions for the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

- E. Residential Facility with seven to sixteen individuals, licensed by the State.



Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

A. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

A. Accessory Dwelling Unit, subject to the following standards:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 960 square feet, whichever is less.
4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.
6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
7. There shall be no separate ownership of the accessory dwelling unit.
8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.

9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling unit shall include identifying signage and be connected to the driveway with an improved walkway.
10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

- B. Essential Services, as allowed by Section 1030.090.
- C. Special Home Occupations as allowed by Section 1030.100 of this Chapter.
- D. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.
- E. Temporary real estate offices.

Subd. 7. Area Requirements. The following minimum requirements shall be met in the RMF-1 district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       | Single Family Detached/Two Family   | Townhome                   | Apartment/Condominium    |
|---------------------------------------|-------------------------------------|----------------------------|--------------------------|
| Minimum Lot area                      | 7,000 square feet/7,500 square feet | 5,400 square feet per unit | 1 acre                   |
| Minimum lot width                     | 70 feet/150 feet                    | n/a                        | 100 feet                 |
| Minimum Principal Structure Setbacks: |                                     |                            |                          |
| Front, From Major Roadways*           | 100 feet                            | 100 feet                   | 100 feet                 |
| Front, From all other streets         | 25 feet                             | 25 feet                    | 25 feet                  |
| Side (living)**                       | 10 feet                             | 10 feet                    | 30 feet                  |
| Rear                                  | 25 feet                             | 25 feet                    | 25 feet                  |
| Maximum Principal Building Height     | 35 feet                             | 35 feet                    | 35 feet or three stories |

\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.

\*\* Internal: 20 feet between attached or multi-family principal structures separated by common area.

Subd. 8. Single and Two Family Design Requirements. All single and two family developments in RMF-1 shall follow the same Design Requirements as listed in 1040.040, Subd 8.

Subd. 9. Special Minimum Requirements for Attached Dwelling Units.

A. Unit Size: The following unit size shall apply:

1. Floor Area: Five hundred (500) square foot minimum floor area for efficiency apartment units. Minimum eight hundred (800) square feet for a one-bedroom unit plus one hundred (100) square feet for each additional bedroom. Seven hundred (700) square foot minimum floor area for one-bedroom apartment dwelling units in retirement housing developments, plus one hundred (100) square feet for each additional bedroom. Garages, breezeways and porch floor spaces shall not be credited in determining the required floor area of units.

B. Unit Construction:

1. Subdivision Requests: Building elevations and floor plans shall be furnished with subdivision requests illustrating exterior building material and colors to demonstrate compliance of this title. Building floor plans shall identify the interior storage space within each unit.
2. Decks or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
3. Exterior Building Finish: The exterior of attached/townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, attached/townhome dwelling structures shall comply with the following requirements:
  - a. A minimum of twenty five percent (25%) of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
  - b. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than seventy five percent (75%) of one type of exterior finish.
  - c. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all building facades of one type of exterior finish.

- d. For the purpose of this Section and material calculations:
  - i. The area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.
  - ii. Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this Section.
  - iii. Integral colored split face (rock face) concrete block or plain concrete block shall not qualify for meeting the brick, stucco and/or natural or artificial stone material requirements.
- 4. Color. Each attached/townhome building shall feature a broad array of colors, including earth tones, muted natural colors found in surrounding landscape or other colors consistent with the adjacent neighborhood. Buildings in proximity to each other shall not look alike in terms of the combination of color siding, accent and roofing materials. The home or townhome building under consideration will be compared to two homes or townhome buildings on each side of it and to the three homes or town home buildings directly facing it.
- 5. Facades and walls: Each attached/townhome dwelling unit shall be articulated with projections, recesses, covered doorways, balconies, covered box or bay windows or other similar features, dividing large facades and walls into human scaled proportions similar to adjacent single-family dwellings.
- 6. Roofs. Each attached/townhome building shall feature a combination of primary and secondary roofs. Primary roofs shall be articulated by at least one of the following elements:
  - a. Changes in place and elevation
  - b. Dormers or gables
  - c. Transitions to secondary roofs over entrances, garages, porches, bay windows.
- 7. Garages:
  - a. Each dwelling unit shall include an attached garage.
  - b. Garages shall comply with the following minimum size standards:

- i. For dwellings with basements: Four hundred forty (440) square feet.
- ii. For dwellings without basements: Five hundred forty (540) square feet.
- iii. Garages shall be a minimum of twenty feet (20') in width.

*(Ord. 308, passed 07-23-15, Ord 348, passed 05-25-17, Ord. 445, passed 12-22-21, Ord. 472, 12-22-22)*

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## **1040.065 – RMF-2 (MIXED RESIDENTIAL) ZONING DISTRICT.**

Subd.1 Purpose. The purpose of the RMF-2, Mixed Residential District is intended to provide areas offering a variety of housing types, including single-family small lot detached and attached dwellings and multi-family structures to retain the environment and character of less intensive styles of higher density multiple-family residence areas by establishing building and lot area requirements; to broaden the choice of residential living styles and create opportunity for more affordable homes and homes that address the needs of an aging population in a more compact development pattern that makes the most efficient use of the City's land supply and investment in public utilities. Areas zoned RMF-2 are guided Mixed Residential Density on the City's 2030 Comprehensive Plan. Development within this district is required at a minimum density of 8.0 units per net acre up to a maximum of 10 units per acre.

Subd. 2 Permitted uses.

- A. Day Care Facilities, State licensed, as defined by statute.
- B. Dwelling, Single Family Detached
- C. Dwelling, Two Family;
- D. Dwelling, Single-Family Attached - 8 units per building maximum with each unit having a separate entrance;
- E. Dwelling, Senior (age restricted)
- F. Dwellings, Multiple Family
- G. Parks, playgrounds, trails, other recreational facilities of a non-commercial nature and directly related buildings and structures.
- H. Residential Facility in a single family detached dwelling, serving 6 or fewer individuals and licensed by the State.

Subd. 3 Accessory uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Day Care Facilities, County licensed, 12 or fewer

- D. Fences as regulated by Section 1060 (Performance Standards) of this Chapter.
- E. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
- F. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.
- G. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.
- H. Signs as regulated by the City Code.
- I. Temporary trailers and construction equipment for the duration of construction only where temporary lavatories are provided in compliance with City and State requirements.

Subd 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Day Care facilities accessory to educational facilities or Places of Worship.
- B. Educational facilities, K-12, and Places of Worship, subject to the following:
  - 1. Setbacks.
    - a. A minimum 50-foot setback from all property lines is required for all structures, parking spaces, drive aisles, and loading areas. The setback on all property lines will increase up to 200-feet based on the building footprint as described below:
    - b. Any property lines fronting a county road shall require a minimum setback of 100 feet when the building footprint is 24,000 square feet or less.
    - c. Educational facilities and Places of Worship are not eligible for building and parking setback flexibility through additional landscaping as provided in Section 1060.070, Subd. 2., (K) – (J).
  - 2. Maximum Building Height. The maximum structure height is 35 feet, except as allowed by Section 1030.080.
  - 3. Maximum Impervious Surface.



- a. The total impervious surface coverage shall not exceed 50% of the site.
  - b. The rest of the site shall be landscaped or left in a natural state.
4. Landscaping Zone.
- a. In addition to meeting the landscaping standards in Section 1060.070, Subd. 2 (A) – (I) of the City Code, any portions of the site that abut a residential area shall contain a landscaping zone along the shared property line with a minimum width of the applicable setback established in Section 1040.070, Subd. 4., (B), (1).
  - b. The landscaping zone will consist of evergreen and/or deciduous trees and shrubs with a sufficient density to provide visual buffering to a minimum height of 8 feet. The grade for determining height shall be the grade elevation of the building or use for which the buffering is providing protection. Earth mounding or berms may be used but shall not be used to achieve more than three feet of the required buffer. A fence may also be installed, but not in lieu of the planted landscaping zone. Existing trees, shrubs, and vegetation may be used to meet the landscaping zone requirement when the intent to provide buffering is accomplished.
5. Parking Lot Screening and Landscaping.
- a. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect glare away from adjoining property, adjacent residential uses, and public rights-of-way and be in compliance with Section 1060.040 of this Chapter.
  - b. The site will have direct access onto a Major Collector or Minor Collector roadway no more than 1,000 square feet from an intersection with a Major Roadway as identified in the Comprehensive Plan.
  - c. Parking areas which are 3,000 square feet or greater shall have no less than 350 square feet of land devoted to internal landscaping islands (in addition to required traffic safety islands). The minimum square footage of land devoted to internal landscaping islands shall increase by 100 square feet for each additional 1,000 square feet of additional parking space. Such islands shall be bound by concrete curbing or comparable curbing as approved by the City Engineer.

6. Site Access. The primary site access shall comply with one of the following:
  - a. The site shall have direct access onto a Major Roadway, which is defined as a Principal Arterial, Minor Reliever, Minor Expander, and Minor Connector roadways; or
  - b. The site will have direct access onto a Major Collector or Minor Collector roadway no more than 1,000 square feet from an intersection with a Major Roadway as identified in the Comprehensive Plan.
7. Noise. Exterior bells or loudspeakers are permitted between the hours of 9 a.m. and 10 p.m.
8. Additional Requirements.
  - a. The City Council may attach additional conditions to the granting of the conditional use permit for the primary use as well as any accessory uses of the site as deemed necessary to protect the residential character of the neighborhood.
  - b. As provided for in federal statute 42 U.S.C. 2000cc-3 (e), the City Council may avoid the preemptive force of any provision of Chapter 21C (Protection of Religious Exercise in Land Use and By Institutionalized Person) by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions for the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

C. Residential Facility with seven to sixteen individuals, licensed by the State.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

A. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

A. Accessory Dwelling Unit, subject to the following standards:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 960 square feet, whichever is less.
4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.
6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
7. There shall be no separate ownership of the accessory dwelling unit.
8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.
9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling unit shall include identifying signage and be connected to the driveway with an improved walkway.
10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

- B. Essential Services, as allowed by Section 1030.090.
- C. Special Home Occupations as allowed by Section 1030.100 of this Chapter.
- D. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.
- E. Temporary real estate offices.

Subd. 7. Area Requirements. The following minimum requirements shall be met in the RMF-2 district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       | Single Family Detached/Two Family   | Townhome                   | Apartment/Condominium    |
|---------------------------------------|-------------------------------------|----------------------------|--------------------------|
| Minimum Lot area                      | 6,000 square feet/7,000 square feet | 5,000 square feet per unit | 1 acre                   |
| Minimum lot width                     | 60 feet/120 feet                    | n/a                        | 100 feet                 |
| Minimum Principal Structure Setbacks: |                                     |                            |                          |
| Front, From Major Roadways*           | 100 feet                            | 100 feet                   | 100 feet                 |
| Front, From all other streets         | 25 feet                             | 25 feet                    | 25 feet                  |
| Front Porch (:5 120 square feet)      |                                     |                            |                          |
| Side**                                | 10 feet                             | 10 feet                    | 30 feet                  |
| Rear                                  | 25 feet                             | 25 feet                    | 25 feet                  |
| Maximum Principal Building Height     | 35 feet                             | 35 feet                    | 35 feet or three stories |

\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.

\*\* Internal: 20 feet between attached or multi-family principal structures separated by common area.

Subd. 8. Single and Two Family Design Requirements. All single and two family developments in RMF-2 shall follow the same Design Requirements as listed in 1040.040, Subd 8.

Subd. 9. Special Minimum Requirements for Attached Dwelling Units. All attached dwelling unit developments in RMF-2 shall follow the same Design Requirements as listed in 1040.060, Subd 9 (RMF-1 Design Requirements).

(Ord 348, passed 05-25-17, Ord. 445, passed 12-22-21, Ord. 472, passed 12-22-22)

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## **1040.070 – RMF-3 (HIGH DENSITY RESIDENTIAL) ZONING DISTRICT**

Subd. 1. Purpose. The RMF-3 district allows for the development of high density multiple-family uses such as townhomes and apartments where municipal sewer and water is available. This district addresses the need for life cycle housing by offering an alternative to single family detached housing with a required minimum density of 10 units per net acre or greater. Areas zoned RMF-3 are guided High Density Residential on the 2030 Comprehensive Plan.

Subd. 2. Permitted Uses.

- A. Day Care Facilities, State licensed, as defined by statute.
- B. Dwelling, Senior (age-restricted)
- C. Dwelling, Single-Family Attached - 8 units per building maximum with each unit having a separate entrance;
- D. Dwelling, Multiple Family
- E. Parks, playgrounds, trails, other recreational facilities of a non-commercial nature and directly related buildings and structures.
- F. Residential Facility in a single family detached dwelling, serving 6 or fewer individuals and licensed by the State.

Subd. 3. Accessory Uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Day Care Facilities, County licensed, 12 or fewer individuals.
- D. Fences as regulated by Section 1060 (Performance Standards) of this Chapter.
- E. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
- F. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.
- G. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.

H. Signs as regulated by the City Code.

I. Temporary trailers and construction equipment for the duration of construction only where temporary lavatories are provided in compliance with City and State requirements.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

A. Day Care facilities accessory to educational facilities or Places of Worship.

B. Educational facilities, K-12, and Places of Worship, subject to the following:

1. Setbacks.

a. A minimum 50-foot setback from all property lines is required for all structures, parking spaces, drive aisles, and loading areas. The setback on all property lines will increase up to 200-feet based on the building footprint as described below:

| <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> | <b><u>Building Footprint Square Footage</u></b> | <b><u>Minimum Setback</u></b> |
|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|-------------------------------------------------|-------------------------------|
| Up to 15,000                                    | 50 feet                       | 25,001 – 26,000                                 | 105 feet                      | 36,001 – 37,000                                 | 160 feet                      |
| 15,001 – 16,000                                 | 55 feet                       | 26,001 – 27,000                                 | 110 feet                      | 37,001 – 38,000                                 | 165 feet                      |
| 16,001 – 17,000                                 | 60 feet                       | 27,001 – 28,000                                 | 115 feet                      | 38,001 – 39,000                                 | 170 feet                      |
| 17,001 – 18,000                                 | 65 feet                       | 28,001 – 29,000                                 | 120 feet                      | 39,001 – 40,000                                 | 175 feet                      |
| 18,001 – 19,000                                 | 70 feet                       | 29,001 – 30,000                                 | 125 feet                      | 40,001 – 41,000                                 | 180 feet                      |
| 19,001 – 20,000                                 | 75 feet                       | 30,001 – 31,000                                 | 130 feet                      | 41,001 – 42,000                                 | 185 feet                      |
| 20,001 – 21,000                                 | 80 feet                       | 31,001 – 32,000                                 | 135 feet                      | 42,001 – 43,000                                 | 190 feet                      |
| 21,001 – 22,000                                 | 85 feet                       | 32,001 – 33,000                                 | 140 feet                      | 43,001 – 44,000                                 | 195 feet                      |
| 22,001 – 23,000                                 | 90 feet                       | 33,001 – 34,000                                 | 145 feet                      | At or above 44,001                              | 200 feet                      |
| 23,001 – 24,000                                 | 95 feet                       | 34,001 – 35,000                                 | 150 feet                      |                                                 |                               |
| 24,001 – 25,000                                 | 100 feet                      | 35,001 – 36,000                                 | 155 feet                      |                                                 |                               |

b. Any property lines fronting a county road shall require a minimum setback of 100 feet when the building footprint is 24,000 square feet or less.

c. Educational facilities and Places of Worship are not eligible for building and parking setback flexibility through additional landscaping as provided in Section 1060.070, Subd. 2., (K) – (J).

2. Maximum Building Height. The maximum structure height is 35 feet, except as allowed by Section 1030.080.
3. Maximum Impervious Surface.
  - a. The total impervious surface coverage shall not exceed 50% of the site.
  - b. The rest of the site shall be landscaped or left in a natural state.
4. Landscaping Zone.
  - a. In addition to meeting the landscaping standards in Section 1060.070, Subd. 2 (A) – (I) of the City Code, any portions of the site that abut a residential area shall contain a landscaping zone along the shared property line with a minimum width of the applicable setback established in Section 1040.070, Subd. 4., (B), (1).
  - b. The landscaping zone will consist of evergreen and/or deciduous trees and shrubs with a sufficient density to provide visual buffering to a minimum height of 8 feet. The grade for determining height shall be the grade elevation of the building or use for which the buffering is providing protection. Earth mounding or berms may be used but shall not be used to achieve more than three feet of the required buffer. A fence may also be installed, but not in lieu of the planted landscaping zone. Existing trees, shrubs, and vegetation may be used to meet the landscaping zone requirement when the intent to provide buffering is accomplished.
5. Parking Lot Screening and Landscaping.
  - a. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect glare away from adjoining property, adjacent residential uses, and public rights-of-way and be in compliance with Section 1060.040 of this Chapter.
  - b. The site will have direct access onto a Major Collector or Minor Collector roadway no more than 1,000 square feet from an intersection with a Major Roadway as identified in the Comprehensive Plan.
  - c. Parking areas which are 3,000 square feet or greater shall have no less than 350 square feet of land devoted to internal landscaping islands (in addition to required traffic safety islands). The minimum square footage of land devoted to internal landscaping islands shall increase by 100 square feet for each additional 1,000



square feet of additional parking space. Such islands shall be bound by concrete curbing or comparable curbing as approved by the City Engineer.

6. Site Access. The primary site access shall comply with one of the following:
  - a. The site shall have direct access onto a Major Roadway, which is defined as a Principal Arterial, Minor Reliever, Minor Expander, and Minor Connector roadways; or
  - b. The site will have direct access onto a Major Collector or Minor Collector roadway no more than 1,000 square feet from an intersection with a Major Roadway as identified in the Comprehensive Plan.
7. Noise. Exterior bells or loudspeakers are permitted between the hours of 9 a.m. and 10 p.m.
8. Additional Requirements.
  - a. The City Council may attach additional conditions to the granting of the conditional use permit for the primary use as well as any accessory uses of the site as deemed necessary to protect the residential character of the neighborhood.
  - b. As provided for in federal statute 42 U.S.C. 2000cc-3 (e), the City Council may avoid the preemptive force of any provision of Chapter 21C (Protection of Religious Exercise in Land Use and By Institutionalized Person) by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions for the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

- C. Residential Facility with seven to sixteen individuals, licensed by the State.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

- A. Essential Services, as allowed by Section 1030.090.
- B. Special Home Occupations as allowed by Section 1030.100 of this Chapter.
- C. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.
- D. Temporary real estate offices.

Subd. 7. Area Requirements. The following minimum requirements shall be met in the RMF-3 district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |                          |
|---------------------------------------|--------------------------|
| Minimum Base Lot Area                 | 1 acre                   |
| Minimum Base Lot Width                | 150 feet                 |
| Minimum Principal Structure Setbacks: |                          |
| Front, From Major Roadways*           | 100 feet                 |
| Front, From all other streets         | 50 feet                  |
| Side                                  | 25 feet                  |
| Rear                                  | 25 feet                  |
| Maximum Principal Building Height     | 35 feet or three stories |

*\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.*

Subd. 8. Special Minimum Requirements for Multi-Family Residential Developments.

- A. Unit Size: Floor Area: Five hundred (500) square foot minimum floor area for efficiency apartment units. Minimum eight hundred (800) square feet for a one-bedroom unit plus one hundred (100) square feet for each additional bedroom. Seven hundred (700) square foot minimum floor area for one-bedroom apartment dwelling units in retirement housing developments, plus one hundred (100) square feet for each additional bedroom. Garages, breezeways and porch floor spaces shall not be credited in determining the required floor area of units
- B. Parking: The design and maintenance of off street parking areas and the required number of parking spaces shall be in accordance with Section 1060.060 of this title. Private driveways for garages in townhouse developments shall be a minimum of twenty feet (20') in length to allow vehicle parking on the driveway.
- C. Trash Handling and Recycling: All trash, recyclable materials, and trash and recyclable materials handling equipment shall be stored within the

principal structure, totally screened from public view by the principal building, or stored within an accessory structure constructed of building materials compatible with the principal structure, enclosed by a roof, and readily served through swinging doors.

- D. On Site Screening: All mechanical equipment, utility meters, storage and service areas and similar features shall be completely screened from the eye level view from adjacent properties and public streets, or designed to be compatible with the architectural treatment of the principal structure.
- E. Building Design and Materials-Multi-family (stacked): All buildings shall be designed to accomplish the goals and policies of the comprehensive plan. Building materials shall be attractive in appearance, durable, and of a quality which is both compatible with adjacent structures and consistent with the City's standards for the district in which it is located. All buildings shall be of good aesthetic and architectural quality, as demonstrated by the inclusion of elements such as accent materials, entrance and window treatments, contrasting colors, irregular building shapes and rooflines, or other architectural features in the overall architectural concept.
  - a. Major exterior surfaces on all walls facing a public street, park or open space shall include a minimum of fifty percent (50%) of the combined area of all building facades of a structure shall contain following permitted major exterior materials: face brick (glazed or unglazed), clay faced tile, stone masonry (granite, limestone, marble, slate, sandstone, or quartzite).
  - 2. Accent materials may include: finished texture stucco (cement or synthetic), natural or cultured stone, exterior finished wood siding (painted, stained, or weather sealed), exterior finished metal siding (factory finished), exterior finished vinyl siding or fiber cement siding in lap or panel design (color impregnated or painted). Panel seam lines shall be architecturally integrated into the building design so that they are not visible. Seam lines can either be filled, covered with accent material or some other method to make seam lines invisible. Accenting materials and design shall be included on all facades.
  - 3. All building and roofing materials shall meet current accepted industry standards, and tolerances, and shall be subject to review and approval by the City for quality, durability, and aesthetic appeal. The applicant shall submit to the City product samples, color building elevations, and associated drawings which illustrate the construction techniques to be used in the installation of such materials.

4. If complementary building styles, materials, and color schemes are proposed for a development, the developer shall submit to the City a plan showing the distribution of the styles, materials, and colors throughout the development.
5. All townhome designs shall comply with the standards in Section 1040, Subd. 9 (RMF-1 Design Requirements).

F. Parking Lot Screening:

1. The light from automobile headlights and other sources shall be screened whenever it may be directed onto residential windows.
2. When required parking areas abut any residential district, the edge nearest the lot line shall be completely screened to a height of at least three and one-half feet ( $3\frac{1}{2}'$ ) above the parking grade. Such screening shall either be constructed of durable building materials designed in harmony with the principal structure or accomplished through use of earth mounds and/or landscape materials as approved.
3. When the design of the site is such that parking occurs in the front yard, a minimum of ten feet (10') landscaped area shall be provided between parking and building, in addition to the required setbacks.

G. Recreational Facilities: On site recreational facilities, such as swimming pools, tennis courts, play equipment, walking trails, gardens, and basketball courts, that are suitable for the projected population of the development shall be provided when the nearest public park is more than one-half ( $\frac{1}{2}$ ) mile or across a thoroughfare or arterial roadway from the development.

H. Common Areas. The following minimum requirements shall be observed in the RMF-3 district governing common areas:

1. Ownership: All common areas within an RMF-3 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:
  - a. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
  - b. Twinhome or townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.

2. Homeowners' Association: A homeowners' association shall be established for all townhome developments within the RMF district, subject to review and approval of the City attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

*(Ord 348, passed 05-25-17, Ord. 445, passed 12-22-21)*

## **1040.080 – MP (MANUFACTURED HOME PARK)**

- Subd. 1. Purpose. The MP District provides for manufactured home parks including manufactured single family housing units, offices for administration of the park, recreational buildings and structures, storm shelters, and other directly related complementary uses are allowed in accordance with the performance standards outlined in this Section.
- Subd. 2. Permitted Uses.
- A. Manufactured homes.
  - B. Parks, playgrounds, trails, other recreational facilities of a non-commercial nature and directly related buildings and structures.
- Subd. 3. Accessory Uses.
- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
  - B. Accessory uses incidental and customary to uses allowed in this Section.
  - C. Day Care Facilities, County licensed, 12 or fewer individuals.
  - D. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
  - E. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.
  - F. Private recreational facilities.
  - G. Signs as regulated by the City Code.
- Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:
- A. None.
- Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:
- A. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.
- Subd. 6. Uses by Administrative Permit.
- A. Essential Services, as allowed by Section 1030.090.

B. Special Home Occupations as allowed by Section 1030.100 of this Chapter.

Subd. 7. Area Requirements. The following minimum requirements shall be met in the MP district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                        |                                         |
|----------------------------------------|-----------------------------------------|
| Minimum Park Area                      | 30 acres                                |
| Minimum Park Width                     | 600 feet                                |
| Minimum Individual Lot Area            | 7,200 square feet                       |
| Minimum Lot Width                      | 65 feet                                 |
| Minimum Lot Depth                      | 110 feet                                |
| Maximum Density                        | 4 units per acre                        |
| Minimum/Maximum Number of Lots         | 100/300                                 |
| Minimum Setbacks:                      |                                         |
| Front                                  | 25 feet                                 |
| Side                                   | 10 feet                                 |
| Rear                                   | 10 feet                                 |
| Minimum Setback from Perimeter of Park | 25 feet                                 |
| Maximum Building Height                | 25 feet or one story, whichever is less |
| Maximum Building Coverage              | 25 percent                              |

Subd. 8. Performance Standards.

- A. A central community building shall be provided and shall include the following features:
1. Laundry facilities with washers and dryers.
  2. Public toilets and lavatories.
  3. Heating and cooling equipment must be maintained in good operating order.
  4. The building shall be maintained in a safe, sanitary and clean condition.
- B. Tornado shelter facilities must be provided and adequately sized to safely accommodate all occupants.
- C. At least 10 percent of the total manufactured home park shall be dedicated as private recreational space. Such space shall be provided and maintained at the owner's expense.

- D. Sidewalks must be provided on both sides of all streets.
- E. Upgrading. Prior to locating a manufactured home housing unit constructed prior to July 1, 1972, on a lot within a manufactured home park within the City, said unit shall be upgraded to current life safety codes and subject to the approval of the Building Official.
- F. Maintenance. All land within the park shall be adequately drained, landscaped to control dust and kept free from refuse, garbage, rubbish or debris.
- G. Outdoor Camping. There shall not be outdoor camping anywhere in a manufactured home park.
- H. Public Access. Public access to manufactured housing parks shall be as approved by the City.
- I. Foundation Enclosure. The area beneath a manufactured home shall be enclosed except that such enclosure must have access for inspection.
- J. Building Permit.
  - 1. All structures (fences, storage, decks, etc.) shall require a building permit from the Building Official. Fences shall be prohibited on individual manufactured home lots.
  - 2. Prior to a manufactured home being moved into a lot, the owner shall apply for and obtain a building permit for the (foundation) blocking to State Code and a permit for connection to public sewer and water. The application for permits shall be accompanied by a site plan, drawn to scale, detailing the unit placement, accessory structures and setbacks.
- K. Building Requirements.
  - 1. Each manufactured home site must be provided with anchors and tie downs, such as cast in place concrete foundations, screw augers, arrowhead anchors or other devices to provide stability for the home.
  - 2. Anchors and tie downs shall be placed at each corner of the home and each anchor shall be able to sustain a minimum tensile force of 2,800 pounds.
  - 3. Building Type and Construction. Any building addition shall either be manufactured or custom built of materials that are consistent or



compatible to the design of the principal building. "Compatible" means that the exterior appearance of an accessory building is not at variance with the principal building from an aesthetic and architectural standpoint to cause:

- a. A difference to a degree to cause incongruity with the principal building.
- b. A deviation from the general character of the neighborhood.
- c. A depreciation of neighborhood values or adjacent property values.
- d. A nuisance. Types of nuisance characteristics include, but are not limited to noise, dust, odors, glare and unsightly building exterior.

L. Parking.

1. Each manufactured home site shall have off-street parking spaces for two passenger vehicles.
2. Parking must be located at least 15 feet from any home.
3. All parking spaces shall be hard surfaced according to specifications established by the City.

M. Utilities.

1. Homes must be served by both central or individual water and on-site sanitary sewer system approved by the State.
2. If municipal sewer and water is available, the Manufactured home Park may connect to the municipal system. The owner shall pay any required sewer and water connection fees to the City.
3. The City must approve surface water and storm water management plans.
4. The City must approve all utility systems and connections.
5. The source of fuel for cooking, heating or other purposes at each manufactured home site shall be as approved by the City.
6. All utilities shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

7. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related manufactured home equipment.
8. The City must approve the method of garbage, waste, and trash disposal.
9. The owner shall pay inspection and testing fees for utility service to the City.

N. Internal Roads and Streets

1. Roads shall be hard surfaced as approved by the City.
2. All streets shall be private streets and shall be developed with a roadbed of not less than 60 feet in width and shall meet City design specifications.
3. Curb and gutter shall be provided on all streets to direct drainage away from homes.
4. The park shall have a street lighting plan approved by the City.

O. Landscaping. A landscape screen meeting the requirements of Section 1060.060 of this Chapter shall be installed and maintained around the entire perimeter of each manufactured home park.

P. Lighting. Lights must be maintained in all community buildings during all hours of darkness. The manufactured home park grounds shall be lighted as approved by the City from sunset to sunrise.

Q. Storage.

1. Enclosed storage lockers containing a minimum of 40 square feet shall be located adjacent to each home.
2. Each Manufactured home Park shall have a minimum of 5,000 square feet of dead storage for each 50 home sites. Such areas shall be conveniently located and equipped with security fencing.
3. No more than two vehicles may be stored on site for a period of more than 48 hours. No vehicles without a current license shall be allowed within the park.

4. All boats, trailers, snowmobiles, recreational vehicles and other equipment not stored within the manufactured home, storage locker or dead storage area and shall not be stored on the site or on streets within the Manufactured Home Park.

R. Fire Protection.

1. Cooking shelters, barbeque pits, fireplaces, wood-burning stoves and incinerators shall be located, constructed, maintained and used to minimize fire hazards and smoke. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
2. Manufactured home parks shall be kept free of litter, rubbish and other flammable materials.
3. Portable fire extinguishers rated for Class A, B and C fires shall be kept visible in community buildings and public spaces. The extinguishers shall be readily accessible for use by all occupants and shall be maintained in good operating condition. Capacity shall be not less than 2.5 gallons or 5 pounds of carbon dioxide for Class A and 10 pounds of dry powder for Class B and C extinguishers.
4. Design and placement of fire hydrants throughout the Park shall be as approved by the Fire Chief to ensure adequate fire protection.

S. Registration. It shall be the duty of the operator of the Park to maintain a current record of all manufactured homeowners and occupants located within the park. The register shall be available for inspection at all times by authorized City, County or State officials whose duty requires acquisition of the information contained in the register. The records must be maintained at least 3 years after the date of departure of a registrant from the park. The register shall contain the following information:

1. The name and address of each manufactured home occupant.
2. The name and address of the owner of each manufactured home.
3. The make, model, year and license number of each manufactured home.
4. The state, territory or county issuing such license.
5. The date of arrival and departure of each manufactured home.

6. The number and type of motor vehicles of residents in the park.
- T. Maintenance. The operator of any manufactured home park, or a duly authorized attendance and/or caretaker shall be responsible at all times for keeping the manufactured home park, its facilities and equipment, in a clean, orderly, operable, and sanitary condition. The attendant or caretaker shall be answerable, along with said operator, for the violation of any provisions of these regulations to which said operator is subject.

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## **1040.090 – CR (RURAL COMMERCIAL)**

- Subd. 1. Purpose. This district is the existing Burschville area located at the intersection of County Road 19 and County Road 10. The intent of this district to provide a mix of neighborhood commercial uses and rural industrial, such as contractor's yards and similar uses that do not require municipal water or sanitary sewer services. Municipal sewer and water will not be provided in this area.
- Subd. 2. Permitted Uses.
- A. Automobile Retail (tires, batteries, etc. No body work or repair work).
  - B. Cannabis, retail, compliant with Corcoran Code Section 119.03-04 and 1060.120.
  - C. Lower Potency Hemp Edible Retailers, compliant with Corcoran Code Section 119.03 and 1060.120.
  - D. Civic Buildings, such as City Hall, libraries, fire stations, etc.
  - E. Day Care, Commercial.
  - F. Offices, medical and professional.
  - G. Retail goods and service uses of a similar nature.
- Subd. 3. Accessory Uses.
- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
  - B. Accessory uses incidental and customary to uses allowed in this Section.
  - C. Keeping of Animals, subject to Chapter 81 (animals) of the City Code.
- Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited for a specific use:
- A. Adult Entertainment Business, subject to Chapter 113 of the City Code.
  - B. Commercial Kennels, subject to Chapter 81 of the City Code.
  - C. Commercial recreation and entertainment (not to exceed 5,000 square feet).

D. Contractors Operations, including accessory outside storage.

E. Greenhouses and Nurseries, subject to the following:

1. When abutting a residential use or district, the property shall be screened and landscaped in accordance with this Chapter. All structures shall be set back at least 100 feet from any residential property line.
2. On-site storage and use of pesticides and fertilizers shall meet the standards of the Minnesota Department of Agriculture.
3. Adequate off-street parking is provided on an improved surface as required by this Ordinance.
4. Adequate parking, loading and maneuvering areas shall be provided.
5. Loading areas are screened from adjacent residential uses.
6. Well and Septic Systems can be accommodated on site to serve the proposed facility.
7. Not more than 30 percent of the site area shall be covered with buildings or other structures.
8. Hours for retail sale of product to customers shall be limited to 7:00 a.m. to 9:00 p.m.
9. Lighting shall comply with all ordinance requirements. If more than 25 percent of the greenhouse spaces are to be lit at night, they shall be screened from residential properties by use of a retractable curtain, landscaping, buildings or other methods to prevent light pollution, including sky glow.
10. The site complies with the minimum lot area standards for the district.
11. Sale of accessory items shall be permitted, provided they do not generate more than 20 percent of the sales (measured by retail value or sales volume) for the business nor cover more than 10 percent of the site area.
12. At least 50 percent of the nursery stock to be sold on site must be grown on site.

13. The provisions of Section 1070.020 of this Ordinance are considered and satisfactorily met.

F. Laboratories/research facilities.

G. Lumber Yards/building material sales.

H. Motor Fuel Stations.

1. That the proximate area and location of space devoted to non-automotive merchandise sales shall be specified in the application and in the conditional use permit. Exterior sales or storage shall be only as allowed by the conditional use permit.
2. The off-street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.
3. Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
4. All buildings, canopies, and pump islands shall be located to comply with the minimum setback requirements of the zoning district in which they are located.
5. All canopy lighting for motor fuel station pump islands shall be recessed or shielded to provide a 90-degree cutoff. Illumination levels for pump islands shall not exceed 30-foot candles.
6. Litter Control. The operation shall be responsible for litter control within 300 feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

I. Motor Vehicle, Boat or Equipment Repair.

1. All servicing of vehicles and equipment shall occur entirely within the principal structure.



2. To the extent required by State law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulated matter.
3. Storage and use of all flammable materials, including liquid and rags, shall conform with applicable provisions of the Minnesota Uniform Fire Code.
4. Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the City and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semi-trailer/tractor trucks.
5. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
6. The sale of products other than those specifically mentioned in this Section shall be subject to a separate conditional use permit

J. Motor Vehicle, Boats and Equipment Sales.

1. All sales shall occur on one lot.
2. Parking areas for the outside storage and sale of vehicles, boats and trailers, shall be on impervious surface, either bituminous, concrete, or approved equivalent.
3. Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking areas from landscaped areas. Interior curbs shall be a nominal 6- inches in height or greater.
4. All areas of the property not devoted to buildings or parking areas shall be landscaped in accordance with this Ordinance.
5. Off-street parking shall be provided for customers and employees in accordance with this Ordinance.
6. Parking for sales display shall not be less than 9 feet wide by 18.5 feet in length.
7. Display of motor vehicles, boats, and trailers for sale off the property of their owner is prohibited unless authorized by Conditional Use Permit.

K. Open or outdoor services, sales and equipment rental.

L. Places of Worship/Assembly.

M. Towers and Antennas (freestanding) as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance.

N. Veterinary clinic, Animal Hospital and related indoor kennel; and pet grooming.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

A. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

A. Accessory buildings and structures for a use accessory to the principal commercial or business use provided such structure does not exceed 30 percent of the gross floor space of the principal use.

B. Accessory Dwelling Unit, subject to the following standards:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 960 square feet, whichever is less.
4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.

6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
7. There shall be no separate ownership of the accessory dwelling unit.
8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.
9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling unit shall include identifying signage and be connected to the driveway with an improved walkway.
10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

C. Essential Services, as allowed by Section 1030.090.

D. Seasonal Outdoor Retail Sales.

1. Seasonal outdoor retail sales shall not exceed a combined total of 120 days in any 12-month period. Outdoor retail sales shall not occupy an area exceeding 10 percent of a lot's area, and shall meet all yard setback requirements.
2. Where seasonal outdoor retail sales are conducted in a parking lot, they shall be confined to a defined area, and not be allowed to obstruct access of emergency vehicles or pose a traffic safety problem. Temporary fencing or other suitable mechanisms shall be used to delineate the sales area and provide for pedestrian safety.
3. Where tents, temporary green houses, or similar structures are used to store, and/or display merchandise, they shall be anchored to provide a wind-load resistance of 40 miles per hour.

E. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

- F. Towers and Antennas as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance, only when co-located on an existing structure.

Subd. 7. Development Rights. This Section identifies the maximum number of non-residential lots that may be developed. The development rights program is intended to preserve a rural and agricultural environment with active rural commercial businesses. Development rights were calculated based on the total lot area and rounded to the nearest whole number. Development rights shall be as recorded on the official City of Corcoran "Development Rights Map" on file at City Hall.

- A. Landowners shall be permitted one development right for each 10 acres of land.
- B. No lots or outlets shall be allowed to be created without development rights

Subd. 8. Area Requirements. The following minimum requirements shall be met in the CR district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |           |
|---------------------------------------|-----------|
| Minimum lot area                      | 2.5 acres |
| Minimum lot width                     | 100 feet  |
| Minimum lot depth                     | 200 feet  |
| Minimum Principal Structure Setbacks: |           |
| Front, From Major Roadways*           | 100 feet  |
| Front, From all other streets         | 50 feet   |
| Side                                  | 20 feet   |
| Rear                                  | 20 feet   |
| Adjacent to Residential               | 50 feet   |
| Maximum Principal Building Height     | 35 feet   |
| Maximum Impervious Surface Coverage   | 50%       |

*\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.*

*(Ord 348, passed 05-25-17, Ord. 472, passed 12-22-22, Ord 530, passed 07-25-24, Ord 532, passed 08-22-2024, Ord. 541, passed 01-09-2025)*

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## **1040.095 – TCR (TRANSITIONAL RURAL COMMERCIAL)**

- Subd. 1. Purpose. The Transitional Rural Commercial District (TCR) represents transition areas that have been identified as practical and generally suitable for future development as part of the Rural Commercial District. The purpose of the TCR District is to provide a holding zone until a landowner makes application for development, at which time the City may rezone the affected property to CR, consistent with the land use plan. Residential land uses will be allowed to continue pending future redevelopment consistent with the City's Comprehensive Plan.
- Subd. 2. Permitted Uses.
- A. Agriculture and Tree Farms
  - B. Day Care Facilities, State licensed, as defined by statute.
  - C. Dwelling, Single Family Detached.
  - D. Seasonal Produce Stands.
  - E. Residential Facility in a single family detached dwelling, serving 6 or fewer individuals and licensed by the State.
- Subd. 3. Accessory Uses.
- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
  - B. Accessory uses incidental and customary to uses allowed in this Section.
  - C. Day Care Facilities, County licensed, 12 or fewer individuals.
  - D. Fences as regulated by Section 1060 (Performance Standards) of this Chapter.
  - E. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
  - F. Keeping of Animals, subject to Chapter 81 (Animals) of the City Code.
  - G. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.
  - H. Signs as regulated by the City Code.

Subd. 4. Conditional Uses: The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Towers and Antennas (freestanding) as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited below for a specific use:

- A. Conditional Home Occupation License (CHOL) as allowed by Section 1030.100 (Home Occupations) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

- A. Accessory Dwelling Unit, subject to the following standards:

1. Not more than one accessory dwelling unit shall be allowed on a single-family detached lot.
2. An attached or detached unit shall comply with the same minimum building setback requirements as required for the living portion of the principal dwelling unit.
3. An accessory dwelling unit shall be a clearly incidental and subordinate use, the gross floor area of which shall not exceed the gross floor area of the principal dwelling unit or 960 square feet, whichever is less.
4. Unless otherwise specified in this Subdivision, a detached accessory dwelling unit shall be subject to the same regulations as provided for under Section 1030 of this Chapter. In evaluating how a detached accessory dwelling unit fits within the size limitations outlined in Section 1030, only the footprint of the accessory dwelling unit is subject to the accessory structure size limit provided for all zoning districts.
5. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, colors, and materials as the principal building on the lot.
6. The owner of the property shall reside in the principal dwelling unit or in the accessory dwelling unit.
7. There shall be no separate ownership of the accessory dwelling unit.

8. In addition to the parking spaces required for the principal dwelling unit on the lot, 2 off-street parking spaces shall be provided for an accessory dwelling unit. Such accessory dwelling unit parking spaces shall not conflict with the principal dwelling unit parking spaces and shall comply with the requirements of this Chapter.
9. An accessory dwelling unit shall use the same street number as the principal dwelling unit but must include a unique identifier that is consistent with the City's Street Naming and Addressing Policy to ensure compatibility with Hennepin County, the U.S. Postal Service, and emergency service providers. The entryway to an accessory dwelling unit shall include identifying signage and be connected to the driveway with an improved walkway.
10. Accessory dwelling units are subject to the same height restriction for principal structures as determined by the zoning district but must not exceed the existing height of the principal structure.

B. Essential Services, as allowed by Section 1030.090.

C. Special Home Occupations as allowed by Section 1030.100 of this Chapter.

Subd. 7. Development Rights. In order for development rights assigned to properties within this district to be utilized, the property shall first be rezoned to Rural Commercial for consistency with the land use designation in the Comprehensive Plan.

Subd. 8. Area Requirements: The following minimum requirements shall be met in the TCR district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |           |
|---------------------------------------|-----------|
| Minimum lot area                      | 2.5 acres |
| Minimum lot width                     | 200 feet  |
| Minimum lot depth                     | 300 feet  |
| Minimum Principal Structure Setbacks: |           |
| Front, From Major Roadways*           | 100 feet  |
| Front, From all other streets         | 50 feet   |
| Side                                  | 25 feet   |
| Rear                                  | 25 feet   |
| Maximum Principal Building Height     | 35 feet   |

*\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.*

*(Ord 348, passed 05-25-17, Ord. 389, passed 02-28-19, Ord. 472, passed 12-22-22, Ord 532, passed 08-22-2024)*





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## **1040.100 – C-1 (NEIGHBORHOOD COMMERCIAL)**

- Subd. 1. Purpose. The purpose of the Neighborhood Commercial (C-1) District is to allow single and multi-use commercial buildings containing convenience retail and service commercial uses at major intersections on small neighborhood scale sites where public sewer is available and sites are designated in the 2030 Comprehensive Plan. The district is intended to accommodate the basic needs of neighborhoods that would not otherwise have convenient access to retail areas in the City. Due to the proximity to residential neighborhoods new buildings shall appear to have similar scale and design elements as the neighboring buildings. Businesses requiring exterior storage for processing retail sales or wholesale activities are not permitted in this district. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area.
- Subd. 2. Permitted Uses.
- A. Bakery, retail
  - B. Banks, savings and loan, credit unions and other financial institutions, with or without drive-through.
  - C. Barbers, Beauty Shops and similar personal service uses.
  - D. Cannabis, retail, compliant with Corcoran Code Section 119.03-04 and 1060.120.
  - E. Lower Potency Hemp Edible Retailers, compliant with Corcoran Code Section 119.03 and 1060.120.
  - F. Civic Buildings, such as City Hall, libraries, fire stations, etc..
  - G. Copy/print shop
  - H. Day Care Facilities, State licensed, as defined by statute.
  - I. Dry cleaning and laundry pick up, incidental pressing and repair without dry cleaning processing.
  - J. Offices, medical and professional.
  - K. Public and Private Clubs and Lodges.
  - L. Restaurants and cafes (without drive-through).

M. Retail goods and service uses of a similar nature within a fully enclosed building (without drive-through and not to exceed 50,000 square feet).

N. Taverns

Subd. 3. Accessory Uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Day Care Facilities, County licensed, 12 or fewer individuals.
- D. Keeping of Animals, subject to Chapter 81 (animals) of the City Code.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

- A. Automobile Retail (tires, batteries, etc. No body work or repair work).
- B. Car Washes.
  - 1. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.
  - 2. The exit from the car wash shall have a drainage system which is subject to the approval of the City and gives special consideration to the prevention of ice build-up during winter months.
  - 3. Hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m. daily.
- C. Commercial Kennel, subject to Chapter 81 of the City Code.
- D. Commercial recreation and entertainment.
- E. Drive-through businesses, subject to the standards outlined in Section 1060.060, Subd. 12.
- F. Greenhouses and Nurseries, subject to the following:
  - 1. When abutting a residential use or district, the property shall be screened and landscaped in accordance with this Chapter. All structures shall be set back at least 100 feet from any residential property line.
  - 2. On-site storage and use of pesticides and fertilizers shall meet the standards of the Minnesota Department of Agriculture.

3. Adequate off-street parking is provided on an improved surface as required by this Ordinance.
  4. Adequate parking, loading and maneuvering areas shall be provided.
  5. Loading areas are fully screened from adjacent residential uses.
  6. Not more than 30 percent of the site area shall contain outdoor storage of plants, accessory items and landscaping materials. All other sales and product storage areas must be within an approved building or structure. .
  7. Hours for retail sale of product to customers shall be limited to 7:00 a.m. to 9:00 p.m.
  8. Lighting shall comply with all ordinance requirements. If more than 25 percent of the greenhouse spaces are to be lit at night, they shall be screened from residential properties by use of a retractable curtain, landscaping, buildings or other methods to prevent light pollution, including sky glow.
  9. The site complies with the minimum lot area standards for the district.
  10. Sale of accessory items shall be permitted for the business as long as they cover no more than 10 percent of the outside site area.
  11. The provisions of Section 1070.020 of this Ordinance are considered and satisfactorily met.
- G. Health clubs and fitness centers less than 5,000 square feet in size.
- H. Hospitals, nursing home and similar care facilities.
- I. Hotel, inns and bed and breakfast establishments
- J. Motor Fuel Stations.
1. That the proximate area and location of space devoted to non-automotive merchandise sales shall be specified in the application and in the conditional use permit. Exterior sales or storage shall be only as allowed by the conditional use permit.
  2. The off-street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and

shall not cause conflicts with customer vehicles and pedestrian movements.

3. Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
4. All buildings, canopies, and pump islands shall be located to comply with the minimum setback requirements of the zoning district in which they are located.
5. All canopy lighting for motor fuel station pump islands shall be recessed or shielded to provide a 90-degree cutoff. Illumination levels for pump islands shall not exceed 30-foot candles.
6. Litter Control. The operation shall be responsible for litter control within 300 feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

K. Towers and Antennas (freestanding) as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance.

L. Veterinary clinic, Animal Hospital and related indoor kennel; and pet grooming.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

A. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

A. Essential Services, as allowed by Section 1030.090.

B. Seasonal Outdoor Retail Sales.

1. Seasonal outdoor retail sales shall not exceed a combined total of 120 days in any 12-month period. Outdoor retail sales shall not occupy an

area exceeding 10 percent of a lot's area, and shall meet all yard setback requirements.

2. Where seasonal outdoor retail sales are conducted in a parking lot, they shall be confined to a defined area, and not be allowed to obstruct access of emergency vehicles or pose a traffic safety problem. Temporary fencing or other suitable mechanisms shall be used to delineate the sales area and provide for pedestrian safety.
3. Where tents, temporary green houses, or similar structures are used to store, and/or display merchandise, they shall be anchored to provide a wind-load resistance of 40 miles per hour.

C. Towers and Antennas as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance, only when co-located on an existing structure.

Subd. 7. Area Requirements. The following minimum requirements shall be met in the C-1 district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |                    |
|---------------------------------------|--------------------|
| Minimum lot area:                     |                    |
| Single-tenant building                | 25,000 square feet |
| Multi-tenant building                 | 1 acre             |
| Minimum lot width                     | 100 feet           |
| Minimum lot depth                     | 200 feet           |
| Minimum Principal Structure Setbacks: |                    |
| Front, From Major Roadways*           | 100 feet           |
| Front, From all other streets         | 25 feet            |
| Side                                  | 20 feet            |
| Rear                                  | 20 feet            |
| Adjacent to Residential               | 50 feet            |
| Maximum Principal Building Height     | 35 feet            |
| Maximum Building Size                 | 50,000 square feet |
| Maximum Impervious Surface Coverage   | 80%                |

*\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.*

*(Ord 348, passed 05-25-17, Ord. 365, passed 06-28-18, Ord. 389, passed 02-28-19, Ord. 541, passed 1-9-2025)*



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## **1040.110 – C-2 (COMMUNITY COMMERCIAL)**

Subd. 1. Purpose. This district is intended to provide for a variety of retail and service businesses serving the region, which are oriented towards motorists and require high volumes of traffic and visibility from major roads. The service area for this area will extend beyond the boundaries of Corcoran. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area.

Subd. 2. Permitted Uses.

- A. Bakery, retail.
- B. Banks, savings and loan, credit unions and other financial institutions, with or without drive-through.
- C. Barbers, Beauty Shops and similar personal service uses.
- D. Cannabis, retail, compliant with Corcoran Code Section 119.03-04 and 1060.120.
- E. Lower Potency Hemp Edible Retailers, compliant with Corcoran Code Section 119.03 and 1060.120.
- F. Civic Buildings, such as City Hall, libraries, fire stations, etc..
- G. Day Care Facilities, State licensed, as defined by statute.
- H. Department Stores.
- I. Drug Stores, Variety Stores, etc.
- J. Dry cleaning and laundry pick up, incidental pressing and repair without dry cleaning processing.
- K. Funeral Homes and Mortuaries.
- L. Grocery Stores (not to exceed 50,000 square feet).
- M. Hardware Stores.
- N. Hobby and Craft Stores.
- O. Home Furniture and Home Furnishing Stores.
- P. Household Appliance Stores.

- Q. Laundromats.
- R. Liquor—Off-sale/On-sale.
- S. Offices, medical and professional.
- T. Public and Private Clubs and Lodges.
- U. Retail goods and service uses of a similar nature.
- V. Restaurants and cafes (without drive-through).
- W. Retail goods and service uses of a similar nature
- X. Sporting Goods and similar retail sales.
- Y. Tailoring services, shoe repair and similar services.
- Z. Taverns

Subd. 3. Accessory Uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Day Care Facilities, County licensed, 12 or fewer individuals.
- D. Allowed Home Occupations as regulated by Section 1030.100 (Home Occupations) of this Chapter.
- E. Keeping of Animals, subject to Chapter 81 (animals) of the City Code.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

- A. Assisted Living Facility.
- B. Automobile Retail (tires, batteries, etc. No body work or repair work).
- C. Car Washes.

1. The site shall provide stacking space for the car wash. The amount of stacking space shall take into account the type of car wash and the

amount of time it takes to wash a vehicle. Stacking spaces shall not interfere with parking spaces or traffic circulation.

2. The exit from the car wash shall have a drainage system which is subject to the approval of the City and gives special consideration to the prevention of ice build-up during winter months.

D. Commercial Kennel, subject to Chapter 81 of the City Code.

E. Commercial recreation and entertainment.

F. Drive-through businesses, subject to the standards outlined in Section 1060.060, Subd. 12.

G. Dwelling, Multiple Family

H. Greenhouses and Nurseries, subject to the following:

1. When abutting a residential use or district, the property shall be screened and landscaped in accordance with this Chapter. All structures shall be set back at least 100 feet from any residential property line.
2. On-site storage and use of pesticides and fertilizers shall meet the standards of the Minnesota Department of Agriculture.
3. Adequate off-street parking is provided on an improved surface as required by this Ordinance.
4. Adequate parking, loading and maneuvering areas shall be provided.
5. Loading areas are screened from adjacent residential uses.
6. Not more than 30 percent of the site area shall be covered with buildings or other structures.
7. Hours for retail sale of product to customers shall be limited to 7:00 a.m. to 9:00 p.m.
8. Lighting shall comply with all ordinance requirements. If more than 25 percent of the greenhouse spaces are to be lit at night, they shall be screened from residential properties by use of a retractable curtain, landscaping, buildings or other methods to prevent light pollution, including sky glow.

9. The site complies with the minimum lot area standards for the district.
  10. Sale of accessory items shall be permitted for the business as long as they cover no more than 10 percent of the outside site area.
  11. The provisions of Section 1070.020 of this Ordinance are considered and satisfactorily met.
- I. Hospitals, nursing home and similar care facilities.
  - J. Hotel, inns and bed and breakfast establishments.
  - K. Motor Fuel Stations.
    1. That the proximate area and location of space devoted to non-automotive merchandise sales shall be specified in the application and in the conditional use permit. Exterior sales or storage shall be only as allowed by the conditional use permit.
    2. The off-street loading space(s) and building access for delivery of goods shall be separate from customer parking and entrances and shall not cause conflicts with customer vehicles and pedestrian movements.
    3. Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and to allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
    4. All buildings, canopies, and pump islands shall be located to comply with the minimum setback requirements of the zoning district in which they are located.
    5. All canopy lighting for motor fuel station pump islands shall be recessed or shielded to provide a 90-degree cutoff. Illumination levels for pump islands shall not exceed 30-foot candles.
    6. Litter Control. The operation shall be responsible for litter control within 300 feet of the premises and litter control is to occur on a daily basis. Trash receptacles must be provided at a convenient location on site to facilitate litter control.

- L. Places of Worship/Assembly.
- M. Towers and Antennas (freestanding) as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance.
- N. Veterinary clinic, Animal Hospital and related indoor kennel; and pet grooming.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

- A. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

- A. Essential Services, as allowed by Section 1030.090.

- B. Seasonal Outdoor Retail Sales.

1. Seasonal outdoor retail sales shall not exceed a combined total of 120 days in any 12-month period. Outdoor retail sales shall not occupy an area exceeding 10 percent of a lot's area, and shall meet all yard setback requirements.
2. Where seasonal outdoor retail sales are conducted in a parking lot, they shall be confined to a defined area, and not be allowed to obstruct access of emergency vehicles or pose a traffic safety problem. Temporary fencing or other suitable mechanisms shall be used to delineate the sales area and provide for pedestrian safety.
3. Where tents, temporary green houses, or similar structures are used to store, and/or display merchandise, they shall be anchored to provide a wind-load resistance of 40 miles per hour.

- C. Towers and Antennas as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance, only when co-located on an existing structure.

Subd. 7.       Area Requirements. The following minimum requirements shall be met in the C-2 district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |          |
|---------------------------------------|----------|
| Minimum lot area                      | 1 acre   |
| Minimum lot width                     | 100 feet |
| Minimum lot depth                     | 200 feet |
| Minimum Principal Structure Setbacks: |          |
| Front, From Major Roadways*           | 100 feet |
| Front, From all other streets         | 25 feet  |
| Side                                  | 20 feet  |
| Rear                                  | 20 feet  |
| Adjacent to Residential               | 50 feet  |
| Maximum Principal Building Height     | 35 feet  |
| Maximum Impervious Surface Coverage   | 80%      |

*\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.*

*(Ord 348, passed 05-25-17, Ord 365 passed 06-28-18, Ord. 389, passed 02-28-19, Ord. 541, passed 1-9-2025)*

## **1040.120 – BP (BUSINESS PARK)**

Subd. 1. Purpose. The intent of this district is to provide for the establishment of campus developments with a variety of office, low-impact manufacturing or assembly of a variety of products that create no exterior noise, glare or fumes. Uses allowed in this district are limited to those that are compatible with lower intensity residential and business uses and which have limited amounts of outside storage. Developments in this district will provide a number of amenities, including architectural controls, landscaping, preservation of natural features, etc. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area.

Subd. 2. Permitted Uses.

- A. Banks, savings and loan, credit unions and other financial institutions, with or without drive-through.
- B. Cannabis, state licensed businesses with no retail or outdoor cultivation component compliant with Corcoran Code Section 119 and 1060.120.
- C. Civic Buildings, such as City Hall, libraries, fire stations, etc.
- D. Commercial printing establishments.
- E. Conference centers and reception halls.
- F. Essential services and structures.
- G. Laboratories/research facilities..
- H. Manufacturing or assembly of products that produce no exterior noise, glare, fumes, obnoxious products, byproducts or wastes or creates other objectionable impact on the environment.
- I. Offices, medical and professional.
- J. Office/Warehouse.
- K. Radio and television stations or studios.
- L. Technical, vocational, business and college/university satellite facilities/schools.
- M. Warehousing and indoor storage used in conjunction with offices or manufacturing facilities.



N. Wholesale Showrooms.

Subd. 3. Accessory Uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.
- D. Tenant restaurants, cafeterias, and retail service limited to tenants of the building, provided that they be essentially limited to providing service to the users of the permitted use, and that no signs or other evidence of these uses are visible from the exterior of the building.
- E. Keeping of Animals, subject to Chapter 81 (animals) of the City Code.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

- A. Day Care, Commercial.
- B. Hotel, inns and bed and breakfast establishments.
- C. Retail Uses accessory to permitted development limited to 10 percent of the gross floor area of the building.
- D. Towers and Antennas (freestanding) as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

- A. School facility, leasing space.
- B. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

- A. Accessory buildings and structures for a use accessory to the principal commercial or business use provided such structure does not exceed 30 percent of the gross floor space of the principal use.
- B. Essential Services, as allowed by Section 1030.090.

- C. Towers and Antennas as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance, only when co-located on an existing structure.

Subd. 7. Area Requirements. The following minimum requirements shall be met in the BP district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |          |
|---------------------------------------|----------|
| Minimum lot area                      | 1 acre   |
| Minimum lot width                     | 100 feet |
| Minimum lot depth                     | 200 feet |
| Minimum Principal Structure Setbacks: |          |
| Front, From Major Roadways*           | 100 feet |
| Front, From all other streets         | 50 feet  |
| Side                                  | 20 feet  |
| Rear                                  | 20 feet  |
| Adjacent to Residential               | 50 feet  |
| Maximum Principal Building Height     | 45 feet  |
| Maximum Impervious Surface Coverage   | 70%      |

*\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.*

*(Ord 348, passed 05-25-17, Ord. 389, passed 02-28-19, Ord. 541, passed 1-9-2025)*

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## **1040.125 – I-1 (LIGHT INDUSTRIAL)**

Subd. 1. Purpose. The purpose of the I-1, Light Industrial District is providing for the establishment of warehousing and light industrial development. The overall character of the I-1 District is intended to have a low impact manufacturing/warehouse character. Industrial uses allowed in this district shall be limited to those which can compatibly exist adjacent to both lower intensity business uses and high intensity manufacturing uses and which have limited amounts of truck traffic. Because I-1 may abut residential uses the I-1 uses are regulated in height, lot coverage, setbacks, landscaping, loading and use type so as to facilitate compatibility between these uses and residential development. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area.

Subd. 2. Permitted Uses.

- A. Automotive detailing shops.
- B. Cannabis, state licensed businesses with no retail or outdoor cultivation component compliant with Corcoran Code Section 119 and 1060.120.
- C. Civic Buildings, such as City Hall, libraries, fire stations, etc..
- D. Commercial printing establishments.
- E. Contractors operations
- F. Equipment rental
- G. Indoor sports and recreation (commercial) provided the structure and use is located at least one hundred feet (100') from any residential zoning district.
- H. Laboratories/research facilities.
- I. Manufacturing or assembly of products that produce no exterior noise, glare, fumes, obnoxious products, byproducts or wastes or creates other objectionable impact on the environment.
- J. Lumber yards/building material sales.
- K. Offices, medical and professional.
- L. Office/Warehouse
- M. Printing and publishing.

- N. Radio and television stations or studios
- O. Recycling facility-indoor
- P. Warehousing/distribution and indoor storage.
- Q. Wholesale Showrooms.

Subd. 3. Accessory Uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Keeping of Animals, subject to Chapter 81 (animals) of the City Code.
- D. Retail sales related to the processing of product on site so long as it does not exceed thirty percent (30%) of the floor space of the principal building.
- E. Tenant restaurants, cafeterias, and retail service limited to tenants of the building, provided that they be essentially limited to providing service to the users of the permitted use, and that no signs or other evidence of these uses are visible from the exterior of the building.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

- A. Day Care, Commercial.
- B. Mini Storage/Self Storage Facilities.
  - 1. Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity, except as allowed by this Section.
  - 2. Combining office and /or retail space with a self-service storage facility may be allowed by Conditional Use Permit.
  - 3. Storage of hazardous or flammable materials is prohibited.
  - 4. No exterior storage is allowed.
  - 5. The facility shall be secured by either the walls of the structure and/or fencing. All doors on the units shall face inward and away from the street and property lines.

6. An on-site manager is allowed only where adequate sanitary facilities are provided, either through use of a septic system or through connection to the public sanitary sewer system. Use of portable sanitary facilities does not fulfill this requirement.

C. Motor Vehicle, Boat or Equipment Repair.

1. All servicing of vehicles and equipment shall occur entirely within the principal structure.
2. To the extent required by State law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulated matter.
3. Storage and use of all flammable materials, including liquid and rags, shall conform with applicable provisions of the Minnesota Uniform Fire Code.
4. Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the City and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semi-trailer/tractor trucks.
5. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
6. The sale of products other than those specifically mentioned in this Section shall be subject to a separate conditional use permit

D. Motor Vehicle, Boats and Equipment Sales.

1. All sales shall occur on one lot.
2. Parking areas for the outside storage and sale of vehicles, boats and trailers, shall be on impervious surface, either bituminous, concrete, or approved equivalent.
3. Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking areas from landscaped areas.
4. All areas of the property not devoted to buildings or parking areas shall be landscaped in accordance with this Ordinance.

5. Off-street parking shall be provided for customers and employees in accordance with this Ordinance.

6. Parking for a motor vehicle, boat, or trailer sales shall not be less than 9 feet wide by 18.5 feet in length.

E. Outside Storage, accessory to an allowed use provided that:

1. Storage area is blacktop or concrete surfaced unless specifically approved by the City Council.

2. The storage area does not take up parking space or loading space as required for conformity to this Chapter.

3. The storage area is screened from public streets and surrounding properties.

F. Towers and Antennas (freestanding) as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance.

G. Trade Schools, Seminaries and other Higher Education Facilities.

H. Veterinary clinic, Animal Hospital and related indoor kennel; and pet grooming.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

A. Land reclamation, mining and soil processing

B. B. Outside Storage as a principal use, subject to the following:

1. The use is to provide supplemental outside storage to another property in the immediate vicinity, under common ownership, which is separated from that use by a public street, prohibiting the properties from being combined as a single parcel. For the purposes of this paragraph, properties in the “immediate vicinity” of one another shall be those which would be contiguous but for the existence of a single public street between them.

2. No motor vehicle repair work of any kind shall be permitted in the outside storage area.



3. All exterior storage shall be screened so as not to be visible from adjoining properties and public streets. Screening must be in compliance with Section 1060.070, Subd. 2.J. of the ordinance.
4. The height of stored materials shall be no higher than the screening.
5. Outside storage areas and any required screening fence shall meet all parking setback requirements for the district.
6. Storage area is blacktop or concrete surface unless another surface is specifically approved by the City Council.
7. With the exception of parking signage permitted or required by section C, below, no signage shall be permitted for the site.
8. Outside storage shall be exclusively for items directly related to the principal business to which the use provides supplemental storage, as required by B.1., above. The principal business must qualify as an allowed use within the district. The provision of supplemental storage for businesses or properties other than the principal business is prohibited.

C. Parking as a principal use, subject to the following:

1. The use is to provide supplemental parking to another property in the immediate vicinity, under common ownership, which is separated from that use by a public street, prohibiting the properties from being combined as a single parcel. For the purposes of this paragraph, properties in the “immediate vicinity” of one another shall be those which would be contiguous but for the existence of a single public street between them.
2. Parking and drive aisles must be paved with curb and gutter and comply with the standards in Section 1060.060 of the ordinance.
3. Parking, drive aisles and loading areas shall meet the setback requirements in Section 1060.060 of the ordinance.
4. Parking and loading areas shall be screened from properties guided or zoned residential and from public streets. Screening to a height of at least 3 feet shall be provided to screen vehicle headlights.
5. Any proposed access onto a public street must comply with Section 945.010, Subd. 5 (Engineering Design Standards).

6. Parking shall be exclusively for employees and customers of the principal business to which the use provides supplemental parking, as required by C.1., above. The City Council may require the placement of signage on the property providing notice of this restriction. The principal business must qualify as an allowed use within the district. The provision of supplemental parking to businesses or properties other than the principal business is prohibited.
7. Vehicles parked for more than 72 hours shall be considered a storage nuisance and must be moved to an approved, screened storage area.
8. Gravel off-loading areas for heavy equipment may be permitted by the City Council if documented demand is provided, the applicant can ensure that no damage will be done to City streets and the off-loading area meets all parking setback requirements for the district.
9. Directional signs as allowed by Chapter 84 of the code would be allowed with City approval. No other signage shall be permitted for the site, except parking restriction signs required by the City Council pursuant to C.6, above.

D. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

- A. Essential Services, as allowed by Section 1030.090.
- B. Towers and Antennas as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance, only when co-located on an existing structure.

Subd. 7.       Area Requirements. The following minimum requirements shall be met in the I-1 district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |          |
|---------------------------------------|----------|
| Minimum lot area                      | 1 acre   |
| Minimum lot width                     | 100 feet |
| Minimum lot depth                     | 200 feet |
| Minimum Principal Structure Setbacks: |          |
| Front, From Major Roadways*           | 100 feet |
| Front, From all other streets         | 50 feet  |
| Side                                  | 20 feet  |
| Rear                                  | 20 feet  |
| Adjacent to Residential               | 50 feet  |
| Maximum Principal Building Height     | 45 feet  |
| Maximum Impervious Surface Coverage   | 70%      |

*\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.*

*(Ord 348, passed 05-25-17, Ord. 389, passed 02-28-19, Ord. 417, passed 06-24-21, Ord 530, passed 07-25-24, Ord. 541, passed 1-9-2025)*

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## 1040.130 – DOWNTOWN MIXED USE (DMU) DISTRICT

Subd. 1. Purpose. The purpose of the Downtown Mixed Use District is to provide for the orderly and integrated development of a high quality downtown. The Downtown Mixed Use District applies to those properties classified as Mixed Use on the 2030 Future Land Use Plan and located on the east side of County Road 116 on both sides of County Road 10. The Downtown Mixed Use District will provide for the establishment of a community focal point which is a blend of cultural, civic, entertainment, commercial, retail, residential and office uses as defined and guided by the 2030 Comprehensive Plan. Residential multi-family uses shall be developed at a minimum of ten units per acre or greater. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area.

*(Ord. 319, passed 05-26-17)*

Subd. 2. Intent. The intent of this district is to:

- A. Establish a strong identity for the City of Corcoran downtown.
- B. Create an orderly and integrated mix of high-quality uses for downtown Corcoran that includes a mix of shops, restaurants, offices, housing, recreation, community facilities, parks and open space, all within a walkable area designed to be both pedestrian-friendly and auto-accessible.
- C. Promote high-quality architectural and site design.

Subd. 3. Application and Reference Materials.

The Downtown Mixed Use District is where development will be most concentrated, and where controls are needed to produce the traditional “Main Street” qualities that Corcoran is seeking. In addition to the requirements of this Section, development in this area should comply with the spirit and intent of the City’s Design Guidelines, (Appendix A and B).

*(Ord. 319, passed 05-26-16)*

Subd. 4. Permitted Uses.

- A. Bakery, retail.
- B. Banks, savings and loans, credit unions and other financial institutions without drive-through.

- C. Barbers, Beauty Shops and similar personal service uses.
- D. Civic Buildings, such as City Hall, libraries, fire stations, etc.
- E. Copy/print shop.
- F. Day Care Facilities, State licensed, as defined by statute.
- G. Dry cleaning and laundry pick up, incidental pressing and repair without dry cleaning processing.
- H. Dwelling, Attached.
- I. Dwelling, Detached.
- J. Dwelling, Multiple Family with a minimum density of 10 units per net acre, which may include units combining living and working space within the unit, if all units on the same floor of a building are the same.
- K. Dwelling, Senior.
- L. Hotel, inns and bed and breakfast establishments.
- M. Offices, medical and professional.
- N. Public parking ramp.
- O. Restaurants and cafes (without drive-through).
- P. Retail goods and service uses of a similar nature within a fully enclosed building (without drive-through).
- Q. Taverns.

*(Ord. 319, passed 05-26-16)*

Subd. 5. Accessory Uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Keeping of Animals, subject to Chapter 81 (animals) of the City Code.
- D. Outdoor seating within the public right of way or public open space for a permitted or conditional use, provided that:

1. A sidewalk area at least six feet (6') wide is maintained free of seating in the area.
2. An outdoor seating plan is prepared and approved by the City Council on the recommendation of the planning commission, on finding that the plan will not compromise public health, safety, or welfare. 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.

E. Public open space plaza, square or other related uses.

Subd. 6. Conditional Uses.

A. Assisted living facility

B. Drive-through lanes serving permitted or conditional uses, except for restaurants, for which drive-through lanes are not allowed in the Downtown Mixed Use District, provided lanes comply with Section 1060.60, Subd. 12 of this Ordinance and meet the following criteria:

1. Drive-Through Lanes: Drive-through or drive-in lanes are not allowed within the build-to 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.
2. Adequate stacking distance shall be provided, as determined by the City Engineer, which does not interfere with other driving areas, parking spaces, or sidewalks.
3. Electronic speaker devices, if used, shall not be audible beyond the property being served and shall not be operated between the hours of ten (10:00) P.M. and seven (7:00) A.M.
4. Screening shall be provided of automobile headlights in the drive-through lane to adjacent properties. Such screening shall be at least three feet (3') in height and fully opaque, consisting of a wall, fence, dense vegetation, berm, or grade change.
5. A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.

C. Funeral Homes and Mortuaries

D. Health clubs and fitness centers less than 5,000 square feet in size.

E. Museum

F. Nursing Home

G. Theatre

Subd. 7. Interim Uses

A. Farmers Market

B. Street Vendors

C. Other uses as approved by the City Council

Subd. 8. Uses by Administrative Permit.

A. Essential Services, as allowed by Section 1030.090.

Subd. 9. Area Requirements. The following minimum requirements shall be met in the DMU district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts) and the Design Guidelines (Appendix A and B):

|                                     |                    |
|-------------------------------------|--------------------|
| Minimum lot area                    | 20,000 sq. ft.     |
| Minimum lot width                   | NA                 |
| Minimum lot depth                   | NA                 |
| Principal Structure build-to lines: |                    |
| From County Road 116                | 100 feet (minimum) |
| Front, From all other streets       | 15 feet (maximum)  |
| Side                                | None               |
| Rear                                | None               |
| Adjacent to Residential             | 10 feet (minimum)  |

*(Ord. 319, passed 05-26-16, Ord. 389, passed 02-28-19)*



## **1040.135 – GENERAL MIXED USE (GMU) DISTRICT**

- Subd. 1. Purpose. The purpose of the General Mixed Use District (GMU) is to provide an area for compact, inter-connected, walkable, mixed-use development along key community corridors and to support high quality development and site flexibility due to the unique site conditions in these areas. The mixture of land uses within the district is essential to establishing the level of vitality and intensity needed to support retail and service uses. A combination of retail, office, service and residential uses are encouraged although not required. Buildings may also be entirely one use. The placement of the building and the relationship of the building, parking, landscaping, and pedestrian spaces is essential to creating the pedestrian-friendly environment envisioned for the GMU District. The standards in this Section are reinforced within the Design Guidelines contained in Appendix A. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area.

The General Mixed Use District applies to those properties classified as Mixed Use on the 2030 Future Land Use Plan and adjacent to County Road 30. The character of the General Mixed Use District shall reflect high quality design due to the high visibility of these areas at the gateway to the City at County 30. Although development in this mixed-use district will be more auto-oriented in design than the Downtown Mixed Use District, pedestrian connections and amenities will still be required to provide connections to existing and future planned areas, sidewalks and trails and to provide for safe pedestrian circulation within the site. Landscaping, and architectural details shall be used to unify sites within the General Mixed Use District.

- Subd. 2. Permitted Uses.
- A. Bakery, retail.
  - B. Banks, savings and loans, credit unions and other financial institutions without drive-through.
  - C. Barbers, Beauty Shops and similar personal service uses.
  - D. Civic Buildings, such as City Hall, libraries, fire stations, etc.
  - E. Copy/print shop.
  - F. Day Care Facilities, State licensed, as defined by statute.
  - G. Dry cleaning and laundry pick up, incidental pressing and repair without dry cleaning processing.

- H. Dwelling, Multiple Family with a minimum density of 10 units per net acre, which may include units combining living and working space within the unit, if all units on the same floor of a building are the same.
- I. Hotel, inns and bed and breakfast establishments.
- J. Offices, medical and professional.
- K. Retail goods and service uses of a similar nature within a fully enclosed building (without drive-through).
- L. Restaurants and cafes (without drive-through).
- M. Taverns.

Subd. 3. Accessory Uses.

- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
- B. Accessory uses incidental and customary to uses allowed in this Section.
- C. Day Care Facilities, County licensed, 12 or fewer individuals.
- D. Keeping of Animals, subject to Chapter 81 (animals) of the City Code.
- E. Outdoor seating accessory to a restaurant.
- F. Public open space plaza, square or other related uses.
- G. Structured parking.

Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

- A. Assisted living facility
- B. Drive-through businesses, subject to the standards outlined in Section 1060.060, Subd. 12.
- C. Funeral Homes and Mortuaries.
- D. Health clubs and fitness centers
- E. Motor Fuel Stations.

- F. Museum.
- G. Nursing Home.
- H. Places of Worship/Assembly.
- I. Schools, Private.
- J. Theatre.

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

- A. Farmers Market
- B. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

- A. Essential Services, as allowed by Section 1030.090.
- B. Seasonal Outdoor Retail Sales.
  - 1. Seasonal outdoor retail sales shall not exceed a combined total of 120 days in any 12-month period. Outdoor retail sales shall not occupy an area exceeding 10 percent of a lot's area, and shall meet all yard setback requirements.
  - 2. Where seasonal outdoor retail sales are conducted in a parking lot, they shall be confined to a defined area, and not be allowed to obstruct access of emergency vehicles or pose a traffic safety problem. Temporary fencing or other suitable mechanisms shall be used to delineate the sales area and provide for pedestrian safety.
  - 3. Where tents, temporary green houses, or similar structures are used to store, and/or display merchandise, they shall be anchored to provide a wind-load resistance of 40 miles per hour.
- C. Towers and Antennas as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance, only when co-located on an existing structure.

Subd. 7. Site Design.

- A. Structures shall be oriented and consolidated to complement existing, adjacent development to create a coordinated and visually attractive mixed use setting throughout the district.
- B. Site planning shall respect the relationship of the site to the existing and proposed buildings and streets and major roadways.
- C. Commercial parking lot design shall include provisions for cross easements and stubbed access drives to the property line for the use of adjacent properties so that residents and customers do not need to return to the public street system to access adjacent developments.
- D. Buildings shall have a clearly defined primary pedestrian entrance at street level.
- E. 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 2 ½ feet and a maximum height of 3 ½ feet above the level of the parking lot at the build to line.
- F. Drive-through or drive-in lanes are not allowed within the front of any buildings. They must be located to the side or rear of a building.
- G. Maximum impervious coverage. The total lot coverage shall not exceed 80% impervious.

Subd. 8. Parking Requirements

- A. At least 50% of the required parking for residential units in the GMU district shall be provided in structured parking or in enclosed garages. The residential parking spaces shall be specifically reserved for the use of residents and visitors only, separate from any commercial, office or other uses on-site or nearby and shall not be counted as part of any shared parking or joint parking arrangement.
- B. Parking for non-residential uses shall meet with requirements in Section 1060.060 but may include reductions for shared parking arrangements, if appropriate, as determined by the City Council. Any shared parking arrangements must be fully connected and in reasonable proximity to each use.

Subd. 9. Building Design Requirements. To maintain the character of the GMU District, any construction is subject to the following standards to reflect the

character of the District. The design standards are explained in further detail and illustrated in the City Design Guidelines in Appendix A.

- A. All new building fronts (single story or multi-story) shall include a minimum of four (4) of the following elements:
  - 1. Architectural detailing, such as cornice, awning, parapet, or columns;
  - 2. A visually pleasing primary front entrance that, in addition to doors, shall be accented a minimum of one hundred fifty (150) square feet around the door entrance for single occupancy buildings and a minimum of three hundred (300) square feet total for the front of multi-tenant buildings (this area shall be counted as one element). Entrances shall be clearly articulated and obvious from the street;
  - 3. A minimum of thirty (30) percent window coverage on each front that faces a street;
  - 4. Contrasting, yet complementary material colors;
  - 5. A combination of horizontal and vertical design features;
  - 6. Irregular building shapes;
  - 7. Other architectural features in the overall architectural concept.
- B. Multi-story buildings shall have the ground floor distinguished from the upper floors by having one or more the following:
  - 1. Awning
  - 2. Trellis
  - 3. Arcade
  - 4. Window lintels
  - 5. Intermediate cornice line
  - 6. Brick detailing such as quoins or corbels
- C. Residential Uses on First Floors: Whenever residential uses are included on the first floor of a building the first floor elevation shall be raised above the sidewalk elevations immediately adjacent to the front of the residential unit to ensure the residential unit is separated from the public

space. In addition, each first floor unit must have an individual private entrance at the street level with private courtyard enclosure.

- D. Façade Articulation. Any exterior building wall adjacent to or visible from a public street, public open space, or abutting property may not exceed forty feet (40') in length without significant visual relief consisting of one or more of the following:
  - 1. The facade shall be divided architecturally by means of significantly different materials or textures, or
  - 2. Horizontal offsets of at least four feet (4') in depth, or
  - 3. Vertical offsets in the roofline of at least four feet (4'),
  - 4. Fenestration at the first floor level which is recessed horizontally at least one foot (1') into the facade.
- E. Accent Materials: Accent materials shall be wrapped around walls. Accent material shall consist of materials comparable in grade and quality to the primary exterior material. Such materials may include glass, prefinished decorative metal and fiber cement trim within soffit and fascia areas.
- F. Major exterior materials of all walls including face brick, stone (natural or cultured), glass, stucco, synthetic stucco (EIFS), fiber cement vertical panel siding, architectural concrete and precast panels shall be acceptable as the major exterior wall surface when they are incorporated into an overall design of the building. Major materials must cover at least 60% of the exterior.
- G. Restricted Exterior Materials: Unadorned pre-stressed concrete panels, whether smooth or raked, non-decorative concrete block, sheet metal, unfinished metal and/or galvanized and unfinished aluminum surfaces (walls or roofs) shall not be used as exterior materials. This restriction shall apply to all principal structures and to all accessory buildings except those accessory buildings not visible from any property line. No more than twenty five percent (25%) of any exterior wall on a building shall be fiber cement siding, wood or metal accent material.
- H. Building Roofs. Mansard or mansard style roofs are not permitted except for mansard style cornices. Acceptable designs include flat, pitched or curved. Building roof styling shall incorporate a minimum of one (1) of the following elements:
  - 1. Parapets or cornices;

## 2. Varying building height and variety of roof lines.

### Subd. 10. Screening

- A. Rooftop mechanical equipment. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. A cross-sectional drawing shall be provided that illustrates the sight lines from the ground level view.
- B. Screening adjoining residential use. Wherever a GMU District abuts, or is across the street from an Residential District, a berm, fence or screening consisting of compact evergreen trees or hedge or a combination thereof, not less than eighty percent (80%) opaque at time of installation, nor less than six feet (6') in height, except adjacent to a street where it shall be not less than three feet (3') nor more than four feet (4') in height shall be erected or installed and maintained. All screening shall comply with this Chapter.
- C. Ground Mechanical Equipment. Ground mechanical equipment shall be one hundred percent (100%) screened from contiguous properties and adjacent streets by opaque landscaping, or screen wall compatible with the architectural treatment of the principal structure.
- D. Trash enclosure service structure: All exterior trash enclosures or other accessory structures shall be constructed of the same materials and colors as the principal building.

### Subd. 11. Exterior storage.

- A. All exterior storage of material and equipment related to, located on, and used by any business or other nonresidential use shall be stored within a building or fully screened so as not to be visible from streets, highways, or neighboring property.

### Subd. 12. Landscape Design.

- A. In addition to the landscape requirements in Section 1030.16 of this Chapter, plant materials shall be used to create a unified and attractive mixed use environment.
- B. Planting areas should be located and designed to avoid visual interference with public signage and private commercial communication.

- C. Plant materials shall be arranged to provide focal points on the site, and concentrated to signify key site locations such as the primary building entrance, site entrance, around signage, along pedestrian walkways, and along the perimeter of the building.

Subd. 13. Area Requirements. The following minimum requirements shall be met in the GMU district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |                                                                                                                                                                                       |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum lot area                      | 25,000 square feet                                                                                                                                                                    |
| Minimum lot width                     | 150 feet                                                                                                                                                                              |
| Minimum lot depth                     | NA                                                                                                                                                                                    |
| Minimum Principal Structure Setbacks: |                                                                                                                                                                                       |
| Front, From Major Roadways*           | 100 feet                                                                                                                                                                              |
| Front, From all other streets         | 25 feet                                                                                                                                                                               |
| Side                                  | None                                                                                                                                                                                  |
| Rear                                  | None                                                                                                                                                                                  |
| Adjacent to Residential               | 35 feet                                                                                                                                                                               |
| Maximum Principal Building Height     | 35 feet at the minimum setbacks but may be increased up to a maximum of 50 feet with increased setbacks at a rate of 1 foot additional height for every 5 feet in additional setback. |
| Maximum Impervious Surface Coverage   | 80%                                                                                                                                                                                   |

*\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.*

*(Ord 348, passed 05-25-17, Ord. 389, passed 02-28-19)*



## **1040.140 – PUD (PLANNED UNIT DEVELOPMENT)**

Subd. 1. Purpose. In return for greater flexibility in site design requirements, the Planned Unit Development (PUD) district is expected to deliver creative community designs of exceptional quality. PUDs shall honor the rural character of Corcoran by prioritizing nature through preservation, restoration, and/or enhancement of the natural systems that sustain the City. PUDs will include a combination of public benefits such as above-average open space amenities; incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. A PUD can be used in the development of residential neighborhoods and/or nonresidential areas in a manner 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.

Subd. 2. Intent. The intent of this district is to:

- A. Provide for the establishment of PUD districts in appropriate settings and situations to create or maintain a development pattern that is consistent with the City's Comprehensive Plan.
- B. Potentially allow for the mixing of land uses within a development when such mixing of land uses is determined to be compatible with the surrounding area and could not otherwise be accomplished under the existing zoning and subdivision regulations.
- C. Provide for variations to the strict application of the land use regulations to improve site design and operation, while at the same time incorporating design elements, that exceed the City's standards to offset the effect of any variations. Desired design elements may include the following: innovative design, integration of historical or rural structures and design elements, utilization of newly established technologies in building design, special construction materials, additional landscaping, creating parking and pedestrian connections, stormwater management, pedestrian-oriented design, or transitions to residential neighborhoods.
- D. Promote 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.
- E. Preserve and enhance natural features, open spaces, trees, and scenic views.
- F. Maintain or improve the efficiency of public streets and utilities.

G. Ensure appropriate transitions between differing land uses.

H. Ensure high quality of design and designs that are compatible with surrounding land uses, including existing and planned.

Subd. 3. **Applicability.** A PUD district shall not be established for parcels guided in the Comprehensive Plan for Rural/Ag Residential and Rural Service/Commercial, except where allowed for an Open Space Preservation Plat. A PUD district can be established for parcels guided in the Comprehensive Plan as any other land use designation than those stated above when the City finds that the proposal meets the intent of this district.

Subd. 4. **Allowed Uses.** Uses within the PUD will generally be limited to those uses considered associated with the general land use category shown for the area on the City's Comprehensive Plan.

A. *Low Density Residential.* PUDs located on land that is guided for existing and low density residential shall be limited to permitted and accessory uses in addition to uses allowed by conditional, interim, and/or administrative permit as contemplated with the following single-family residential districts: RSF-1, RSF-2, and RSF-3.

B. *Presumption of Underlying Zoning District*

i. PUDs located on land that is guided as one of the land use designations in the table below will be presumed to include permitted and accessory uses in addition to uses allowed by conditional, interim, and/or administrative permits of the underlying zoning district(s) associated with the land use designation.

| <b><u>Land Use Designation in Comprehensive Plan</u></b> | <b><u>Underlying Zoning District</u></b> |
|----------------------------------------------------------|------------------------------------------|
| <u>Medium Density Residential</u>                        | <u>RMF-1</u>                             |
| <u>Mixed Residential</u>                                 | <u>RMF-2</u>                             |
| <u>High Density Residential</u>                          | <u>RMF-3</u>                             |
| <u>Mixed Use</u>                                         | <u>GMU and DMU</u>                       |
| <u>Commercial</u>                                        | <u>C-1 and C-2</u>                       |
| <u>Business Park</u>                                     | <u>BP</u>                                |
| <u>Light Industrial</u>                                  | <u>I-1</u>                               |
| <u>Public/Semi-Public</u>                                | <u>PI</u>                                |

ii. Additional uses not contemplated in the underlying zoning district may be approved by Ordinance if the Council determines such uses to be compatible with the intent of the underlying zoning district.

C. *Mixed Use*. PUDs located on land guided as mixed use are expected to include a combination of residential and commercial uses.

Subd. 5. Presumptive Performance Standards. The district regulations (e.g., minimum lot dimensions, building height, and building coverage ratio) of the most closely related underlying zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purpose and intent described in this section.

Subd. 6. **Design Standards**. The PUD plan establishes the requirements for a PUD and shall govern land uses and design. The following is a list of minimum standards required of PUDs:

A. *Appropriate Integration*. PUDs shall be appropriately integrated into existing and proposed surrounding development. This does not mean the PUD reflects the specific standards of the surrounding area such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through continuation of existing land use types, architectural transitions, landscaping buffering, or other means.

B. *Variety and Enhanced Design*. Since PUDs are expected to exceed standards, most residential PUDs should include a wide variety of styles. Style refers to the exterior image and footprint, not the floor plan. Where a wide variety of styles does not make sense, the PUD should include enhanced building design that exceeds underlying standards.

I. PUDs with detached homes must provide house elevations for approval. There should be no less than 5 styles of detached homes.

II. PUDs with attached homes (not including apartment buildings) must include no less than 2 styles.

III. For PUDs without a residential component, applicants must provide material boards with renderings for design evaluation.

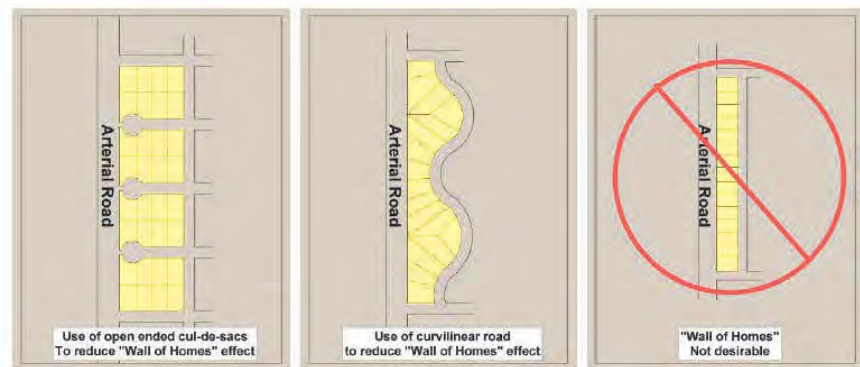
C. *Open Space*. A low-density residential PUD shall provide a percentage of the project area as open space based on the requested lot width minimum as shown in the subsequent table.

| Proposed Lot Width  | Required Open Space |
|---------------------|---------------------|
| 72' or more         | 0%                  |
| Less than 72' – 65' | 7%                  |
| Less than 65' – 55' | 12%                 |

|               |     |
|---------------|-----|
| Less than 55' | 15% |
|---------------|-----|

- I. If the PUD is to be developed in phases, the applicant must include the entire site to be designated as open space in the plat of the first phase of development.
  - II. Open space is a vegetated area or areas available for the common use of and is accessible by all residents or occupants of the buildings within the PUD.
    - a. Open space shall consist of upland and be calculated on a net basis which excludes private yards, private streets from back of curb to back of curb, public rights-of-way, or any other non-recreational impervious surface area.
    - b. Areas within easements shall be used in calculating open space unless the easement is over an inaccessible and/or unusable space such as wetlands or stormwater ponds.
    - c. The calculation will be based off the net pre-development area.
    - d. Dedicated parkland or trails shall not be used in calculating open space for a development if it is anticipated in the 2040 Comprehensive Plan.
    - e. Outdoor recreational facilities or structures can be placed within the open space to be used by the residents of the development such as gardens, greens, and gazebos. However, enclosed structures such as club houses or sheds cannot be placed within the open space.
    - f. The applicant shall be required to submit an open space plan along with the PUD development plan. The open space plan will illustrate the use and/or function of the open space area or areas. The open space plan shall include any proposed improvements and/or design of the open space area.
  - III. These open space requirements do not apply to Open Space & Preservation PUDs in the Rural Residential and Urban Reserve zoning districts.
  - IV. The Council can waive or reduce the open space requirement at their discretion when an applicant shows that the open space cannot be accommodated with other City requirements (including a minimum density of 3 units per acre) and/or proposed public benefits.
- D. *Perimeter Buffer.* PUDs shall provide a landscaping buffer to screen homes from arterial and major collector roads.

- E. *Public Accessibility.* When a PUD includes natural features such as creeks, streams, ponds, and lakes, the PUD shall provide public access to these features.
- F. *Discretionary Standards.* In addition to the above standards, the City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety, and welfare of the community and surrounding areas.
- G. *Prohibited Features and Modifications.*
- I. The City will not grant side setbacks that result in less than a 15-foot minimum required separation between two detached dwellings.
  - II. PUDs with detached homes shall be designed to avoid interior perimeter roads that are parallel to arterial roadways. Roadways should be curvilinear wherever feasible with a variety of building orientation along arterial roadways.



- III. PUDs cannot request flexibility from meeting the minimum required screening and/or buffering standards otherwise required in the Zoning Ordinance unless the applicant can show there is a site constraint out of their control that justifies a deviation from these requirements, proposes an alternative screening method that will meet the intent of the requirements, and/or proposes relocating screening methods to a more beneficial location within the development.

Subd. 7. **PUD Benefits.** PUDs are expected to provide a combination of public benefits in exchange for flexibility in Zoning Ordinance requirements. All new PUDs that have not submitted a sketch plan for City Council review prior to

5/25/2023 shall be reviewed against Corcoran's PUD Public Benefit Policy, hereby made a part of this Section, as may be amended from time to time.

- A. PUDs should seek to satisfy several of the identified public benefits in the PUD Public Benefit Policy. The size of the PUD, constraints of the site, and flexibility requested will be considerations for the City in determining whether an appropriate amount of public benefits are proposed to justify granting the PUD district.
- B. If an applicant would like the City Council to consider a potential benefit not captured by the PUD Public Benefit Policy, this should be discussed with staff and Council as part of the concept plan.
- C. A PUD that offers tree preservation as a public benefit will be required to replace any removed trees that were intended for preservation on a 1:1 caliper inch basis.
- D. PUDs for Open Space and Preservation plats in Rural Residential and Urban Reserve districts are not subject to the PUD Public Benefit Policy.

Subd. 8. Processing Procedures. The general sequence for application, review and action on a PUD shall be according to the following procedures:

**A. Pre-application Conference**

Prior to filing of an application or submittal of a sketch plan the applicant shall arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area and its conformity to the provisions of this district prior to incurring substantial expenditures in the preparation of plans, surveys, and other data.

**B. PUD Sketch Plan**

Prior to filing a preliminary PUD development plan application, the applicant shall submit a sketch plan of the project to the Zoning Administrator prior to submission of a formal application. The Zoning Administrator shall refer the sketch plan to the City Council for discussion, review and informal comment. Any opinions or comments provided to the applicant shall be considered advisory only and shall not constitute a binding decision on the request.

The purpose of the sketch plan is to inform the City of the applicant's intentions and to inform the applicant as to the general acceptability of the proposal before extensive costs are incurred.

The PUD Sketch Plan shall be conceptual in nature but shall be drawn to scale and shall contain at a minimum the following:

1. Location map showing the location within the City and more detailed locations on half-section plat maps showing all perimeter property lines.
2. Aerial photograph of the area.
3. General location of all identified natural resources and wetland inventories on and abutting the premise.
4. General location of existing and proposed structures.
5. Tentative access, circulation and street arrangements, both public and private.
6. Amenities to be provided such as recreational areas, open space, walkways, parking, landscaping, etc.
7. A representative example of the style of structures to be constructed.
8. Proposed public sanitary sewer, water and storm drainage.
9. A general statement of concept, identifying the intent of the project and compatibility with the surrounding area.
10. Extent of and any proposed modifications to land within the Overlay Districts as described and regulated in Section 1050.
11. Any other items as may be deemed necessary by City staff.

### **C. Neighborhood Meeting**

Prior to filing an application or submittal of a preliminary PUD plan, the applicant shall arrange and conduct a neighborhood meeting with notice provided to property owners within at least 350 feet of the desired site's perimeter. The primary purpose of this meeting shall be to provide information on a proposed development to surrounding neighborhoods and allow feedback to be provided and incorporated early in the process. An application for a preliminary PUD will not be considered complete until after a neighborhood meeting is held.

### **D. Preliminary PUD Development Plan**



The purpose of the preliminary PUD development plan is to establish the intent, density, and intensity of the proposed development. Upon receipt of the complete application for rezoning to PUD and the preliminary PUD development plan, the item shall be scheduled for a public hearing at the Planning Commission. The Planning Commission shall conduct a public hearing in accordance with the provisions of the City's Code. Upon due consideration, the Planning Commission shall make a recommendation to the City Council.

Following the Planning Commission recommendation, the City Council shall consider the rezoning request and preliminary PUD development plan. At this meeting the City Council shall receive the recommendation from the Planning Commission and a report from the City Staff. Upon due consideration the City Council shall approve, disapprove, or approve with specified modifications and/or conditions by majority vote.

If a preliminary development plan has been denied by the City Council, the owner or applicant may not reapply for the same or similar on the same property for a six (6) month period following the date of the denial.

#### **E. Final PUD Development Plan**

The applicant shall submit a final PUD development plan to the City. The City Council shall consider the final development plan in accordance with the provisions of this Section. The City Council shall review the application to ensure that the proposed final PUD development plan is in substantial conformance with the approved preliminary PUD development plan. Upon due consideration the City Council shall approve, disapprove, or approve with specified modifications and/or conditions by majority vote.

If the applicant desires, and the City Council concurs, the preliminary and final development plans may be processed concurrently, provided all items required for both applications are submitted.

The rezoning of the property defined in the development plan shall not become effective until such time as the City Council approves an ordinance reflecting said amendment, which shall take place at the time that the City Council approves the final development plan.

Subd. 9. Required Findings. The Planning Commission and the City Council shall find the following prior to the approval of a preliminary development plan or final development plan:

A. The planned development is not in conflict with the Comprehensive Plan.



- B. The planned development is not in conflict with the intent of the underlying zoning district and is compatible with surrounding land uses.
- C. The planned development is not in conflict with other applicable provisions of the City's Zoning Ordinance.
- D. The planned development or unit thereof is of sufficient size, composition, and arrangement that its construction, marketing, and/or operation is feasible as a complete unit without dependence upon any other subsequent unit or phase.
- E. The planned development will not create an excessive burden on parks, streets and other public facilities and utilities which serve or are proposed to serve the planned development.
- F. The planned development will not have an undue and adverse impact on the reasonable enjoyment of the neighborhood property.
- G. The quality of the building and site design proposed by the PUD plan shall substantially enhance the aesthetics of the site, shall demonstrate higher standards, more efficient and effective uses of streets, utilities and public facilities, it shall maintain and enhance any natural resources within the development, and create a public benefit that is greater than what would be achieved through the strict application of the primary zoning regulations.

Subd. 10. Preliminary Development Plan Content. The intent of the preliminary development plan is to allow City review of site plan and general development issues, without the need for detailed architectural plans. The applicant shall submit preliminary development plans which include the following:

- A. A location map which indicates existing and future land uses.
- B. Maps of existing and proposed site features and uses at a minimum scale of 1" = 100' scale which indicates topography in two-foot contours; building outlines; location of significant vegetation; water bodies and wetlands; location of streets, drives and parking areas; and other significant features.
- C. A site plan showing all proposed structure and building locations including signs. Plans shall note structure height, general architectural design features and anticipated exterior materials.

- D. A preliminary circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access and screening for receiving material and trash removal.
- E. Preliminary drainage, grading, utility and erosion control plans.
- F. A concept landscaping plan illustrating preservation of existing vegetation, and new landscaping and buffer areas.
- G. A written report which describes the proposed uses, indicates covenants or agreements which will influence the use and maintenance of the proposed development, describes the analysis of site conditions and development objectives which has resulted in the planned development proposal, and statement of which primary zoning district provisions are being modified by the planned development.
- H. A shift of density or intensity of the plan, if applicable. For example, a ten-acre site with seven acres of "Commercial" guiding and three acres of "Medium Density Residential" guiding could be developed with 70 percent of the land area commercial and 30 percent of the land area at the Medium Residential density identified in the Comprehensive Plan. This type of shift would only be allowed as part of a PUD and the location of uses within the site would be determined as part of the PUD process. This implementation technique would not require an amendment to the Land Use Guide Plan Map.
- I. Any other information deemed necessary by the City Staff in order to evaluate plans.
- J. Twenty copies of the above information shall be submitted no larger than 11 x 17 inches.
- K. Five copies of the above information shall be submitted on 24 x 36 inch sheets.
- L. For City initiated rezonings to Planned Unit Development District, the preliminary development plan may consist of any information deemed necessary to identify and protect the public interest.

Subd. 11. Final Development Plan Content. The final development plan shall include all of the information required for submission of the preliminary development plan plus architectural plans, detailed site, landscaping, grading and utility plans and all additional information which was requested by the planning commission as a result of its review of the preliminary plan. The final plan shall incorporate all recommendations of the planning commission and City Council, or shall indicate how the final plan fails to incorporate the

commission's recommendations. The final plan shall also include and reflect all changes in preliminary plan data since the submission of the preliminary plan. The applicant shall submit final development plans which include the following information:

- A. A location map which indicates existing and future land uses.
- B. Maps of existing and proposed site features and uses at a minimum scale of 1"=100' scale which indicate topography in two-foot contours; building outlines; location of significant vegetation; location of streets, drives and parking areas; and other significant features.
- C. Detailed drawings of all proposed structure elevations, including scaled elevations and exterior building materials of all buildings and signs. Samples of all proposed materials which will be used on the exterior of structures may be required with the elevation drawings.
- D. Proposed floor plans for all floor levels of multi-family and non-residential buildings, including locations of electrical, mechanical and gas metering equipment, and storage areas for trash and recyclable materials.
- E. A landscape plan indicating tree, shrub and ground cover species, size, provisions for plant material watering.
- F. A final circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access for receiving and trash/recycling removal.
- G. A lighting plan showing foot-candle levels, luminaire location, fixture type and height.
- H. Rooftop equipment and screening plan and elevation drawings of rooftop equipment and screening of views from adjacent streets and property.
- I. A final drainage, grading, utility, and erosion and sedimentation control plan. Such plans shall comply with the requirements of this Ordinance.
- J. Identification and delineation of all wetlands on the site including preservation and filling and mitigation.
- K. A written report which completely describes the proposal and indicates covenants or agreements which will influence the use and maintenance of the proposed development, describes the analysis of site conditions and development objectives which has resulted in the planned development proposal, describes any changes from the approved preliminary

development plan, and statement of which primary zoning district provisions are being modified by the planned development.

- L. A shift of density or intensity of the plan, if applicable. For example, a ten-acre site with seven acres of “Commercial” guiding and three acres of “Urban Residential” guiding could be developed with 70 percent of the land area commercial and 30 percent of the land area at the urban residential density identified in the Comprehensive Plan. This type of shift would only be allowed as part of a PUD and the location of uses within the site would be determined as part of the PUD process. This implementation technique would not require an amendment to the Land Use Guide Plan Map.
- M. Any other information deemed necessary by the City Staff in order to evaluate plans.
- N. Twenty copies of the above information shall be submitted no larger than 11 x 17 inches.
- O. Five copies of the above information shall be submitted on 24 x 36 inch sheets.

Subd. 12. Performance Guarantees

- A. The City Council shall require the owner and developer of a PUD to execute a development agreement which may include, but not be limited to, the approved development plan, conditions of approval, association and maintenance agreements, and a time table for construction.
- B. The City Council shall require an applicant for PUD rezoning/development plan to provide a financial guarantee in accordance with Section 1070.050 of this Chapter to insure that the development will be executed in performance with the approved final PUD development plan.
- C. The City Council is empowered to require that all required improvements be constructed and completed prior to the issuance of any occupancy permits.
- D. Construction of each PUD development shall be commenced within one year after the effective date of the PUD rezoning by the City Council. Upon good cause shown, the City Council may extend the time for one additional year. If construction is not commenced within these time periods, any building permits issued for the PUD shall be void and the Planning Commission may initiate proceeding to rezone the subject property.

- E. Any building permit issued for construction pursuant to PUD rezoning shall be valid only so long as there is compliance with the final development plan as accepted by the City Council.

Subd. 13. PUD Amendments.

- A. Changes to preliminary development plans approved by the City Council shall be processed as a PUD amendment concurrently with the PUD final development plan and shall require a review by the Planning Commission and approval by a majority vote of all members of the City Council.
- B. Minor changes to a final development plans adopted by the City Council may be approved by the City Administrator, provided that the changes do not involve the following:
  - 1. Increase in floor area of structures or number of dwelling units.
  - 2. Changes in exterior building material.
  - 3. Alteration of any condition attached or modification to the final development plan made by the City Council.
- C. A major change to a final development plan which is at variance with any standards of the City Code or is less restrictive than any conditions of approval for the initial final development plan, shall require approval by a majority vote of all members of the City Council.

*(Ord. 286, passed 9-25-14, Ord. 348, passed 05-25-17, Ord. 378, passed 09-13-18, Ord. 456, passed 04-28-22, Ord. 486, passed 05-25-23)*

## **1040.145 – PI (PUBLIC/INSTITUTIONAL)**

- Subd. 1. Purpose. The purpose of the PI district is to provide a zoning district specifically for uses oriented to the general public and semi-public uses. This district is unique in that it generally provides services to the public rather than a sale of goods. Uses within this district will generally be compatible with adjacent uses and will have access from an arterial or collector road. New development within this district will be allowed only when a full range of municipal services and facilities are available to serve the area.
- Subd. 2. Permitted Uses.
- A. Civic Buildings, such as City Hall, libraries, fire stations, etc.
  - B. Day Care Facilities, State licensed, as defined by statute.
  - C. Educational facilities, K-12.
  - D. Parks, playgrounds, trails, other recreational facilities of a non-commercial nature and directly related buildings and structures.
  - E. Places of Worship/Assembly.
- Subd. 3. Accessory Uses.
- A. Accessory structures as regulated by Section 1030.020 of this Chapter.
  - B. Accessory uses incidental and customary to uses allowed in this Section.
  - C. Keeping of Animals, subject to Chapter 81 (animals) of the City Code.
  - D. Play and recreational facilities, including swimming pools and tennis courts, for use of the property owner and guests.
- Subd. 4. Conditional Uses. The following are conditional uses, subject to the conditions outlined in Section 1070.020 of this Ordinance and the specific standards and criteria that may be cited for a specific use:
- A. Cemeteries and Memorial Gardens.
  - B. Community Centers.
  - C. Day Care, Commercial, accessory to permitted uses in this district.
  - D. Funeral Homes and Mortuaries.

- E. Golf Courses and other outdoor recreational facilities of a commercial nature.
- F. Hospitals, nursing home and similar care facilities.
- G. Offices, medical and professional.
- H. Towers and Antennas as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance.
- I. Trade Schools, Seminaries and other Higher Education Facilities

Subd. 5. Interim Uses. The following are interim uses, subject to the conditions outlined in Section 1070.030 of this Ordinance and the specific standards and criteria that may be cited for a specific use:

- A. Temporary structures, subject to the standards in Section 1030.040 (Temporary Structures) of the Zoning Ordinance.

Subd. 6. Uses by Administrative Permit.

- A. Accessory buildings and structures for a use accessory to the principal commercial or business use provided such structure does not exceed 30 percent of the gross floor space of the principal use.
- B. Essential Services, as allowed by Section 1030.090.
- C. Towers and Antennas as regulated by Section 1060.100 (Telecommunications Services) of the Zoning Ordinance, only when co-located on an existing structure.

Subd. 7.       Area Requirements. The following minimum requirements shall be met in the PI district. Properties may be subject to special requirements for overlay districts as noted in Section 1050 (Overlay Districts):

|                                       |          |
|---------------------------------------|----------|
| Minimum lot area:                     | 10 acres |
| Minimum lot width                     | 200 feet |
| Minimum lot depth                     | 200 feet |
| Minimum Principal Structure Setbacks: |          |
| Front, From Major Roadways*           | 100 feet |
| Front, From all other streets         | 50 feet  |
| Side                                  | 50 feet  |
| Rear                                  | 50 feet  |
| Maximum Principal Building Height     | 45 feet  |
| Maximum Impervious Surface Coverage   | 70%      |

*\*Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan. (Ord 348, passed 05-25-17, Ord. 365, passed 06-28-18, Ord. 389, passed 02-28-19)*



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## **SECTION 1050 – OVERLAY DISTRICTS**

### **1050.010 - WETLAND OVERLAY DISTRICT**

Subd. 1. Findings, Intent and Incorporation by Reference.

- A. The City has determined that wetlands serve to maintain water quality by filtering water that is discharged into ground water aquifers and by retaining inorganic sediments, toxicants and nutrients. They also retain and reduce the discharge of phosphorus and transform nutrients from their inorganic to organic forms, thereby protecting streams and water bodies from eutrophication and contamination. Wetlands also store runoff and reduce the velocity and magnitude of flood peaks.
- B. Wetland vegetation also prevents the erosion of shoreline areas. Wetland vegetation provides food, shelter, and important habitat for wildlife. All of these wetland characteristics provide valuable recreation and education resources.
- C. The City has also found that wetlands vary significantly in the degree that they have been altered. Wetlands within the City exhibit great variations in their floral diversity, quality of wildlife and fishery habitat, degree of fluctuation in response to storms, the extent to which their shorelines have been altered or eroded, and their relative value in protecting water quality. Therefore, the City has found it necessary and beneficial to classify wetlands based upon their functions and values. The City has also found that it is in the best interest of the general health and welfare of the City to achieve no net loss of wetlands within the community.
- D. The City recognizes that a substantial amount of wetland degradation results from sedimentation and nutrient loading related to construction projects. Therefore, the City finds it necessary to require extraordinary measures to prevent such construction related degradation.
- E. In addition to having regulations that affect the physical impacts within wetland areas the City also finds that it is necessary to regulate the use of lands surrounding wetlands. Buffer strips are necessary and beneficial to maintaining the health of wetlands. These strips of land surrounding wetlands protect their shorelines from erosion, while serving to filter sediment, chemicals and other nutrients before the storm water discharges into the wetland. Buffer strips are also beneficial in providing habitat for wildlife.
- F. This Section hereby incorporates by reference the Wetlands Conservation Act of 1991 [Minn. Stat. 103G.221 et seq. (hereinafter referred to as the WCA)] and any future amendments adopted by the legislature. All

wetlands, as defined in Section 1020.020 of this Chapter, including those governed by the Department of Natural Resources, are covered by the other provisions of this Chapter. Also, there are circumstances under which the strict enforcement of these regulations may be unreasonable and in circumstances that meet the criteria established in Subd. 5 of this Chapter, departures from the strict application of these standards may be permitted.

- G. It is the intent of this Chapter to avoid the alteration and destruction of wetlands. When wetlands are altered or destroyed, the mitigation must be provided to recreate the functions and values of the wetland.

Subd. 2. Purpose and Implementation.

- A. Through the adoption and enforcement of this Section, the City shall promote the general health, safety, and welfare of its residents by both conserving and protecting wetlands and requiring sound management practices and mitigation as provided for in the WCA when development occurs in the vicinity of wetlands. Through the implementation of this Section, the City seeks to accomplish the following purposes:
  - 1. To satisfy the requirements of the WCA as it may be amended and, thereby achieve no net loss of wetlands within the City;
  - 2. To balance the needs to preserve and protect natural resources and systems with both the rights of private property owners and the need to support the efficient use of developable land within the City;
  - 3. To preserve the natural character of the landscape through the maintenance of wetland ecosystems;
  - 4. To promote water quality by maintaining the ability of wetlands to recharge ground water and receive the discharge of ground water, to retain sediment and toxicants and filter nutrients from surface water runoff before it discharges into community lakes and streams, thus avoiding the contamination and eutrophication of these water features; and
  - 5. To provide wildlife habitat and thereby support the maintenance of diversity of both plant and animal species within the City.
- B. To accomplish these purposes, the City:
  - 1. Has conducted an inventory of wetlands and other natural areas within the City;

2. Has developed a system of classification for wetlands within the City and classified the City's wetlands based upon their relative values related to floral diversity, wildlife habitat, water quality protection, fishery habitat, flood storage, shoreline protection, and aesthetic, recreational and educational benefits using the Minnesota Rapid Assessment (MNRAM) methodology;
3. Has prepared and maintains a comprehensive set of official maps identifying the location and classification of wetlands inventoried in the Natural Resources Inventory;
4. Has established wetland regulations that are coordinated with flood plain and shoreland protection regulations;
5. Requires sound management practices to protect, conserve, maintain, enhance, and improve the quality of wetlands within the community;
6. Enforces standards for the alteration of wetlands when alteration is allowed, including standards and procedures for the mitigation of the loss of wetland areas and their functions and values, when alteration or destruction occurs;
7. Obtains protective easements over or acquires fee title to wetlands as appropriate;
8. Educates the public about the numerous benefits and features that wetland provide and the adverse effects of improperly managed development on wetlands.

Subd. 3. General Provisions.

A. Identification and Delineation of Wetlands

1. This Section shall apply to all land containing wetlands and land within the setback and buffer areas required by this Section. Wetlands shall be subject to the requirements established herein, as well as restrictions and requirements established by other applicable Federal, State, and City ordinances and regulations. These wetland protection regulations shall not be construed to allow anything otherwise prohibited in the zoning district where the wetland is located.
2. A wetland is land that meets the definition of "wetlands" set forth in Section 1020.020. The classification of a wetland shown on the "Natural Resource Communities Quality Ranking Map" will be prima facie evidence of the classification of a wetland.

3. The presence or absence of a wetland on the official maps does not represent a definitive determination as to whether a wetland covered by this Section is or is not present. Wetlands that are identified during site specific delineation activities but do not appear on the official wetland maps are still subject to the provisions of the Section. Areas that appear on the official wetland maps as wetlands that are not identified as wetlands during site specific delineation activities are not subject to the provisions of this Section.
4. It will be the responsibility of an applicant for required City approvals or permits to delineate the exact wetland boundary or to determine that no wetland exists on a subject property. All delineations must be reviewed and approved by the City or its delegated authority.
5. If an applicant questions whether a wetland exists or disputes its classification on the official map, the applicant shall have the burden to supply detailed information for review supporting the applicant's assertion, including but not limited to, topographic, hydrologic, floristic, and/or soil data deemed necessary by the City to determine the jurisdictional status of the wetland, its exact boundary and its classification. Wetland delineations supplied by applicants shall be certified by a qualified wetland delineator. Wetland delineators must satisfy any certification requirements that may be established by the U.S. Army Corps of Engineers or the Minnesota Board of Water and Soil Resources.
6. Applicants seeking a change in wetland classification must submit to the City a completed MNRAM version 1.0 form, or the most recent version. The technical evaluation panel will review the request for change. The technical evaluation panel will make a recommendation to the City regarding a change in classification.
7. Only that portion of a property within the boundaries of a wetland shall be subject to the provisions of this Section.
8. This Section establishes three wetland classifications as defined in Section 1020.020: High Quality, Medium Quality, and Low Quality.

Subd. 4. General Standards.

The following standards apply to all lands within and/or abutting a wetland:

- A. Septic and soil absorptions systems must be setback a minimum of 75 feet from the City approved boundary of the wetland.

- B. The lowest ground floor elevation shall be 2 feet above the 100-year flood elevation or three feet above the Ordinary High Water Mark of public waters regulated by Section 1050.020, whichever is greater.
- C. Structures intended to provide access across a wetland shall be prohibited unless a permit is obtained in conformance with State Regulations.
- D. The MPCA's Best Management Practices shall be followed to avoid erosion and sedimentation during the construction process.
- E. City inspection schedules and fines for erosion control will double on projects abutting wetlands.
- F. Before the City issues a building permit for a lot with a required wetland buffer, the lot owner shall:
  - 1. Record a notice of the wetland buffer requirement against the title to the lot with the office of the Hennepin County Recorder or Registrar of Titles, and
  - 2. Install the wetland monuments required by Subd. 7 of this Chapter.

Subd. 5. Wetland Buffer Strips and Setbacks.

- A. For lots of record created after March 23, 2004, a buffer strip shall be maintained abutting all wetlands identified in Subd. 3 below. The setback and buffer provisions of this Chapter shall not apply to lots of record on March 23, 2004, to developments for which conditional use permits, site plans, and preliminary plats, final plats or preliminary or final planned unit development plans have been approved by the City within 2 years prior to March 23, 2004, or to developments for which complete applications for any of the above actions have been accepted by the City for review, but not yet acted upon, prior to March 23, 2004. The City does, however, strongly encourage the use of a wetland buffer and setback on all lots in the City.
- B. Wetland buffer strips and structure setbacks shall apply to all parcels of land whether or not the wetland is on the same parcel as a proposed development.

C. Wetland buffer strips are required on wetland sizes and types as follows:

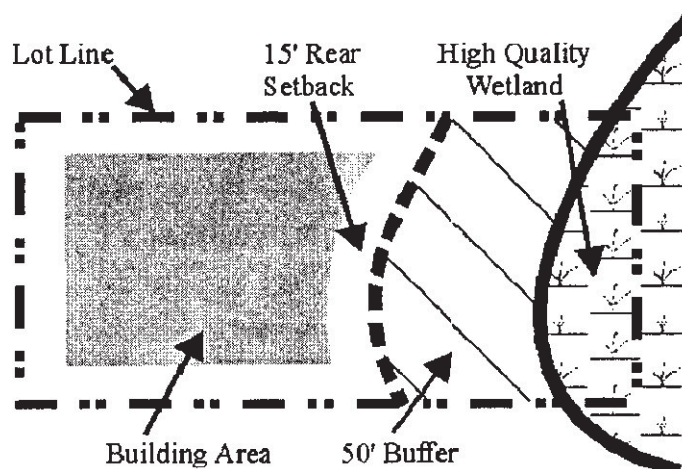
**Wetland Buffers and Setback Requirements**

|                                            | High       | Medium     | Low        |
|--------------------------------------------|------------|------------|------------|
| Wetland Buffer Average Width:              | 50'        | 25'        | 15'        |
| Wetland Buffer Width (Min.):               | 40'        | 20'        | 10'        |
| Wetland Buffer Width (Max.):*              | 60'        | 40'        | 20'        |
| Structure Setback (from Buffer):**         | 15'        | 15'        | 15'        |
| <b>Total Buffer and Setback (Average):</b> | <b>65'</b> | <b>40'</b> | <b>30'</b> |

\*Buffer widths in excess of the listed maximums shall not be used in calculating average buffer width.

\*\*These setbacks shall take precedence over other setbacks required in this Chapter. These setbacks apply to structures only—a 5-foot setback is required for roads and parking lots. Trails that serve an interpretive function may be exempted from buffer and setback requirements.

**Example of Buffer and Setback  
Applied to a High Quality Wetland**



D. Notwithstanding the foregoing, wetland buffer strips are not required for:

1. A wetland if Minnesota Statutes Section 103G.2241, subdivision 4, 5 or 9 would exempt the draining or filling of that wetland from the replacement plan requirements of Minnesota Statutes Section 103G.222, or
2. A wetland that is a Type 1, 2 or 6 wetland as defined in Minnesota Statutes Section 103G.005, subdivision 17b and that is located outside the Natural Resources Corridors identified on official City maps.

- E. Buffer strip vegetation shall be established and maintained in accordance with the requirements found in this Subdivision. During the first 2 years, any buffer vegetation that does not survive must be replanted. After 2 years, if the condition of the buffer area changes through natural processes not caused by the property owner, the owner shall not be required to reestablish the buffer area to meet the standards contained in Subd. 8 of this Chapter. Buffer strips shall be identified within each lot by permanent monuments approved by the City.
- F. For roadways that must be aligned either adjacent to or across wetlands and are subject to WCA replacement requirements, additional wetland filling to create a buffer strip shall not be required. Trails that the City has determined serve an interpretive function may also be exempted from the buffer requirement. All other roadways and trails shall meet the buffer standards established in this Subd. or in Subd. 6 below.
- G. If the area of the buffer has a preconstruction slope of 12 percent or greater, the buffer shall be at the applicable maximum for width for the wetland classification. The use of a meandering buffer stripe to maintain a natural appearance is encouraged but not required in areas of flat topography.
- H. The required structure setback shall apply to all structures, except that such structure setback shall be reduced to 5 feet for roadways, trails, and parking lots, and their related retaining walls and fences.
- I. Wetland buffer strips not required by this Section may be voluntarily created in conformance with the requirements of this Section concurrent with approval of a site plan, or in the absence of a site plan, upon approval of an administrative permit.

Subd. 6. Alternative Wetland Buffer Strips and Setbacks: With Extraordinary Management Measures.

- A. Because of the unique physical characteristics of a specific parcel of land, narrower buffer strips may be necessary to allow for a reasonable use of land,
- B. The City Council may approve alternative standards, based on an assessment of the following:
  - 1. Size of the parcel
  - 2. Existing roads and utilities
  - 3. Percentage of parcel impacted by wetlands



4. Configuration of wetlands on the parcel
  5. Quality of the affected wetlands
- C. The City Council will evaluate the appropriateness of using the alternative standards as a part of its review of a sketch plan. An applicant must receive Council approval through this review process prior to submitting a preliminary plan or plat application that applies the alternative buffer strip standards.
  - D. Alternative standards shall not be allowed on wetlands within the Natural Resource Corridors identified on official City maps.
  - E. In instances where the City Council approves alternative buffer standards, an applicant will be required to apply extraordinary management measures to control erosion, sedimentation and nutrient loading during and for two years after construction. The applicant must demonstrate that the proposed measures will limit dissolved phosphorus concentration to one milligram per liter (mg/l) or less. Buffer strips and structure setbacks shall meet the following standards:

**Alternative Wetland Buffers and Setbacks, With Extraordinary Measures**

|                                 | High       | Medium     | Low        |
|---------------------------------|------------|------------|------------|
| Average Wetland Buffer Width    | 25'        | 15'        | 10'        |
| Wetland Buffer Width (Minimum)  | 20'        | 10'        | 5'         |
| Wetland Buffer Width (Maximum)* | 30'        | 20'        | 15'        |
| Structure Setback from Buffer** | 15'        | 15'        | 15'        |
| <b>Total (Average):</b>         | <b>40'</b> | <b>30'</b> | <b>25'</b> |

\*Buffer widths in excess of the listed maximums shall not be used in calculating the average buffer width.

\*\*These setbacks shall take precedence over other setbacks required in this Chapter. Structure setbacks apply to structures only; roads, trails and parking lots shall have a 5-foot required setback.

- F. Extraordinary management measures that may be permitted in conjunction with and up-slope from the buffer strip and setback requirements listed above include, but are not limited to measures that add redundant protections to normal required Best Management Practices.
- G. The applicant shall be responsible to submit all of the necessary information to document that the proposed extraordinary construction and stormwater management practices (hereinafter referred to as "Extraordinary Management Practices") will at least duplicate the

performance of the required buffers and setbacks shown in Subd. 5 of this Chapter, if not exceed it. The applicant shall also have the burden of proving that the purpose and objectives of the Chapter will be met through the use of these Extraordinary Management Practices.

- H. The approval of any Extraordinary Management Practices shall be conditioned upon a site improvement performance agreement (Section 1070.050, Subd. 9 of this Chapter) that includes a binding commitment to the maintenance of the proposed alternative treatments throughout their useful life.

Subd. 7. Monument Required.

A permanent wetland buffer monument shall be installed at each lot line where it crosses a wetland buffer, and where needed to indicate the contour of the buffer, with a maximum spacing of 200 feet of wetland edge. If no buffer is required, the monument shall be at the edge of the wetland.

Subd. 8. Buffer Strip Vegetation Performance Standards.

- A. Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is preferred. A buffer strip has acceptable natural vegetation if it:
  - 1. Has a continuous, dense layer of perennial grasses that have been uncultivated or unbroken for at least 10 consecutive years, or
  - 2. Has an overstory of trees and/or shrubs with at least 80 percent canopy closure that have been uncultivated or unbroken for at least 10 consecutive years, or
  - 3. Contains a mixture of the plant communities described in (1) and (2) above, that have been uncultivated or unbroken for at least 10 consecutive years.
- B. Notwithstanding the above performance standards, the City may determine existing buffer vegetation to be unacceptable if:
  - 1. It is composed of undesirable plant species (including, but not limited to reed canary grass, common buckthorn, purple loosestrife, leafy spurge and noxious weeds), or
  - 2. It is lacking a layer of organic thatch or duff, or
  - 3. Has topography that tends to channelize the flow of surface runoff, or

4. For some other reason it is unlikely to retain nutrients and sediment.
- C. Where buffer areas, or a portion thereof, are not vegetated or have been cultivated or otherwise disturbed within 10 years of the permit application, such areas shall be re-planted and maintained according to each of the following standards:
1. The soil in wetland buffer strips shall be amended, as necessary, to ensure that the soil has an organic content of not less than 10 percent and not more than 20 percent.
  2. Buffer zones shall be planted with a seed mix containing 100 percent perennial native plant species, except for a one-time planting of an annual nurse or cover crop such as oats or rye.
  3. The seed mix to be used shall consist of at least 12 pounds pure live seed (PLS) per acre of native prairie grass seed and 5 pounds PLS per acre of native forbs. Native prairie grass and native forb mixes shall contain no fewer than 4 and 5 species respectively.
  4. The annual nurse or cover crop shall be applied at a rate of 20 pounds per acre.
  5. Native shrubs may be substituted for forbs. Such shrubs may be bare root seedlings and shall be planted at a rate of 60 plants per acre. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.
  6. Any ground cover or shrub plantings installed in buffer areas are independent of landscaping requirements set forth elsewhere in the City Code and City policy.
  7. Native prairie grasses and forbs shall be planted by a qualified contractor using a drill designed for native prairie grass seedlings, such as a Truax or Nesbitt Native Grass Drill or a John Deere 1550 Power-Till Seeder.
  8. No fertilizer shall be used in establishing new buffer zones, except on highly disturbed sites when deemed necessary to establish acceptable buffer vegetation and then limited to amounts indicated by an accredited soil testing laboratory.
  9. All seeded areas shall be mulched immediately with clean straw at a rate of 1.5 tons per acre. Mulch shall be anchored with a disk or tackifier. On slopes that are steeper than 3:1, additional soil stabilization materials such as straw mat or coconut fiber mat shall be

used, as specified in the MnDOT Seeding Manual 2000, or most recent MnDOT manual.

10. Buffer zones (both natural and created) shall be protected by silt fence during construction and the fence shall remain in place until the area crop is established.

11. Applicants may obtain from the City a set of standard seeding and planting specifications for buffer zones that meet all City requirements.

D. During the first 2 years, the developer shall replant any buffer vegetation that does not survive. After 2 years, if the condition of the buffer area changes through natural processes not caused by the property owner, the owner shall not be required to reestablish the buffer area to meet the standards established in this subdivision.

Subd. 9. Encroachment in Required Setback and Buffer Areas.

- A. Patios and decks may encroach up to a maximum of 6 feet into required structure setback areas. Porches may not encroach into required setback areas. Buffer and wetland areas must be kept free of all structures, including fences and play equipment.
- B. Water quality ponds may encroach into required wetland buffer areas, provided that the amount of buffer encroached upon does not exceed 50 percent of the total area required for such ponding, and provided that the amount of buffer encroached upon does not exceed 50 percent of the total area required for buffering. These limitations may be exceeded where two-cell water quality ponding is utilized.

Subd. 10. Variances.

- A. Requests for variances shall be made in accordance with the procedures and requirements set forth in Section 1070.040 of this Chapter.
- B. Variances shall only be granted when the standards and criteria set forth in Section 1070.040 of this Chapter have been met. Variances shall not be granted which would circumvent the intent and purposes of this subdivision.

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## **1050.020 - SHORELAND OVERLAY DISTRICT**

### **Subd. 1. Statutory Authorization, Findings of Fact and Statement of Purpose.**

- A. Statutory Authorization. This Shoreland Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500-6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- B. Findings of Fact. The uncontrolled use of shorelands of the City of Corcoran, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use and development of shorelands of public waters.
- C. Statement of Purpose. The Legislature of Minnesota has delegated responsibility to local governments of the State to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Corcoran.

### **Subd. 2. General Provisions.**

- A. Jurisdiction. The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Section 1050.020, Subd. 3 of this Ordinance.
- B. Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.
- C. Enforcement. The Zoning Administrator is responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance 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. Violations of this Ordinance can occur regardless of whether or not a

permit is required for a regulated activity pursuant to Section 1050.020, Subd. 3 of this Ordinance.

- D. Interpretation. In their interpretation and application, the provisions of this Ordinance 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.
- E. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- F. Severability. If any Section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Subd. 3. Shoreland Classification. The public waters of the City of Corcoran have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Hennepin County, Minnesota.

| <i>Natural Environment Lakes</i> | <i>DNR Public Waters I.D. #</i>                   | <i>Legal Description</i> |
|----------------------------------|---------------------------------------------------|--------------------------|
| <i>Jubert Lake</i>               | <i>27016500</i>                                   | <i>T119 R23W S29, 32</i> |
| <i>Cook Lake (North)</i>         | <i>27012001</i>                                   | <i>T119 R23W S24</i>     |
| <i>Cook Lake (South)</i>         | <i>27012002</i>                                   | <i>T119 R23W S25</i>     |
| <i>Unnamed</i>                   | <i>27016700</i>                                   | <i>T119 R23W S4</i>      |
| <i>Tributary Rivers/Streams</i>  | <i>Legal Description</i>                          |                          |
| <i>North Fork Rush Creek</i>     | <i>T119 R23W Sections 2, 3, 4,5,7,8,11,18,19</i>  |                          |
| <i>Rush Creek</i>                | <i>T119 R23W Sections 13, 21, 22, 23,24,28,29</i> |                          |
| <i>Unnamed Tributary</i>         | <i>T119 R23W Sections 11, 14, 15</i>              |                          |
| <i>Spurzem Creek</i>             | <i>T119 R23W Sections 33, 34</i>                  |                          |
| <i>Unnamed Tributary</i>         | <i>T119 R23 W Sections 23, 26, 34, 35</i>         |                          |

The shoreland area for these waterbodies shall be shown on the Official Zoning Map.

Subd. 4. Land Use. The intent of this overlay district is to guide the wide development of public waters shoreland, thus preserving the quality of surface waters, preserving natural resources and providing for the wise utilization of water and related land resources in the City. The regulations in this overlay district are intended to manage areas suitable for development of various types as allowed in the underlying zoning district. It is the intent of this overlay district to be used in conjunction with the adopted land use regulations and requirements of this Chapter and over other ordinances, codes and policies. The allowable uses in the Shoreland Management Overlay District shall be as identified in the Zoning Ordinance and reflected on the Zoning Map.

Subd. 5. Zoning and Water Supply/Sanitary Standards.

A. Lot Area and Width Standards

The lot area and width standards (in feet) for single family, two family and townhome residential lots created after the date of enactment of this Ordinance are the following:

1. Unsewered Natural Environment Lakes

|              | Riparian Lots |       | Nonriparian Lots |       |
|--------------|---------------|-------|------------------|-------|
|              | Area          | Width | Area             | Width |
| Single       | 80,000        | 200   | 80,000           | 200   |
| Two family   | 120,000       | 300   | 160,000          | 400   |
| Multi-family | 200,000       | 500   | 320,000          | 800   |

2. Sewered Natural Environment Lakes

|              | Riparian Lots |       | Nonriparian Lots |       |
|--------------|---------------|-------|------------------|-------|
|              | Area          | Width | Area             | Width |
| Single       | 40,000        | 125   | 20,000           | 125   |
| Two family   | 70,000        | 225   | 35,000           | 220   |
| Multi-family | 130,000       | 425   | 65,000           | 410   |

3. River/Stream Lot Width Standards.

There is no minimum lot size requirement for rivers and streams. The lot width standards for residential developments are:

|        | Tributary Stream |       |
|--------|------------------|-------|
|        | No Sewer         | Sewer |
| Single | 100              | 75    |



|              |     |     |
|--------------|-----|-----|
| Two family   | 150 | 115 |
| Multi-family | 250 | 190 |

## B. Special Provisions

1. Residential subdivisions with dwelling unit densities exceeding those in the tables above can only be allowed if designed and approved as residential planned unit developments. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Section 3 above can only be used if publicly owned sewer system service is available to the property.
2. Subdivisions of two family dwellings and townhomes on Natural Environment Lakes must also meet the following standards:
  - a. Each building must be set back at least 200 feet from the OHWL.
  - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building.
  - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - d. No more than 25 percent of a lake's shoreline can be in two family or townhome developments.

## C. Placement, Design and Height of Structures

1. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structure setbacks (in feet) from the Ordinary High Water Level are as follows:

| Waters Classification     | Structures Unsewered | Sewered | Sewage Treatment Systems |
|---------------------------|----------------------|---------|--------------------------|
| Natural Environment Lakes | 150                  | 150     | 150                      |
| Tributary River/Stream    | 100                  | 50      | 75                       |

2. Structures without water oriented needs must be placed on nonriparian lots, or be double the structure setback, or screened from view from public waters by vegetation, topography, or both.
3. The following additional structure setbacks apply, regardless of the classification of the water body:

| Setback From:                                                                          | Setback (in feet) |
|----------------------------------------------------------------------------------------|-------------------|
| Top of bluff                                                                           | 30                |
| Unplatted cemetery                                                                     | 50                |
| Right-of-way line of Federal, State or County highway                                  | 50                |
| Right-of-way line of town road, public street or other roads or streets not classified | 20                |

4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

#### D. Design Criteria for Structures

1. Structures must be placed in accordance with floodplain regulations applicable to the site as required in Section 1050.030.
  - a. Section 1050.030 requires that all structures, including accessory structures, additions to existing structures, and manufactured homes, shall be constructed so that the basement floor, or first floor if there is no basement, is at least 2 feet above the regional flood elevation.
  - b. Each lot may have one water-oriented accessory structure not meeting the normal structure setback requirements of this Ordinance if this water-oriented accessory structure complies with the following provisions:
  - c. The structure or facility must not exceed 10 feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point.
  - d. The setback of the structure or facility from the ordinary high water level must be at least 10 feet.
  - e. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation,

topography, increased setbacks, or color, assuming summer, leaf-on conditions.

- f. The roof may be used as a deck with safety rails but must not be enclosed or used as a storage area.
- g. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

- 2. All structures in residential districts, except Places of Worship/Assembly and nonresidential agricultural structures, are limited to a maximum height of 25 feet in height.

Subd. 6. Shoreland Vegetative Buffers.

A. Buffer Requirements and Standards. For lots of record created after March 23, 2004, a buffer area shall be maintained abutting all lakes, rivers and streams. Buffer sizes and other requirements are included in Section 1050.010. Buffer vegetation shall be established and maintained in accordance with the requirements that follow.

- 1. Buffer area vegetation shall be considered adequate when the buffer has a continuous, dense layer of perennial grasses, flowers, trees, and/or shrubs that have been undisturbed (i.e., not cultivated, mown or disturbed) for at least 10 consecutive years. Vegetation shall be considered unacceptable if:
  - a. It is composed of noxious weeds.
  - b. Topography or sparse vegetation tends to channelize the flow of surface water;
  - c. For some other reason the vegetation is unlikely to retain nutrients and sediment.
- 2. Where buffer areas, or a portion thereof, are not vegetated, or have been cultivated or otherwise disturbed within the past 10 years of the permit application, such areas shall be re-planted and maintained according to each of the following standards:
  - a. Buffer areas shall be planted with a seed mix containing 100 percent perennial native plant species, except for a one-time planting of annual nurse or cover crop such as oats or rye.

- b. The seed mix to be used shall consist of at least 15 pounds pure live seed (PLS) per acre of native grass seed and 1 pound PLS per acre of native forbs. Native grass and native forb mixes shall contain no fewer than 4 and 5 species respectively.
  - c. The annual nurse or cover crop shall be applied at a rate of 20 pounds per acre.
  - d. Native shrubs may be substituted for forbs. Such shrubs may be bare-root stock and shall be planted at a rate of 60 plants per acre. Shrubs shall be distributed so as to provide a natural appearance and shall not be planted in rows.
  - e. Native grasses and forbs shall be planted by a qualified contractor by using a drill designed for native grass seeding or by broadcasting or hydroseeding at Minnesota Department of Transportation rates (MNDOT Standard Specifications for Construction).
  - f. All seeded areas shall be mulched immediately with clean straw at a rate of 1.5 tons per acre. Mulch shall be anchored with a disk or tackifier.
  - g. Buffer areas (both natural and seeded) shall be protected by erosion control measures as determined by the City. These must be employed during construction until permanent ground cover is established to prevent siltation of the buffer area and wetlands.
  - h. A walking trail may be established within a shoreland buffer area. The trail should be constructed to minimize erosion. An undisturbed area of vegetative buffer at least 10 feet in width should remain between the trail and the wetland edge or the top of the stream bank.
- 3. Buffer areas shall be identified by permanent monuments acceptable to the City. In residential subdivisions, a monument is required for each lot. In other situations, a monument is required for each 300 feet of wetland edge.
  - 4. The clearing and removal of vegetation in the buffer area is prohibited, except for selective clearing and pruning of individual trees that are dead, diseased, noxious weeds, or hazards.
  - 5. Owners are encouraged to leave dead trees and branches in the buffer area, because they are part of the native natural environment and provide necessary habitat to many birds and native wildlife. Dumping

yard waste in buffer areas, including leaves and grass clippings, is prohibited by this Ordinance.

6. All buffer areas are measured from the ordinary high water level as marked in the field.
7. The following buffer sizes are minimum requirements for stream buffers. Classification of lakes and wetlands in shoreland areas and buffer sizes shall be consistent with the City's Wetland Overlay District 1050.010.

| <b>Stream Type</b> | <b>Average Buffer Width</b> | <b>Minimum Buffer</b> | <b>Structure Setback</b> |
|--------------------|-----------------------------|-----------------------|--------------------------|
| Tributary Stream   | 25'                         | 20'                   | 50'                      |

8. The City may recommend buffer averaging for buffers in instances where it will provide resource protection to a valuable adjacent upland habitat, or allow for reasonable use of property, provided that the total buffer area on-site contained in the buffer area remains the same. Buffer averaging in shoreland areas will be consistent with buffer averaging requirements in the Wetland Overlay District (Section 1050.010).
9. If the area of the buffer has a pre-construction slope of 12 percent or greater, the buffer shall be at the maximum width for the applicant's stream classification. The use of a meandering buffer area to maintain a natural appearance is encouraged, but not required in areas of flat topography.

Subd. 7. Shoreland Buffer Area Mitigation.

- A. Where alteration of a stream buffer area is approved and mitigation is required, mitigation must result in equal or improved buffer function and value. Mitigation plans must address water quality protection and wildlife habitat. The following criteria shall be required for stream buffer area mitigation:
- B. Buffers must be replaced at a 1:1 ratio.
- C. Mitigation should always result in equal or improved buffer function and value. The function and value will include protection of water quality and provision of wildlife habitat.
- D. Mitigation involving the buffer area shall provide landscaping for nesting, food for wildlife, wildlife cover, and utilize a diversity of native flora

(trees, shrubs, grasses, herbaceous plants) to encourage wildlife diversity.

- E. Stream buffer mitigation should be undertaken on site. If this is not feasible, mitigation should occur locally within the subwatershed. If this is not possible, mitigation should occur outside the subwatershed, elsewhere in the City.

Subd. 8. Vegetation Alterations.

- A. Exemptions. Vegetation alteration necessary for the construction of structures and sewage treatment systems, agricultural uses, and the construction of roads are exempt from the vegetation alternation standards that follow.

- B. Alteration Standards

- 1. Intensive vegetation clearing such as mowing and cutting within the shore and bluff impact zones and on steep slopes is not allowed.
- 2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
  - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
  - b. Along streams, existing shading of water surfaces is preserved; and
  - c. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

Subd. 9. Topographic Alterations, Grading and Filling.

- A. Permits. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into

the issuance of permits for construction of structures, sewage treatment systems, and driveways.

B. Standards

1. A grading and filling permit will be required for the movement of more than 10 cubic yards of material on steep slopes or within shore and bluff impact zones. A grading and filling permit will be required for the movement of more than 50 cubic yards of material in a shoreland area that is outside of steep slope and shore and bluff impact zones.
2. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

Grading or filling in any wetland is subject to the regulations of the Minnesota Wetland Conservation Act, reviews or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers, and the City of Corcoran Wetland Overlay District (Section 1050.010).

- a. The proposed work should be evaluated for its effect on the following functional values of the wetland: a) sediments and pollutant trapping and retention; b) storage of surface runoff to prevent or reduce flood damage; c) fish and wildlife habitat; d) recreational use; e) shoreline or bank stabilization; or f) noteworthiness, including special qualities such as historic significance and critical habitat.
- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
- d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- e. Altered areas must be stabilized to acceptable erosion control standards consistent with the Minnesota Pollution Control Agency's Best Management Practices.



- f. Fill or excavated material must not be placed in a manner that creates an unstable slope.
- g. Plans to place fill or excavated material on steep slopes must be reviewed by the City Engineer for continued slope stability and must not create finished slopes of 30 percent or greater.
- h. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Natural Resources under Minnesota Statutes, Section 103G.245.
- i. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- j. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to one foot vertical, the landward extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed 3 feet.
- k. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

### 3. Extractive Use Standards

- a. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- b. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

Subd. 10. Placement and Design of Roads, Driveways and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the Minnesota Pollution Control Agency's Best Management Practices and the following:

- A. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within shore and bluff impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- B. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within the shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of this Ordinance must be met.

Subd. 11. Stormwater Management.

A. Design and Construction Standards

- 1. When possible, existing natural drainageways, wetland, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- 2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff, velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- 3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities, such as diversion, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- 4. Impervious surface coverage of lots must not exceed 25 percent of the lot area.

5. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with National Urban Runoff (NURP) Standards, requirements of the Elm Creek Watershed District, and the Minnesota Pollution Control Agency's Best Management Practices as described in Protecting Water Quality in Urban Areas.
6. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subd. 12. Agricultural and Forest Management Use Standards.

A. Permitted Uses

General cultivation farming, grazing, nurseries, horticulture, forestry, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Natural Resource Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

B. Animal Feedlots. Animal feedlots must meet the following standards:

1. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones, and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
2. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback.

C. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

Subd. 13. Administration.

A. Zoning Administrator. The Zoning Administrator is designated by the City Council to enforce this Ordinance. If he/she finds a violation of the

provisions of this Ordinance, he/she shall notify the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it.

- B. **Permits Required.** A permit is required for the construction of buildings or building additions (including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subd. 9 of this Ordinance. Application shall be made to the Zoning Administrator on forms furnished by him/her and shall include the following where applicable: plans 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. **Nonconforming Sewage Treatment System.** Whenever a permit or variance authorizes any improvement on, or new use of, a property in the shoreland district, it will require reconstruction of any existing nonconforming sewage system on the property to meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, specifically Chapter 7080 for individual sewage treatment systems, and any applicable local government standards. The City of Corcoran will notify landowners in shore impact zones about this requirement, and will also encourage property owners to evaluate their sewage treatment systems and voluntarily upgrade systems that are nonconforming.
- E. **Variances**
  - 1. Variances may only be granted in accordance with Minnesota Statutes, Chapter 462, as applicable. A variance may not circumvent the general purposes and intent of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the City Council must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic

considerations, and the characteristics of development of adjacent properties.

2. The City Council shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section F below shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
3. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

F. Notifications to the Department of Natural Resources

1. Copies of all notices of any public hearings to consider variances, Zoning Ordinance amendments, zoning map amendments or conditional uses under local shoreland management controls must be sent to the Commissioner of Natural Resources, or the Commissioner's designated representative and postmarked at least 10 days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
2. A copy of approved Zoning Ordinance amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within 10 days of final action.

Subd. 14. Nonconformities.

A. Existing Nonconformities

1. All legally established nonconformities as of the date of this Ordinance may continue, but they will be managed according to applicable State statutes and other regulations of this community for the subjects of alterations and additions, repairs after damage, discontinuance of use and intensification of use.
2. Lots of record in the office of the County recorder on the date of enactment of local shoreland controls that do not meet the

requirements of this Ordinance may be allowed as building sites without variance from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.

- B. Variance from Setback Requirements. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot, and shall deny the variance if adequate facilities cannot be provided.
- C. Contiguous Lots. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this Ordinance as much as possible.
- D. Additions or Expansions
  - 1. Additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height and other requirements of this Ordinance. Any deviation from these requirements must be authorized by a variance.
  - 2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
    - a. The structure existed on the date the structure setbacks were established.
    - b. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
    - c. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive.

- d. The deck is constructed primarily of wood, and is not roofed or screened.

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## **1050.030 – FLOODPLAIN OVERLAY DISTRICT**

### **Subd. 1. Statutory Authorization, Findings of Fact and Purpose**

- A. Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.
- B. Purpose.
  1. This ordinance regulates development in the flood hazard areas of the City of Corcoran. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety and general welfare by minimizing these losses and disruptions.
  2. National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
  3. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

### **Subd. 2. General Provisions.**

- A. How to Use This Ordinance. This ordinance adopts the floodplain maps applicable to the City of Corcoran and includes three floodplain districts: Floodway, Flood Fringe and General Floodplain.
  1. Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Subd. 4 or Subd. 5 will apply, depending on the location of a property.
  2. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the

Floodway District standards in Subd. 4 apply unless the floodway boundary is determined, according to the process outlined in Subd. 6. Once the floodway boundary is determined, the Flood Fringe District standards in Subd. 5 may apply outside the floodway.

- B. Lands to Which Ordinance Applies. This ordinance applies to all lands within the jurisdiction of the City of Corcoran shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.
  - 1. The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
- C. Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the City Clerk.

Effective Flood Insurance Rate Map panels:

|             |             |             |
|-------------|-------------|-------------|
| 27053C0019F | 27053C0132F | 27053C0154F |
| 27053C0038F | 27053C0134F | 27053C0156F |
| 27053C0039F | 27053C0151F | 27053C0157F |
| 27053C0043F | 27053C0152F | 27053C0158F |
| 27053C0044F | 27053C0153F | 27053C0159F |

- D. Regulatory Flood Protection Elevation. The regulatory flood protection elevation (RFPE) is an elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- E. Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.
1. Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
  2. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City Council acting in its capacity as the Board of Adjustment and Appeals and to submit technical evidence.
- F. Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- G. Warning and Disclaimer of Liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Corcoran or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

- H. Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
- I. Definitions. Unless specifically defined in Section 1020.020 (Floodplain Related Definitions) of this ordinance, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

Subd. 3. Establishment of Zoning Districts.

A. Districts.

1. Floodway District. The Floodway District includes those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Subd. 2. C.
2. Flood Fringe District. The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in Subd. 2. C, but are located outside of the floodway.
3. General Floodplain District. The General Floodplain District includes those areas within Zones A that do not have a delineated floodway as shown on the Flood Insurance Rate Map adopted in Subd. 2. C.

- B. Applicability. Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Subd. 4, 5 and 6 are prohibited. In addition, critical facilities, as defined in Section 1020.020, are prohibited in all floodplain districts.

Subd. 4. Floodway District (FW)

- A. Permitted Uses. The following uses, subject to the standards set forth in Subd. 4. B, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:
1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

2. Industrial-commercial loading areas, parking areas and airport landing strips.
3. Private and public open space and recreational uses, including but not limited to private and public golf courses, tennis courts, athletic fields, 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.
4. Residential lawns, gardens, parking areas, and play areas.
5. Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

B. Standards for Floodway Permitted Uses.

1. The use must have a low flood damage potential.
2. The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
3. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

C. Conditional Uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in Subd. 10. D of this ordinance and further subject to the standards set forth in Subd. 4. C, if otherwise allowed in the underlying zoning district or any applicable overlay district.

1. Structures accessory to the uses listed in Subd. 4. A. 1 – 4. A. 3 above and the uses listed in Subd. 4. C. 2 – 4. C. 3 below.
2. Extraction and storage of sand, gravel, and other materials.
3. Marinas, boat rentals, docks, piers, wharves, and water control structures.

4. Storage yards for equipment, machinery or materials.
5. Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in Section 1020.020, are permitted uses.
6. Travel-ready recreational vehicles meeting the exception standards in Subd. 9. B.
7. Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

D. Standards for Floodway Conditional Uses.

1. All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
2. Fill; Storage of Materials and Equipment.
  - a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - b. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
  - c. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
3. Accessory Structures. Accessory structures, as identified in Subd. 4. C. 1, may be permitted, provided that:
  - a. structures are not intended for human habitation;
  - b. structures will have a low flood damage potential;
  - c. structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;

- d. Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
  - e. Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
  - f. As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
    - (i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
    - (ii) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one 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.
- 4. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
  - 5. A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
  - 6. Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Subd. 5. Flood Fringe District (FF)

- A. Permitted Uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Subd. 5. B.
- B. Standards for Flood Fringe Permitted Uses.
  - 1. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than two feet below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
  - 2. Accessory Structures. As an alternative to the fill requirements of Subd. 5. B. 1, structures accessory to the uses identified in Subd. 5. A may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
    - a. The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
    - b. All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be:
      - i. adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls,
      - ii. be constructed with materials resistant to flood damage, and
      - iii. must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation.
    - c. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
      - i. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and



- ii. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one 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.
- 3. The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Subd. 5. B. 1 of this ordinance, or if allowed as a conditional use under Subd. 5. C. 3 below.
- 4. The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
- 5. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- 6. 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.
- 7. All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
- 8. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.
- 9. Accessory uses such as yards, railroad tracks and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- 10. Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

11. Manufactured homes and recreational vehicles must meet the standards of Subd. 9 of this ordinance.

C. Conditional Uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Subd. 10. D of this ordinance.

1. Any structure that is not elevated on fill or floodproofed in accordance with Subd. 5. B. 1 and 5. B. 2 of this ordinance.
2. Storage of any material or equipment below the regulatory flood protection elevation.
3. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Subd. 5. B. 1 of this ordinance.
4. (OPTIONAL) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Subd. 5. D. 6.

D. Standards for Flood Fringe Conditional Uses.

1. The standards listed in Subd. 5. B. 4 through 5. B. 10 apply to all conditional uses.
2. Basements, as defined by Section 1020.020 of this ordinance, Floodplain Related Definitions, are subject to the following:
  - a. Residential basement construction is not allowed below the regulatory flood protection elevation.
  - b. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Subd. 5. D. 3 of this ordinance.
3. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of

water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

4. The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
  - a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
  - b. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
  - c. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
5. Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
6. (OPTIONAL) 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. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
  - a. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer 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.

- b. 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:
  - i. The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area 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
  - ii. That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

Subd. 6. General Floodplain District (GF)

A. Permitted Uses.

- 1. The uses listed in Subd. 4. A of this ordinance, Floodway District Permitted Uses, are permitted uses.
- 2. All other uses are subject to the floodway/flood fringe evaluation criteria specified in Subd. 6. B below. Subd. 4 applies if the proposed use is determined to be in the Floodway District. Subd. 5 applies if the proposed use is determined to be in the Flood Fringe District.

B. Procedures for Floodway and Flood Fringe Determinations.

- 1. Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state or other source.
- 2. If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District.

Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Subd. 6. B. 3 below.

3. The determination of floodway and flood fringe must include the following components, as applicable:
  - a. Estimate the peak discharge of the regional (1% chance) flood.
  - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
  - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
4. The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
5. Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Subd. 4 and 5 of this ordinance.

Subd. 7. Land Development Standards.

- A. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Corcoran.
- B. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

- C. All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- D. All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- E. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- F. In the General Floodplain District, applicants must provide the information required in Subd. 6. B of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- G. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
  - 1. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
  - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  - 3. Adequate drainage is provided to reduce exposure of flood hazard.
- H. Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
  - 1. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. Constructed with materials and utility equipment resistant to flood damage;
3. Constructed by methods and practices that minimize flood damage; and
4. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Subd. 8. Public Utilities, Railroads, Roads and Bridges.

- A. Public Utilities. All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- B. Public Transportation Facilities. Railroad tracks, roads and bridges to be located within the floodplain must comply with Subd. 4 and 5 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- C. On-site Water Supply and Sewage Treatment Systems. Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; 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, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

Subd. 9. Manufactured Homes, Manufactured Home Parks and Recreational Vehicles.

- A. Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:



1. Placement or replacement of manufactured home units is prohibited in the Floodway District.
  2. If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Subd. 5 of this ordinance and the following standards.
    - a. New and replacement manufactured homes must be elevated in compliance with Subd. 5 of this ordinance and 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 limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
    - b. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Subd. 7. C.
- B. Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.
1. Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Subd. 9. B. 2:
    - a. Individual lots or parcels of record.
    - b. Existing commercial recreational vehicle parks or campgrounds
    - c. Existing condominium-type associations.
  2. Criteria for Exempt Recreational Vehicles:
    - a. The vehicle must have a current license required for highway use.
    - b. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.



- c. No permanent structural type additions may be attached to the vehicle.
- d. The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

Subd. 10. Administration.

A. Zoning Administrator. A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.

B. Permit Requirements.

1. Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:
  - a. The erection, addition, modification, rehabilitation or alteration of any building, structure or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
  - b. The use or change of use of a building, structure or land.
  - c. The construction of a dam, fence or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
  - d. The change or extension of a nonconforming use.
  - e. The repair of a structure that has been damaged by flood, fire, tornado or any other source.
  - f. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
  - g. Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
  - h. Any other type of “development” as defined in this ordinance.
2. Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

- a. A site plan showing all pertinent dimensions, existing or proposed buildings, structures and significant natural features having an influence on the permit.
  - b. Location of fill or storage of materials in relation to the stream channel.
  - c. Copies of any required municipal, county, state or federal permits or approvals.
  - d. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
3. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
4. Certification. The applicant is 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 ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.
5. Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
6. Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
7. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of

FEMA of the changes by submitting a copy of the relevant technical or scientific data.

C. Variances.

1. Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 1070.040 of the Zoning Ordinance.
2. Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed 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.
3. Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  - a. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - b. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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.
  - c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

5. General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
  - a. The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
  - b. The danger that materials may be swept onto other lands or downstream to the injury of others;
  - c. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
  - d. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
  - e. The importance of the services to be provided by the proposed use to the community;
  - f. The requirements of the facility for a waterfront location;
  - g. The availability of viable alternative locations for the proposed use that are not subject to flooding;
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - i. The relationship of the proposed use to the Comprehensive Land Use Plan and floodplain management program for the area;
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
6. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
7. Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

8. Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

D. Conditional Uses.

1. Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 1070.020 of the Zoning Ordinance.
2. Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Subd. 10. C. 5 of this ordinance.
3. Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
  - a. Modification of waste treatment and water supply facilities.
  - b. Limitations on period of use, occupancy and operation.
  - c. Imposition of operational controls, sureties and deed restrictions.
  - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures.
  - e. Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
4. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

5. Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Subd. 11. Nonconformities.

- A. Continuance of Nonconformities. A use, structure or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 1020.020, Definitions, Floodplain Related (“Substantial Improvement”), are subject to the provisions of Subd. A. 1 – Subd. A. 6 of this ordinance.
  1. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in Subd. 11. A. 2 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
  2. Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Subd. 11. A. 3 and Subd. 11. A. 7 below.
  3. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Subd. 4 or 5 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.
  4. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

5. If any nonconformity is substantially damaged, as defined in Section 1020.020 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Subd. 4 or 5 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
6. If any nonconforming use or structure experiences a repetitive loss, as defined in Section 1020.020 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.
7. Any substantial improvement, as defined in Section 1020.020 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Subd. 4 or 5 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

Subd. 12. Penalties and Enforcement

- A. Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance 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) constitute a misdemeanor and will be punishable as defined by law.
- B. Other Lawful Action: Nothing in this ordinance restricts the City of Corcoran from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.
- C. Enforcement: Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 1080 of the Zoning Ordinance. In responding to a suspected ordinance violation, the Zoning Administrator and City Council 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 City of Corcoran 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.

Subd. 13. Amendments

- A. Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.
- B. Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.
- C. Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Subd. 2. C of this ordinance.

*(Ord. 332, passed 08-25-16, Ord 348, passed 05-25-17, Ord 526, passed 06-27-24)*



## **SECTION 1060 - PERFORMANCE STANDARDS**

### **1060.010 - EXTERIOR STORAGE**

- Subd. 1. Outside Storage. As otherwise regulated, all outdoor storage is prohibited except:
- A. Clothes line poles and wires.
  - B. Swings, slides and other play equipment.
  - C. Outdoor furniture and lawn and garden equipment.
  - D. Agricultural equipment and materials, if these are used on the premises within a period of 12 months. Except that Agricultural uses as defined by the City Code are exempt from this requirement.
- Subd. 2. Storage of Vehicles.
- A. Except where otherwise allowed as exterior storage or in a zoning district, trucks with a gross vehicle weight rating (GVWR) of 12,000 pounds or more, or greater than 30 feet in length, as well as contracting or excavating equipment, storage trailers, and mobile storage compartments shall not be parked, stored or otherwise located on any property within the City unless being used in conjunction with a temporary service benefiting the premises.
  - B. Parking of Commercial Vehicles. In the commercial or business park zoning districts, up to 3 commercial vehicles such as delivery and service trucks up to 12,000 pounds gross vehicle weight rating (GVWR) may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over 12,000 pounds GVWR shall require screening in compliance with this Chapter.
  - C. Vehicles shall be parked or stored in compliance with Chapter 80 of this Code.
  - D. All materials stored outside in violation of the City Ordinances are considered refuse or junk and shall be disposed of pursuant to City regulations.
  - E. No motor vehicle repair work of any kind shall be permitted in conjunction with exposed off-street parking facilities, except for minor repairs of vehicles owned by the occupant or resident of the principal use for which the parking space is intended. No exterior storage of car parts is allowed at any time.

Subd. 3. Non-Residential Zoning Districts.

- A. Outside Storage/Display. Exterior storage and display shall be governed by the respective zoning district in which such use is located.
- B. Additional Standards. All exterior storage shall be located in the rear or side yard and shall be screened so as not to be visible from adjoining properties and public streets except for the following:
  - 1. Merchandise being displayed for sale in accordance with zoning district requirements.
  - 2. Materials and equipment currently being used for construction on the premises.

Subd. 4. All Zoning Districts.

- A. Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the City, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, industrial manufacturing, testing, or storage of items used with or in a business, commercial or industrial enterprise, unless otherwise approved by the Zoning Administrator.
- B. The City Council may order the owner of any property to cease or modify open storage uses including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

**1060.020 – REFUSE**

Subd. 1. Storage of Garbage and Trash.

- A. No exterior incineration of trash or garbage is permissible.
- B. No exterior storage of trash or garbage is permissible except in an accessory building enclosed by walls and roof or in closed containers within a totally screened area. Covered garbage cans in agricultural and single-family districts are exempt from these screening requirements.

## **1060.030 - SCREENING**

- Subd. 1. Screening of Mechanical Equipment. All rooftop and ground mounted mechanical equipment of multi-family and non-residential buildings shall comply with the following standards:
- A. All rooftop and ground mounted mechanical equipment shall be buffered so as to mitigate noise in compliance with Section 1060.090 of this Chapter.
  - B. All rooftop and ground mounted mechanical equipment shall be designed (including exterior color) and located so to be aesthetically harmonious and compatible with the building. Screening of the equipment may be required where the design, color, and location of the equipment are found to not effectively buffer noise or provide aesthetic harmony and compatibility as observed by a 6-foot tall individual standing at ground level on the adjacent property or public right-of-way. Screening shall be constructed of durable materials which are aesthetically compatible with the structure and which may be an integral part of the structure. Applicable requirements for access to the equipment shall be observed in the design and construction of the screening.
  - C. Rooftop mechanical equipment less than 3 feet in height shall be exempt from the screening requirements of this Chapter.

## **1060.040 - LIGHTING**

- Subd. 1. Except for single- and two-family homes located within the residential zoning districts, all exterior lighting shall comply with the following standards:
- A. Glare, whether direct or reflected, as differentiated from general illumination shall not be visible beyond the limits of the site from which it originates.
  - B. No light which is flashing, revolving or otherwise resembles a traffic-control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.
  - C. Maximum Intensity of Lighting and Glare:
    - 1. Any light or combination of lights shall not exceed one foot-candle (meter reading) as measured from the property line or the centerline of a public street.

2. Any lighting shall be arranged so as not to produce glare beyond the property line. Lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate glare.

D. General Performance Standards:

1. Light fixtures and freestanding luminaires shall have a cutoff angle of less than or equal to 90 degrees.
2. The height of a freestanding luminaire shall not exceed 30 feet or extend above the roof line of the principal building, whichever is less.
3. Freestanding luminaires used for outdoor athletic fields and recreation areas that exceed the height limitation may be approved by conditional use permit.
4. All canopy lighting for motor fuel stations shall be recessed into the canopy.
5. Accent lighting used to highlight building facades, foliage, or selected architectural features shall be permitted provided the light source is shielded.
6. Any lighting in existence before the effective date of this Ordinance that does not comply with the requirements shall be considered legally non-conforming. However, if a property owner proposes to replace 50 percent or more of the existing exterior light fixtures or standards in any one year period, the fixtures or standards must be replaced in conformance with this Chapter.

## **1060.050 - BUILDING STANDARDS**

Subd. 1. Building Type and Construction.

A. General Provisions.

1. Quality. Buildings in all zoning districts shall maintain a high standard of architectural and aesthetic compatibility with surrounding properties to ensure that they will not adversely impact the property values of the abutting properties or adversely impact the public health, safety and general welfare.
2. Additions or Alterations. When an expansion of an existing structure is proposed, the existing facade shall be upgraded so that 25% or more of the existing structure conforms to the exterior building

material requirements as outlined herein, unless otherwise approved by Conditional Use Permit. The improvements shall be concentrated on the side facing the public road and/or the side facing an area zoned for residential use.

B. Residential District Standards

1. All residential structures shall be finished with materials comparable in grade and quality to the following:
  - a. Face Brick.
  - b. Natural stone or cultured stone.
  - c. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.
  - d. Stucco or EIFS.
  - e. Vinyl siding
  - f. Fiber cement siding
  - g. Other materials deemed appropriate and subject to approval by the Zoning Administrator.
2. Roof Material. Dwellings shall have an earth covered, asphalt shingles, wood shingled (including shakes), concrete, clay or ceramic-tiled roof. In addition, metal roof coverings may be allowed by approval of the Zoning Administrator via a Certificate of Compliance, provided they:
  - a. Meet the standards adopted by the Minnesota State Building Code,
  - b. Have concealed fasteners,
  - c. Are high quality commercial thickness/weight,
  - d. Have been treated with a factory applied color coating system against any fading or degradation.
3. All residential structures shall have permanent concrete or wood foundations, which comply with the Minnesota State Building Code and which is solid for the complete circumference of the house.

4. All residential dwellings must be built in conformance with the Minnesota State Building Code.
5. All residential dwellings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.

C. Non-Residential District Standards

1. Finishes. Exterior building finishes in all districts except the CR district shall consist of materials comparable in grade and quality to the following:
  - a. Face Brick.
  - b. Natural stone or cultured stone.
  - c. Decorative concrete block or integral colored block.
  - d. Cast in place concrete or pre-cast concrete panels.
  - e. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability is used, such as cedar, redwood, cypress.
  - f. Curtain wall panels of steel, fiberglass and aluminum (non-structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design. Up to 20% of any wall surface may consist of the materials outlined herein (excludes overhead doors).
    - i. In the CR zoning district, 50% of any wall surface (excludes overhead doors) may consist of curtain wall panels of steel, fiberglass and aluminum (non-structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design.
  - g. Glass curtain wall panels.
  - h. Stucco or EIFS.
  - i. Fiber cement siding
  - j. Other materials deemed appropriate and subject to approval by the Zoning Administrator.

2. Roof materials. For all non-residential structures roof materials shall be reviewed as part of the site plan. Acceptable roofing materials include asphalt shingles, wood shingles (including shake), concrete, clay or ceramic tile roofs. Metal roofs with a pitch greater than 2:12 shall not be permitted except as provided below:
  - a. Color samples shall be provided for review and approval by the City Council as part of the site plan review.
  - b. Metal roof coverings may be allowed for the above mentioned circumstances, provided the following conditions are met:
    - i. Meet the standards adopted by the Minnesota State Building Code,
    - ii. Have concealed fasteners,
    - iii. Are high quality commercial thickness/weight,
    - iv. Have been treated with a factory applied color coating system against any fading or degradation.

D. Accessory Buildings.

1. Accessory buildings shall comply with the standards identified in Section 1030.020 of this Ordinance.
2. Accessory buildings shall have roof overhangs which extend a minimum of one (1) foot from the exterior wall of the structure.
3. All accessory buildings, including agricultural buildings with metal siding and/or roofing may be allowed by approval of the Zoning Administrator via a Certificate of Compliance, provided they:
  - a. meet the standards adopted by the Minnesota State Building Code
  - b. have been treated with a factory applied color coating system against any fading or degradation.

E. Exceptions to the provisions of this Section may be granted as a conditional use permit subject to the process outlined in Section 1070.020 and provided that:

1. The proposed building and material maintains the quality, durability and value intended by the Ordinance.

2. The proposed building is compatible and in harmony with other existing structures within the district and immediate geographic area.
3. The provisions of Section 1070.020 are considered and determined to be satisfied.

Subd. 2. Prohibited Materials. Prohibited materials include face materials that rapidly deteriorate or become unsightly such as unfinished/non-pigmented structural concrete block, galvanized metal, unglazed structural clay tile or common or back-up quality brick.

Subd. 3. Number of Buildings. No more than one principal building shall be located on a single family residential lot, except in the case of operating farms as provided for herein. No more than one principal building shall be located on a multiple family residential lot or non-residential lot, except by conditional use permit. The term principal building shall be given its common, ordinary meaning as defined in Section 1020.020 of this Chapter.

#### **1060.060 - PARKING AND LOADING**

Subd. 1. General Provisions.

- A. Site Plans. All site plans submitted for a structure requiring parking spaces and/or loading facilities shall show or designate the parking and/or loading area(s), number of parking spaces, and type of surfacing, screening, drainage, curbing, sidewalks, and other improvements which may be required to be installed. Said plan shall be a part of the building permit for any such structure, and except for one and two family dwellings, no final certificate of occupancy shall be issued until all items shown on the plan for parking and loading facilities have been completed, unless an agreement supported by a financial security is provided for the completion of said plan.
- B. All site plans for single family homes must provide for location of a one stall attached garage, whether or not construction is intended.
- C. Change in Land Use. When the site intensity or use of a building and/or property is increased with consequential effect upon the parking requirements as prescribed in this Section, the parking requirements as prescribed herein shall be used to provide for such increase in the site intensity and/or use.
- D. Reduction of Existing Off-Street Parking Space or Lot Area. Off-street parking spaces or lot area devoted to parking existing upon the effective date of this Chapter shall not be reduced in number or size unless said



number or size exceeds the requirements set forth herein for a similar new use.

- E. Handicap Parking. Handicapped parking spaces shall be provided as applicable pursuant to Minnesota Statutes 168.021, as may be amended.
- F. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except as provided for under the provisions of Subd. 2 of this Section.
- G. Except for single family and two family dwellings, head-in parking, directly off of and adjacent to a public street, with each stall having its own direct access to the public street, shall be prohibited.

Subd. 2. Off-Site Parking. Except as otherwise allowed in the Downtown Mixed Use District, when parking is provided on a site other than the lot or tract upon which a principal use is located, said parking area shall be in the ownership of and remain in the possession of the owner of the principal use for which it is designated. No authorization for separate parking facilities shall be given until such time as the City Council is reasonably certain that the ownership and use of the parking area will continue and that the site will be well maintained. Off-site parking facilities may only be allowed by conditional use permit and shall be subject to the following conditions:

- A. Ordinance Compliance. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Chapter.
- B. Access. Reasonable access from off-street parking facilities to the use being serviced shall be provided as determined by the Zoning Administrator.
- C. Proximity to Multiple Family Dwelling. The furthest space of an off-site parking lot for multiple family dwellings shall not be located more than 300 feet (excluding public rights-of-way) from any normally used entrance of the principal use serviced.
- D. Proximity for Non-Residential Uses. The furthest space of an off-site parking lot for non-residential uses shall not be located more than 300 feet (excluding public rights-of-way) from the main entrance of the principal use being served.

Subd. 3. Parking Design.

- A. Surfacing and Drainage. Off-street parking areas for non-residential uses shall have a perimeter of poured, cast in place, concrete curb around the

entire parking lot and shall be surfaced with asphalt, concrete, or other surface as approved by the City Engineer. Such areas shall be graded and drained to dispose of all surface water without damage to adjoining property. These requirements shall also apply to open sales lots.

B. Gravel Parking Lots. Gravel parking lots shall be prohibited in all areas of the City except in the Rural Commercial (CR) zoning district. Gravel parking lots may be provided in the CR district, if all of the following standards are met:

1. The City Engineer has reviewed the grading plan and finds that surface water is managed in compliance with City and State requirements.
2. A dust control program is provided by the landowner and approved by the City Council.
3. Handicapped accessible routes are provided on site in compliance with State and Federal requirements.
4. The gravel parking areas are fully screened to a height of 3 feet from the public streets and adjoining properties.
5. The commercial development requiring the parking is seasonal in nature (operates 9 months or less per calendar year).
6. Landscaped areas equal to 10 percent of the lot area shall be provided in parking lots that contain space for 50 or more cars.
7. When an existing business expands its structure by 10 percent or more or a change in use creates the need for additional parking spaces, the entire parking area shall be upgraded to meet the provisions contained within this subdivision.
8. Areas designed for storage purposes only, which are fenced and properly screened, may be permitted to utilize other durable and dustless surface materials subject to the approval of the City Council.
9. Off-Street Loading Areas. Loading areas established after March 23, 2004 shall be prohibited within 300 feet of residentially zoned or guided property unless completely screened by an intervening building. Loading areas not requiring screening by an intervening building shall be screened from adjacent residentially zoned or guided property by the use of berms, fences, or walls to provide 100 percent opacity to a height of at least 10 feet. The height of the screening shall be measured from the grade of the loading areas.

Subd. 4.       Parking Area Standards.

A.   Setbacks.

1.   Minimum Parking and Drive Aisle Setbacks shall be as follows:
  - a.   Front – Same as the minimum front setback for principal structures in the zoning district.
  - b.   Side and Rear – 10 feet.
2.   In the case of properties which abut street easements, applicable setbacks shall be determined by the Zoning Administrator and relate to roadway classification as identified in the Corcoran Comprehensive Plan.

B.   Calculating Space.

1.   Floor Area. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus 10 percent except as may be hereinafter modified, and where a gross floor area calculation is specified.
2.   Computation. When determining the number of off-street parking spaces, any fraction of a number shall constitute an additional space.
3.   Places of Public Assembly. In stadiums, sports arenas, places of worship and other places of public assembly in which patrons or spectators occupy benches, pews, floor space or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one seat for the purpose of determining parking requirements.
4.   Snow Storage in Parking Stalls. Provision shall be made in the parking area for adequate snow storage or removal in order to ensure that the required number of spaces is available at all times during the year.
5.   Use of Required Area. Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, or storage of inoperable vehicles unless approved by the Zoning Administrator.

C.   Design.

1. Pedestrian Provision. All off-street parking areas shall be designed with due regard to pedestrian circulation. Off-street parking areas shall be designed such that vehicle and pedestrian circulation is accommodated in a safe, complementary, and orderly fashion.
2. Dimensional Requirements. Unless otherwise specified in this Chapter, stall, aisle and driveway design for required off-street parking shall comply with the following standards:

| Minimum Dimensional Requirements for Parking |                               |                      |             |             |
|----------------------------------------------|-------------------------------|----------------------|-------------|-------------|
| Angle of Parking                             | Stall Width Parallel to Aisle | Stall length of Line | Stall Depth | Aisle Width |
| 45°                                          | 12'7"                         | 25'                  | 17'6"       | 12'         |
| 60°                                          | 10'4"                         | 22'                  | 19'         | 16'         |
| 75°                                          | 9'3"                          | 20'                  | 19'6"       | 23'         |
| 90°                                          | 9'                            | 18'6"                | 18'6"       | 26'         |

3. Compact Parking. Up to 20 percent of the parking spaces in a parking lot may be permanently marked for compact cars only, provided that:
  - a. The parking lot contains 40 or more off-street parking spaces.
  - b. All compact car spaces are a minimum of 8 feet in width and 16 feet in length.
  - c. Signs and markings, as approved by the City, are placed and maintained for compact car spaces.
  - d. All required off-street parking aisle widths are maintained.
  - e. The compact car stalls do not displace preferred handicap parking stall locations.
  - f. The design, layout, and location of designated compact car spaces shall not encourage utilization by oversized vehicles and shall be subject to approval by the Zoning Administrator.
4. Parking Garages/Parking Within Structures. Required garage parking for structures containing 3 or more dwelling units shall be provided underground, under principal structures or in a similar manner to avoid excessive site coverage. The off-street parking requirement may be furnished by providing fee-free space so designed within the principal building or structures attached thereto; however, unless provisions are made, no building permit shall be issued to convert said parking structure into a dwelling unit or living area or other

activity until other adequate provisions are made to comply with the required off-street parking provisions of this Chapter. In no case shall on-street parking be utilized to satisfy the required off-street parking supply.

5. Parking Ramps.

a. Parking ramps shall be set back from lot lines as required for the principal building on the lot, or as required for parking spaces specified by this Section, whichever is greater.

b. Except as otherwise approved by the Zoning Administrator, off-street parking ramps shall be designed in compliance with the applicable dimensional requirements of Subd. 4 (C)2 of this Section.

6. Street Encroachments. Except in the case of single, two family dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot upon the property being serviced and does not depend upon a public street or alley. Except in the case of single, two family dwellings, parking area design that requires backing into the public street is prohibited. Parking spaces in a public right-of-way shall not be utilized in meeting required off-street parking standards, except as may be provided in this Chapter.

7. Parking Area Grades. The grade elevation of the required parking area or portion thereof shall not exceed 5 percent.

8. Driveway Access Minimum. Each property other than single family uses shall be allowed one driveway access for each 125 feet of street frontage. All property shall be entitled to at least one driveway access. Single family uses shall be limited to one driveway access per lot, except when the property exceeds the required street frontage per zoning district requirements, a second driveway access may be allowed by approval of the Zoning Administrator. Except as otherwise approved by the Zoning Administrator, single family uses shall not access arterial and major collector streets. In such cases, if a lot does not have frontage upon a local street and where the Zoning Administrator determines driveway access to arterial and major collector streets necessary, joint access through the use of shared curb cuts and access easements shall be utilized to the extent possible.

9. Street Access. Except as allowed by a conditional use permit or property subdivision, each lot shall have frontage and access directly onto an abutting, improved and City accepted public street.

10. Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect glare away from adjoining property, adjacent residential uses and public rights-of-way and be in compliance with Section 1060.040 of this Chapter.

11. Signs. No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. All signs shall be in conformance with the City Code.

- Subd. 5. Location. In the case of residential dwellings, driveways providing access to garages may qualify as required off-street parking spaces if all of the following conditions are met:
- A. The driveway shall serve a dwelling unit that has use of a two-stall garage.
  - B. The driveway shall be under the direct control of the dwelling unit served by the garage.
  - C. The driveway shall measure at least 22 feet in length between the front of the garage and the street, roadway or sidewalk.
  - D. The driveway must be located outside of any drainage and utility easement, unless approved by the City Engineer.
  - E. Parking on the driveway shall not impede pedestrian or traffic circulation or access to any other dwelling unit, nor shall it adversely affect the ability to provide public utilities or public safety.
- Subd. 6. Pedestrian Circulation. A pedestrian circulation route shall be provided from all parking areas and loading zones as may be applicable to the entrance of the building. Such circulation routes shall be surfaced with material such as asphalt, concrete, or equivalent material determined acceptable by the Zoning Administrator.
- Subd. 7. Maintenance. It shall be the joint and separate responsibility of the owner of the principal use (or lessee), to use and to maintain in a neat and adequate manner, the parking space, access way, striping, landscaping, and required fences and to undertake snow removal.
- Subd. 8. Number of Off-Street Parking Spaces Required. The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement, and/or lease for and during the life of the respective uses hereinafter set forth.

| Number of Parking Space Requirements by Land Use                                                                          |                                 |                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use                                                                                                                       |                                 | Number of Stalls Required                                                                                                                               |
| Residential Uses                                                                                                          |                                 |                                                                                                                                                         |
| Single and Multi-Family Housing                                                                                           |                                 | 2 spaces per unit plus 1 space for each 5 units in an apartment or townhome complex.                                                                    |
| Senior Housing                                                                                                            |                                 | 1.5 spaces per dwelling unit                                                                                                                            |
| Public/Institutional Uses                                                                                                 |                                 |                                                                                                                                                         |
| Educational Facilities, elementary and Jr. High                                                                           |                                 | One space per classroom plus one additional space for each 50 students. Auditorium and special event space shall be calculated separately.              |
| Educational Facilities, High School and post-secondary                                                                    |                                 | One space per classroom plus one space for each 7 students based on design capacity. Auditorium and special event space shall be calculated separately. |
| Hospitals, Nursing Homes, etc.                                                                                            |                                 | One space per 2 beds. Office space shall be computed separately.                                                                                        |
| Public Facilities for gathering, including places of worship/assembly, theaters, civic centers, auditoriums and stadiums. |                                 | One space for every 4 seats, based on the design capacity of the facility or as noted in Subd. 4(B)3 of this Section.                                   |
| Commercial/Industrial Uses                                                                                                |                                 |                                                                                                                                                         |
| Retail Uses including drive-in businesses, banks and restaurants                                                          |                                 | 8 parking spaces plus one space for each 200 square feet of retail space and one parking space for each 35 square feet of dining area                   |
| Commercial Recreation                                                                                                     | Bowling Alley                   | 5 spaces per alley plus one space for each 300 square feet of service area                                                                              |
|                                                                                                                           | Golf Course                     | 20 spaces plus one space for each 500 square feet of clubhouse                                                                                          |
|                                                                                                                           | Golf Driving Range              | 10 spaces plus one for each 100 square feet of building area                                                                                            |
|                                                                                                                           | Public Park                     | One space for each one acre of park plus 5 spaces per playground facility and one space for each picnic table. A minimum of 5 spaces is required.       |
|                                                                                                                           | Skating Rink or Dance Hall      | 6 spaces per 1,000 square feet of floor area                                                                                                            |
|                                                                                                                           | Swimming Pool                   | 20 spaces plus one space for each 500 square feet of floor area                                                                                         |
|                                                                                                                           | Community Center or Health Club | One space per 300 square feet of floor area                                                                                                             |
| Manufacturing, Processing or Fabricating Facility                                                                         |                                 | 8 spaces plus one space for each 2 employees on the largest shift. A minimum of 8 spaces plus one space per 500 square feet of floor area is required.  |



| Number of Parking Space Requirements by Land Use         |  |                                                                                                                                                |
|----------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use                                                      |  | Number of Stalls Required                                                                                                                      |
| Warehousing and Wholesale Facilities                     |  | 5 spaces plus one space for each 2 employees on the largest shift. A minimum one space per 1,500 square feet of floor area is required.        |
| Motels and Hotels                                        |  | One space per lodging unit plus one space for each 5 units                                                                                     |
| Office Buildings, Animal Clinics, Medical/Dental Clinics |  | One space for each 200 square feet of floor area. A minimum of 8 spaces is required.                                                           |
| Auto Service Stations                                    |  | 4 spaces plus one for each service bay or wash bay. Facilities with convenience retail shall also comply with the retail parking requirements. |

- Subd. 9. Non-Specified Uses. For uses not specifically listed above, off-street parking requirements shall be computed by the Zoning Administrator on the same basis as required for the most similar listed uses. In such cases, the Zoning Administrator shall also consult off-street parking reference materials including, but not limited to, manuals prepared by the American Planning Association and Institute of Transportation Engineers.
- Subd. 10. Space Reductions. Subject to the review and processing of an interim use permit, 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 Chapter. In such situations, the City may require land to be reserved for parking development should the use or needs change.
- Subd. 11. Joint Facilities. The City may approve an interim use permit to allow joint parking for one or more businesses where the total number of parking stalls provided for joint use is less than the sum of the total required for each business should they provide them separately. The applicant must demonstrate the feasibility of the arrangement in a written report. Such a permit shall not be granted except when the following conditions are found to exist:
- A. Proximity. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities, excluding public rights-of-way.
  - B. Conflict in Hours. The applicant shall demonstrate in documented fashion that there is no substantial conflict in the principal operating hours of the 2 buildings or uses for which joint use of off-street parking facilities is proposed.



- C. Written Consent and Agreement. A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and in a form and manner of execution approved by the City Attorney, shall be filed with the City Clerk and recorded with the Hennepin County Recorder or Registrar of Titles, and a certified copy of the recorded document shall be filed with the City within 60 days after approval of the joint parking use by the City or the interim use permit shall be considered null and void.

Subd. 12. Drive Through Business. Where allowed, drive through businesses shall comply with the following:

- A. The business shall be located on a site with direct access to a minor arterial street, collector or service road.
- B. Drive-Through Lanes: Drive-through or drive-in lanes are not allowed between the building and a lot line that faces a public street. This does not pertain to driveways.
- C. All portions of the business with drive through facilities, including but not limited to, the building in which they are located, service windows and stacking spaces, shall be separated from residentially zoned or guided property by an arterial or collector street or shall be set back at least 300 feet from residentially zoned or guided property.
- D. The public address or order system shall not be audible from any adjacent residentially zoned or guided property.
- E. Adequate stacking distance shall be provided, as determined by the City Engineer, which does not interfere with other driving areas, parking spaces, or sidewalks Stacking spaces shall not interfere with parking spaces or traffic circulation.
- F. The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections.
- G. Screening shall be provided of automobile headlights in the drive-through lane to adjacent properties. Such screening shall be at least three feet (3') in height and fully opaque, consisting of a wall, fence, dense vegetation, berm, or grade change.
- H. A bypass lane shall be provided for each drive-through use, allowing cars to leave the drive-through lane from the stacking area.

*(Ord 348, passed 05-25-17)*

## 1060.070 – LANDSCAPING

- Subd. 1. Purpose. The purpose of this Ordinance is to provide for a diversity of landscaping plant materials and design elements within the City through the establishment of minimum standards for landscape plans and maintenance requirements for required landscaping.
- Subd. 2. Required Landscaping and Maintenance. Prior to approval of a building permit, all semi-public, non-residence uses, and residential developments of four units or more, shall be subject to a mandatory landscape plan and specification requirements. Residential developments of less than 4 units shall not require a landscape plan but shall be required to install a minimum number of trees as outlined in this Section, item G.
- A. The landscape plan shall be developed with an emphasis upon the boundary or perimeter of the proposed site at points adjoining other property and the immediate perimeter of the structure.
  - B. Required Ground Cover. The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be sodded or seeded and mulched within 30 days of building occupancy or a financial guarantee shall be provided to guarantee said installation.
  - C. Required Plantings. In addition to required ground cover specified in Subd. 2(B) above and exclusive of required buffering or screening, all new development shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one year following the date of building occupancy. Where landscaping is required as part of City approvals, any plant material that is diseased or dies shall be replaced with a like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the City.
  - D. Minimum Size Requirements. All plants must at least equal the following minimum size:

| <b>Table 1 – Minimum Plant Size Requirements</b>         |                                          |
|----------------------------------------------------------|------------------------------------------|
|                                                          | Potted/Bare Root or Balled and Burlapped |
| Shade Trees (overstory)                                  | 2.5-inch diameter                        |
| Ornamental Trees (understory)                            | 1.5-inch diameter                        |
| Evergreen Trees (overstory)                              | 4-6 feet high                            |
| Tall Shrubs and Hedge Material (deciduous or coniferous) | 3-4 feet high                            |
| Low Shrubs (deciduous)                                   | 5 gallon                                 |

- E. Spacing. Plant material centers shall not be located closer than 3 feet from the fence line or property line and shall not be planted to conflict with public plantings based on the judgment of the City staff.
- F. Types of Plantings. The landscape plan shall be reviewed by City staff to ensure that appropriate plant materials are used to accomplish the intent of the landscaping, including screening where required.
- G. Number of Plantings. The minimum number of plantings on any given site shall be as follows:
  1. Residential uses shall provide a minimum of one overstory tree per dwelling unit.
  2. Non-Residential Uses. Non-residential uses shall contain at a minimum:
    - a. One overstory tree per 1,000 square feet of gross building floor area or one tree per 50 lineal feet of site perimeter, whichever is greater.
    - b. One understory shrub for each 300 square feet of building or one tree per 30 lineal feet of site perimeter, whichever is greater.
  3. Understory Trees. Up to 50 percent of the required number of overstory trees may be substituted with the use of understory trees in combination with other design elements. In such cases, not less than 3 understory trees shall be provided for each one required overstory tree substituted.
  4. At the sole discretion of the City, a portion of the total number of required trees for any development may be planted at a public location when it is determined by the City that site constraints or existing vegetation limit the ability to plant on site. Cash fees based on the estimated cost of materials and installation of required

materials may be substituted for public location planting at the discretion of the City.

5. No more than 33 percent of the required number of trees shall be of one species.
- H. Irrigation. Underground irrigation shall be required on all new multi-family and non-residential development where municipal water is available.
- I. Landscape Guarantee. All new plants shall be guaranteed for 2 full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced per the approved plan. Security in the form of letter of credit or cash shall be provided to guarantee the installation per the approved plan.
- J. Required Screening and Buffering.
  1. Buffer Yards.
    - a. Definition. For the purpose of this Section, a buffer yard shall be a land area containing landscaping, berms, fences, or some combination thereof used to promote orderly transition between developments and to minimize the adverse impacts of differing land uses. Buffer yards shall be preserved in perpetuity by an easement or an outlot.
    - b. Required Buffer Yard. A buffer yard shall be required when a developing property is adjacent to or across a local street from property in a less intensive zoning district.
      - i. The buffer yard standards only apply to the parcels abutting the conflicting zoning district.
      - ii. Parcels within the same development are not required to adhere to the buffer yard requirements. The buffer yard requirement applies only to the perimeter of the development.
      - iii. A buffer yard shall not be required for new developments adjacent to or across a local street from a permanently undevelopable parcel, such as an outlot for stormwater ponds, but shall be required adjacent to outlots that may be developed in the future.

- iv. A buffer yard shall not be required for existing developed parcels if they are replatted as long as there is no change in use or building expansion.
- c. Responsibility. Provision of buffer yards shall be the responsibility of the more intensive use and shall be required at the time of development.
- d. Location of Buffer Yard. Buffer yards, when required, shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.
  - i. Buffer yards shall not be located on any portion of an existing or dedicated public right-of-way or private street easement, unless otherwise specified by this ordinance.
  - ii. Buffer yards may be located within required yard setbacks. Structures must comply with both the setbacks in the zoning district and the buffer yard requirements.
- e. Determination of Buffering Level. This subsection applies to proposed developments that are adjacent to an existing residential neighborhood. Matching the development to the adjacent existing neighborhood in the following chart determines the level of buffering required.
  - i. If the proposed development is in a PUD zoning district, the underlying zoning district used to establish the PUD shall be used to determine the buffering level.
  - ii. A buffer level of "X" denotes a buffer yard is not required.
  - iii. Perimeter Setback. For a buffer yard requirement noted with an asterisk (\*) in Table 2, the development is required to maintain side and rear setbacks equivalent to the rear setback requirement. No additional buffer plantings are required in the setback.

| Table 2 – Determination of Buffering Level |                  |                                      |    |       |       |       |                  |    |     |    |                |         |
|--------------------------------------------|------------------|--------------------------------------|----|-------|-------|-------|------------------|----|-----|----|----------------|---------|
|                                            |                  | Proposed Development Zoning District |    |       |       |       |                  |    |     |    |                |         |
|                                            |                  | UR                                   | RR | RSF-1 | RSF-2 | RSF-3 | RMF <sub>1</sub> | MP | TCR | PI | C <sub>2</sub> | BP, I-1 |
| Zoning of Existing Neighborhood            | UR               | *                                    | X  | A     | A     | B     | C                | C  | D   | D  | D              | D       |
|                                            | RR               | X                                    | *  | A     | A     | B     | C                | C  | D   | D  | D              | D       |
|                                            | RSF-1            | X                                    | X  | *     | A     | A     | B                | B  | C   | C  | C              | D       |
|                                            | RSF-2            | X                                    | X  | X     | *     | A     | B                | B  | C   | C  | C              | D       |
|                                            | RSF-3            | X                                    | X  | X     | X     | *     | A                | B  | B   | B  | B              | C       |
|                                            | RMF <sub>1</sub> | X                                    | X  | X     | X     | X     | *                | A  | B   | B  | B              | C       |
|                                            | MP               | X                                    | X  | X     | X     | X     | X                | *  | B   | B  | B              | B       |

1 Zoning district RMF includes RMF-1, RMF-2, and RMF-3

2 Zoning district C includes DMU, GMU, CR, C-1, and C-2

- f. Options for Buffer Yard Classes. The following table is used to list appropriate landscape buffer options to fulfill the requirements of the buffer yard classes in Table 2 of this Section. Proposed alternatives must be approved by City Council.

| Table 3 – Buffer Yard Options |         |                                  |                                   |                                                        |                         |
|-------------------------------|---------|----------------------------------|-----------------------------------|--------------------------------------------------------|-------------------------|
| Buffer Yard Class             | Width   | Overstory Plantings <sub>1</sub> | Understory Plantings <sub>1</sub> | Shrubs or Tall Native Prairie Plantings <sub>1 2</sub> | Structures <sub>3</sub> |
| A <sub>4</sub>                | 10 feet | 1                                | 2                                 | 0                                                      | None                    |
|                               | 15 feet | 1                                | 1.5                               | 0                                                      | None                    |
|                               | 20 feet | 0.5                              | 1.25                              | 0                                                      | None                    |
| B                             | 10 feet | 1                                | 4                                 | 6                                                      | Minimum 4-foot fence    |
|                               | 20 feet | 3                                | 6                                 | 9                                                      | None                    |
|                               | 20 feet | 1                                | 2                                 | 3                                                      | Minimum 4-foot fence    |
|                               | 30 feet | 2                                | 4                                 | 12                                                     | None                    |
|                               | 30 feet | 1                                | 2                                 | 4                                                      | Minimum 4-foot berm     |
| C                             | 20 feet | 3                                | 3                                 | 12                                                     | Minimum 4-foot fence    |
|                               | 30 feet | 2                                | 2                                 | 9                                                      | Minimum 4-foot fence    |
|                               | 30 feet | 4                                | 6                                 | 24                                                     | None                    |
|                               | 40 feet | 3                                | 4                                 | 18                                                     | None                    |
|                               | 40 feet | 2                                | 2                                 | 12                                                     | Minimum 4-foot berm     |
| D                             | 30 feet | 6                                | 9                                 | 36                                                     | Minimum 6-foot fence    |
|                               | 40 feet | 4                                | 6                                 | 24                                                     | Minimum 6-foot fence    |
|                               | 40 feet | 8                                | 12                                | 24                                                     | None                    |
|                               | 50 feet | 6                                | 9                                 | 18                                                     | None                    |
|                               | 50 feet | 3                                | 4                                 | 9                                                      | Minimum 6-foot berm     |

<sub>1</sub> per 100 feet of distance

<sup>2</sup> Requirement must be met by shrubs, tall native prairie plantings, or a combination deemed acceptable by the City

<sup>3</sup> Fences are subject to requirements in Section 1060.080

<sup>4</sup> A local road fulfills the Buffer Yard Class A requirement

g. Planting Requirements.

- i. All plantings shall be subject to the size and spacing requirements in Subd. 2(D) and 2(E) of this Section.
  - ii. Plantings used to meet the buffer yard requirement shall be native or naturalized species approved by City Council. Naturalized plants are defined as plant species that grow and reproduce outside their native homelands, with little to no effect on their new environment.
- h. Natural Buffers. Any of the following buffers may qualify as an acceptable method of attainment for transitioning (in whole or in part) if deemed acceptable by City Council:
- i. Existing topographical features on vacant lands such as hills and swales.
  - ii. Wetlands, lakes, rivers and streams.
  - iii. Major Roadways. Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.
  - iv. Local Roads as shown on the as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan may fulfill the Buffer Yard Class A requirement.
  - v. Existing wooded areas.
- i. Use of buffer yards. Buffer yards shall be left in a predominantly undeveloped state.
- i. Plantings in addition to those required by this ordinance are permitted.
  - ii. No passive recreation, paths, storage containers, lighting fixtures, raised planting beds or any permanent structures shall be allowed.

- iii. Temporary structures such as benches shall be allowed.
    - iv. Paving shall be limited to areas necessary to provide access to the subject property.
    - v. Stormwater ponds and bio-retention ponds are allowed in perimeter setbacks. They are allowed to encroach a maximum of 10 feet into required buffer yards.
  - j. Ownership of Buffer Yards. Ownership of the buffer yard will vary depending on whether it is an outlot or an easement.
    - i. Buffer yards shall remain in the ownership of the original developer, or they shall be transferred to any consenting grantees, such as adjoining landowners, a homeowners association, or an open-space or conservation group, subject to City approval.
    - ii. Any such conveyance must adequately guarantee the establishment, maintenance, and protection of the buffer yard for its intended purpose in perpetuity.
    - iii. Easements protecting the buffer shall be recorded against the property and filed at Hennepin County.
  - k. Enforcement. Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty for any crime that is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be identical to the penalty enumerated in MN Stat. §609.02, Subd. 3, as amended from time to time.
2. Screening with the use of landscaping, fencing and walls should be accomplished with the existing topography where possible. When the existing topography prohibits effective screening, berming may be used.
- a. Planting screens are the preferred method of screening. The planting screen shall consist of hardy trees that will provide a minimum of 80 percent opacity year-round. Plantings screens shall contain a mix of overstory and understory plantings and a mix of deciduous and coniferous materials.
  - b. Fences or wall may be used in conjunction with landscaping to provide screening. When required for screening, minimum of 80



percent opacity shall be provided. No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.

- c. Earth berms may be used for screening when topography requires the earth berm to adequately screen the property. Berms shall not exceed 3:1 slope.
- 3. Parking areas with 4 or more stalls shall be screened from properties guided or zoned residential and from public streets. Screening to a height of at least 3 feet shall be provided to screen vehicle headlights.
- 4. Loading and service areas shall be screened from properties guided or zoned residential and from public streets.
- K. Building Setback Flexibility through Additional Landscaping. A reduction in the required front setback adjacent to arterial streets may be approved by the City Council if the applicant provides landscaping beyond the minimum requirements or preserves significant landscaping in this area. The required setback may be reduced up to 40 percent if the applicant provides a minimum of one overstory deciduous tree, one overstory coniferous tree, 2 ornamental trees and 10 understory shrubs per 100 feet of the length of the property line where the flexibility is requested, or preserves the equivalent amount of existing trees and shrubs. These materials must be provided in addition to the minimum landscape requirements.
- L. Parking Setback Flexibility through Additional Landscaping. A reduction in the required front setback adjacent to arterial streets may be approved by the City Council if the applicant provides landscaping beyond the minimum requirements or preserves significant landscaping in this area. The required setback may be reduced to the required front setback from other streets in that district if the applicant provides a minimum of one overstory deciduous tree, one overstory coniferous tree, 2 ornamental trees and 10 understory shrubs per 100 feet of the length of the property line where the flexibility is requested, or preserves the equivalent amount of existing trees and shrubs. These materials must be provided in addition to the minimum landscape requirements.

*(Ord. 483, passed 04-27-2023)*

## **1060.080 - FENCES AND WALLS**

- Subd. 1. General Provisions. Except as otherwise provided herein, all fences and walls within the City shall be subject to the following general provisions:

- A. No fences or walls shall be placed on or extend into public rights-of-way, easements, or onto public property except by means of an encroachment agreement or other mechanism approved by the City. The approval or denial of such an agreement shall be solely within the City's discretion.
- B. That side of any fence or wall considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or street right-of-way.
- C. Both sides of any fence or wall shall be constructed to allow for adequate access and maintained and shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
- D. No physical damage of any kind shall occur to abutting property during installation unless it is allowed under agreement with the adjacent property owner.
- E. A permit is required for all fences (except hedges and plantings) or walls to be constructed on or within a drainage and utility or ponding easement, 25-feet from lot frontages, and 10 feet from interior lot lines. A certificate of survey may be required, unless corner property stakes are in place and marked and a survey is filed with the City. Additionally, retaining walls shall not be placed within any drainage or ponding easement unless also reviewed and approved by the City Engineer.
- F. A building permit is required for the following:
  - 1. Fences over 7 feet in height, measured from grade to the top of fence, shall require a building permit
  - 2. Retaining walls over 4 feet in height, measured from the bottom of the footing to the top of the wall, or
  - 3. Retaining walls supporting a surcharge or impounding Class I, II, or III-A liquids.
- G. Specific Fence Standards. Except as otherwise provided herein, fences may be allowed subject to the following specific standards:
  - 1. Fences constructed of materials with opacity of up to 100% and not exceeding 7 feet in height may be located no closer than 25 feet to lot frontages or the principal structure setback of the underlying zoning district, whichever is less, except when the lot frontage is along a County Road. The setback along a County Road is 100 feet but can be reduced to 60 feet with additional landscaping, as provided in Section 1060.070, Subd. 2(K).

2. Fences with opacity of less than 50 percent (e.g., wrought iron, chain link, split rail) and not exceeding 4 feet in height may be located within a required front yard area.
3. Fences over 7 feet in height shall meet all building setback requirements for the zoning district in which it is located.
4. Fences not exceeding 7 feet in height, for uses other than one and two family dwellings, may be permitted in front of the front building line as established by the primary structure on the lot, when required for screening of adjacent property. In such cases, the required front setback for the fence shall be the same as for the use that it is intended to buffer.
5. No fence shall interfere with a 30-foot sight visibility triangle, as defined by Section 1060.090, Subd. 2, from intersection and driveways on the property and adjacent properties.
6. Fences which include a security gate at a point where access is provided to the property and principal building may be approved if necessary and appropriate as part of the site plan review.
7. Fences for the agricultural uses on properties at least 10 acres in size are not subject to the requirements of this Section.

#### H. Swimming Pool Fences and Barriers

1. All fences and barriers for swimming pools, hot tubs, and spas, as defined by the Minnesota State Building Code, shall comply with the following regulations:
  - a. All permanent swimming pools, include inground pools and aboveground pools, shall be surrounded by a fence or wall not less than 4 feet in height, and with openings, holes, or gaps no greater than 4 inches in either vertical or horizontal direction.
  - b. The fence shall be a type not readily climbed by children.
  - c. A building or accessory building may be used as part of the enclosure.
  - d. All gates or doors to such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use and shall be provided with hardware for permanent locking devices, except that the door of any dwelling which forms a part of the enclosure

need not be so equipped. Pool gates shall be locked when the pool is not in the use.

2. Exemptions:

- a. Swimming pools or spas for which a building permit has been approved on or before the effective date of this Section.
- b. Swimming pools or spas secured with a code compliant safety cover as determined by the Building Official.
- c. An aboveground pool with a wall greater than 4 feet in height does not require a fence if the wall cannot be readily climbed by children and the pool can be secured while not in actual use.

I. Specific Wall Standards. Except as otherwise provided herein, landscape and retaining walls may be allowed subject to the following specific standards:

1. All retaining walls shall comply with the regulations in the Minnesota State Building Code as amended.
2. All walls adjacent to wetlands shall be setback in accordance with Section 1050.010 of the City Code as well as State and Federal wetland buffer regulations as amended.
3. A permanent barrier shall be required at the top of retaining walls if the height of the drop-off is greater than 30 inches and the top edge of the drop-off is located in a right-of-way or within five feet of a public sidewalk, trail, or other public area deemed to pose a hazard. The barrier shall be included as part of the engineered design where applicable.
4. All walls shall be maintained in sound and good repair and free from loose boards/block/boulders, breaks, or gaps not otherwise intended in the original design of the wall. The wall shall be free from any defects or condition which make the wall hazardous.
5. All wooden walls shall be made of treated or decay resistant wood.
6. All walls shall be accompanied with an appropriate drainage system to adequately relieve water pressure behind the wall and provide for proper drainage.

*(Ord. 465, passed 09-22-22)*

## **1060.090 – GENERAL PERFORMANCE STANDARDS**

- Subd. 1.      Grading and Drainage. No land shall be developed and no use shall be permitted in the City that results in water runoff causing flooding, erosion, or deposit of sediment on adjacent properties which is inconsistent with the grading and erosion control plan provisions of Section 950 of the Subdivision Ordinance.
- Subd. 2.      Traffic Sight Visibility. Except as may be approved by the Zoning Administrator, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into any yard or right-of-way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway. Visibility from any street or driveway shall be unobstructed above a height of 3 feet, measured from where both street or driveway center lines intersect within a triangular area described as beginning at the intersection of the projected curb line of two intersecting streets or drives, thence 30 feet along one curb line, thence diagonally to a point 30 feet from the point of beginning along the other curb line. The exception to this requirement shall be where there is a tree, planting or landscape arrangement within such area that will not create a total obstruction wider than 3 feet. These requirements shall not apply to conditions that legally exist prior to the effective date of this Chapter unless the Zoning Administrator determines that such conditions constitute a safety hazard.
- Subd. 3.      Smoke. 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 7017.
- Subd. 4.      Dust and Other Particulate Matter. 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 7011.
- Subd. 5.      Air Pollution. The emission of air pollution, including potentially hazardous emissions, by any use shall be in compliance with and regulated by Minnesota Statutes 116, as may be amended.
- Subd. 6.      Noise. Noises emanating from any use shall be in compliance with and regulated by the Minnesota Pollution Control Standards.
- Subd. 7.      Sewage Disposal. Individual sewage disposal systems shall be installed and operated in compliance with the applicable provisions of the City Code.

- Subd. 8. Bulk Storage (Liquid). All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of and have appropriate permits indicating compliance with the Minnesota State Fire Code and Minnesota Department of Agriculture regulations.
- Subd. 9. Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
- Subd. 10. Electrical Emission. All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.
- Subd. 11. Setbacks from Public Streets. All setbacks from public streets or proposed public streets shall be measured from the planned widened rights-of-way in accordance with City policy. 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 system and standards employed by the City.

## **1060.100 – TELECOMMUNICATIONS SERVICES**

- Subd. 1. Findings.

The City Council finds: The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 (“the Act”), and subsequent revisions, grants the Federal Communications Commission exclusive jurisdiction over the regulation of the environmental effects of radio frequency emissions from telecommunications facilities and the regulation of radio signal interference among users of the radio frequency spectrum.

Consistent with the Act, the regulation of towers and telecommunications facilities in the City is not intended to have the effect of prohibiting any person from providing wireless telecommunications services. The general purpose of this subsection is to regulate the placement, construction and modification of telecommunication towers and related facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. Specifically, the purposes of this Ordinance are:

- A. To regulate the location of telecommunication towers and facilities.
- B. To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities.

- C. To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques.
- D. To promote and encourage shared use and co-location of telecommunication towers and antenna support structures.
- E. To avoid damage to adjacent properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound.
- F. To ensure that telecommunication towers and facilities are compatible with surround land uses.
- G. To facilitate the provision of wireless telecommunications services to the residents and businesses of the City in an orderly fashion.

Subd. 2. Development of Towers; Approvals Required.

- A. Conditional use. A tower is a conditional use in specified zoning districts within the City. A tower may not be constructed in those districts unless a conditional use permit has been issued by, and site plan approval obtained from, the City Council, and the building official has issued a building permit.
- B. Administrative Permit. Co-location of additional antennas onto an existing tower and associated ground equipment may be granted by administrative permit. An administrative permit may be issued by City staff in accordance with the requirements of Section 1070.060 of the Zoning Ordinance.
- C. Preferred Locations. If co-location is not feasible, the preference for location of new towers within the City is, in order of priority:
  - 1. Existing public property.
  - 2. Agricultural property.
  - 3. Commercial/industrial property.
- D. Applicant must demonstrate in writing, to the City's satisfaction, that a lower priority site location is necessary as part of the application. The City has no obligation to allow the use of City property for this purpose.



Subd. 3. Application Process.

- A. A person desiring to construct a tower must submit an application for site plan approval and, for a conditional use permit, to the City Planner.
- B. An application to develop a tower must include:
  - 1. Name, address and telephone number of the applicant.
  - 2. Name, address and telephone numbers of the owners of the property on which the tower is proposed to be located.
  - 3. Written consent of the property owner(s) to the application.
  - 4. Written evidence from an engineer that the proposed structure meets the structural requirements of this code.
  - 5. Written information demonstrating the need for the tower at the proposed site in light of the existing and proposed wireless telecommunications network(s) to be operated by persons intending to place telecommunications facilities on the tower.
  - 6. A copy of relevant portions of a lease signed by the applicant and property owner(s), requiring the applicant to remove the tower and associated telecommunications facilities upon cessation of operations on the leased site, or, if a lease does not yet exist, a written agreement to include such a provision in the lease to be signed.
  - 7. An application fee established from time to time by resolution of the City Council.
  - 8. Any other information that City Staff, Planning Commission or Council deem necessary to consideration of the application.
- C. Administrative Costs and Expenses. In addition to the application fee, the applicant shall be responsible to pay for all administrative costs incurred by the City in their review process, including staff administrative time, legal, engineering, and any other consultant or expert fees deemed necessary by the City. The City, in its discretion may hire experts to assist in its review of any application and the applicant shall pay the cost of such expertise.
- D. Council Action. Requests for site plan approval and conditional use permit approval will be processed contemporaneously, according to the provisions outlined in the Corcoran Zoning Ordinance.



- E. Staff Action. Request for site plan approval and administrative permit for co-location onto existing towers or structures will be processed contemporaneously, according to the provisions outlined in the Corcoran Zoning Ordinance.

Subd. 4. Performance Standards.

- A. Co-location capability. All equipment used for transmitting or receiving telecommunication, television, or radio signals shall be co-located on existing towers whenever possible. Unless the applicant presents clear and convincing evidence to the City Council that co-location is not feasible, a new tower may not be built, constructed or erected in the City unless the tower is capable of supporting at least two telecommunications facilities comparable in weight, size, and surface area to each other.
- B. Setback Requirements. All towers and accessory equipment must comply with the following minimum setback requirements:
  - 1. Towers and accessory equipment shall meet the setbacks of the underlying zoning district. The tower may not encroach upon any easements.
  - 2. The tower shall be setback from the nearest residential structure at least the height of the tower. Exceptions to such setback may be granted if a qualified structural engineer specifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.
  - 3. The setback for a tower or accessory equipment may be reduced or its location in relation to a public street varied, at the discretion of the City, to allow the integration of the structure into an existing or proposed structure, such as a light standard, power line support device, or similar structure.
  - 4. Setback requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.
- C. Engineer Certification. Towers must be designed and certified by an engineer to be structurally sound and in conformance with the Uniform Building Code, and any other standards set forth in this code.
- D. Height Restriction. A tower may not exceed 150 feet in height. Measurement of tower height must include the tower structure itself, the

base pad, and any other telecommunications facilities attached thereto. Tower height is measured from grade.

- E. Lighting. Towers may not be artificially lighted except as required by the Federal Aviation Administration. At time of construction of a tower, in cases where there are residential uses located within a distance which is three times the height of the tower from the tower, dual mode lighting must be requested from the Federal Aviation Administration. Notwithstanding this provision, the City may approve the placement of an antennae on an existing or proposed lighting standard, provided that the antennae is integrated with the lighting standard.
- F. Exterior Finish. Towers not requiring Federal Aviation Administration painting or marking must have an exterior finish as approved in the site plan.
- G. Fencing. Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed in accordance with the applicable fencing requirements in the zoning district where the tower or antenna support structure is located, unless more stringent fencing requirements are required by Federal Communications Commission regulations.
- H. Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with landscaping requirements as approved in the site plan. Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood.
- I. Accessory Buildings and Equipment. No more than one accessory building is permitted per user on a tower. Accessory buildings may be no more than 400 square feet in size. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet such setback requirements as are compatible with the actual placement of the tower. Accessory structures shall comply with the building design and material standards of the district in which they are located. Telecommunications facilities not located on a tower or in an accessory building must be of stealth design.
- J. Security. Towers must be reasonably posted and secured to protect against trespass. All signs must comply with applicable sign regulations.
- K. Design. Towers must be of stealth design, if practical.

- L. Removal of Towers. Abandoned or unused towers and associated above-ground facilities must be removed within twelve months of the cessation of operations of the telecommunications facility at the site unless an extension is approved by the City Council. Any tower and associated telecommunications facilities that are not removed within twelve months of the cessation of operations at a site are declared to be public nuisances and may be removed by the City and costs of removal assessed against the property pursuant to the nuisance abatement Section of the Corcoran City Code.

Inspections. The City may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with the Uniform Building Code and other construction standards provided by the City Code, federal and state law. The expense related to such inspections will be borne by the property owner. Based upon the results of an inspection, the building official may require repair or removal of a tower.

- M. Maintenance. Towers must be maintained in accordance with the following provisions.

1. Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public.
2. Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety code and all Federal Communications Commission, State, and local regulations, and in such a manner that they will not interfere with the use of other property.
3. Towers, telecommunications facilities or antenna support structures must be kept and maintained in good condition, order, and repair.
4. Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel.
5. Towers must comply with radio frequency emissions standards of the Federal Communications Commission.

6. If the tower owner discontinues the use of a tower, the tower owner must provide written notice to the City of its intent to discontinue use and the date when the use will be discontinued.

Subd. 5. Variances.

An applicant may request a variance to the setback, separation, buffer requirements, or maximum height provisions of this Code in accordance with the procedures outlined for the granting of a variance in the Corcoran City Code. The City Council may grant the requested variance if the applicant demonstrates with written or other satisfactory evidence that:

- A. The locations, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located.
- B. The variance will not create a threat to the public health, safety or welfare.
- C. In the case of a requested modification to the setback requirement, that the size of parcel upon which the tower is proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site that poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land.
- D. In the case of a request for modification of separation requirements, if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage needs of the applicant's wireless communications system and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area.
- E. In the case of a request for modification of the maximum height limit, that the modification is necessary to:
  1. Facilitates co-location of telecommunications facilities in order to avoid construction of a new tower.
  2. To meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from a recognized expert in the telecommunications industry.

## **1060.110 – SOLAR ENERGY SYSTEMS**

### **Subd. 1. Findings.**

The intent of this Section is to allow reasonable capture and use, by households, businesses, and property owners of their solar energy resource, and encourage the development of renewable energy businesses, consistent with community development standards. This is consistent with Chapter 4, Section 8 of the Corcoran 2030 Comprehensive Plan, which states that the “City of Corcoran will protect [solar] access by requiring minimum standards for lot sizes, amounts of open space, yard setbacks, and maximum height of buildings for urban residents that create the opportunity for all building owners to develop solar energy facilities if desired.”

The general purpose of this subsection is to regulate the placement, construction and modification of solar energy systems in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the solar energy systems in the City. Specifically, the purposes of this Ordinance are:

- A. To regulate the location of solar energy systems.
- B. To protect residential areas and land uses from potential adverse impacts of solar energy systems.
- C. To minimize adverse visual impacts of solar energy systems and facilities through design, siting, landscaping, and screening.
- D. To avoid adverse impacts to adjacent properties caused by solar energy systems by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used.
- E. To ensure that solar energy systems are compatible with surrounding land uses.

### **Subd. 2. Development of Solar Energy Systems.**

- A. Solar Energy Systems shall be permitted in the City of Corcoran according to Table 1 of this section.

| Table 1 – Types of Solar Energy Systems       |               |                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Type                                          | District      | Application Required                                                                                                                                              | Special standards                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Building Integrated SES                       | All Districts | Building Permit                                                                                                                                                   | Building-integrated Solar Energy Systems are subject to all required setback, land use, and performance standards for the district in which the building is located.                                                                                                                                                                                                                                                                                                   |
| Building or Roof Mounted SES                  | All Districts | Certificate of Compliance                                                                                                                                         | Non-residential rooftop systems may be pitched at an angle greater than 5% and shall be screened from the adjacent public right-of-way and adjacent residential structures.                                                                                                                                                                                                                                                                                            |
| Accessory Ground Mounted Solar Energy Systems | UR, RR        | <p>Certificate of Compliance for Residential Uses;</p> <p>Site Plan required for non-residential uses;</p> <p>CUP as required by Section 1030.020, Subd. 4, E</p> | <p>Panel coverage shall conform to the accessory building size requirements of Section 1030.020, Subd. 4, E., except:</p> <ol style="list-style-type: none"> <li>1. Solar energy system size shall be considered independent from other accessory structures.</li> <li>2. The total footprint shall be calculated as the area of the solar collector surface.</li> <li>3. The maximum solar panel coverage allowed for parcels over 10 acres is 3,969 feet.</li> </ol> |

### Subd. 3. General Standards

A. Solar energy systems shall conform to the following standards:

1. **Building Permit.** A building permit shall be required for the erection of solar energy system. Prior to the issuance of a building permit, the operator must provide evidence of an agreement with the local utility. Off-grid systems less than 6 square feet in size, such as accent lighting

systems, power supply for traffic control systems, powering a water pump for water gardens, telecommunication systems, backup power systems during power outages, etc. shall be exempt from obtaining a building permit.

2. It shall be the responsibility of the property owner to secure any solar energy easements, if applicable, to protect solar access for the system (per MN Statute §500.30 as may be amended).
3. SES Systems shall comply with all applicable building, electric, and plumbing codes. Solar energy system components shall be labeled with the manufacturers name and address, model number, and serial number. Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
4. **Glare.** All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight that results in potential for permanent eye damage onto neighboring properties or structures. Staff may require a glare analysis that demonstrates compliance with this standard, as deemed necessary to protect the health, safety and welfare of the City.
5. **Power and communication lines.** Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground, consistent with Section 945.060 (Other Utilities) of the City Code. Exemptions may be granted by the Zoning Administrator in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
6. **Setbacks.** Ground mounted solar energy systems must be located a minimum of 100 feet from a residential dwelling unit not located on the property. Ground mounted systems shall meet the minimum accessory building setback for the zoning district.
7. **Height.** Ground mounted solar energy systems shall not exceed 12 feet.
8. **Required landscaping.** All ground-mounted solar energy systems resulting in panel coverage of more than 100 square feet shall provide:
  - a. A mix of pollinator and native groundcover mix beneath panel arrays, that provide native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators and reduces stormwater runoff and erosion at the solar generation site, subject to the standards of Minnesota State Statutes §216B.1642.

- b. A mix of deciduous and evergreen trees and shrubs shall be provided to buffer the panels from adjacent properties and right-of-way and shall meet the following standards:
  - i. Plant material shall meet the minimum sizing requirements of Section 1060.070 Subd. 2 D (Landscaping, Minimum Size Requirements).
  - ii. In areas where panels are visible from adjacent properties or public rights-of-way, the applicant shall provide 1 tree per 15 lineal feet of security fence or lot line to be buffered and one shrub per 10 lineal feet of security fence or lot line to be buffered.
  - iii. Natural looking and effective screening is desired, consequently, exceptions to buffering standards may be granted if the natural landscape provides screening from adjacent public right of ways and neighboring properties.

- 9. **Erosion and sediment control** shall meet the requirements of Section 950 of the City Code.

#### **Subd. 4.       Application Requirements**

- A. Persons desiring to construct a solar energy system shall submit an application according to the standards of Table 1 of Subd. 2 (A). Applicants shall also submit the following materials:
- B. Glare Study.** If required by the Zoning Administrator, the applicant shall submit a glare study that analyzes glare from the adjacent right of way and adjacent residential properties using the Solar Glare Hazard Analysis Tool from Sandia National Laboratories or an equivalent tool.

#### **Subd. 5.       Home Owners Association**

All new residential developments may create provisions for solar use within the homeowners owners association documents.

*(Ord. 328, passed 08-25-16, Ord 355, passed 09-28-17, Ord. 376, passed 08-23-18, Ord. 383, passed 10-25-18, Ord. 454, passed 03-24-22)*



## 1060.120 – Cannabis Businesses

### A. Cannabis and Hemp Business Activities

1. Cannabis retail establishments can only operate between the hours of 10:00 a.m. and 9:00 p.m.
2. Establishments must implement comprehensive security measures, including but not limited to:
  - a. Security cameras covering all areas of the premises, both interior and exterior.
  - b. Alarm system monitored 24 hours per day, 7 days per week by a licensed security company.
  - c. Secure storage areas for all cannabis products.
  - d. Outdoor cultivation areas as allowed in the Rural Residential district must be secured by a privacy fence of at least 6' tall and 80% opacity.
    - (1) Fences may not include razor or concertina wire.
    - (2) Access gates must be equipped with a locking device, be self-closing, and have a self-latching device.
3. Adequate ventilation systems must be installed to ensure no odor is detectable from the exterior of the building or from adjacent properties. For outdoor cultivation areas, effective odor control measures must be in place to ensure no detectable odor extends beyond the premises.
4. Establishments must have a plan for the disposal of cannabis waste that complies with state regulations and prevents access by unauthorized individuals.
5. The operation of a cannabis business is prohibited within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
6. Accessory structures utilized for cultivation operations in the Rural Residential district are subject to a minimum setback of 100 feet from

all property lines.

7. All signage must comply with Corcoran City Code and must not depict cannabis leaves, use slang terms for cannabis, or appeal to minors.

*(Ord. 541, passed 01-09-25)*

## **SECTION 1070 – ADMINISTRATION, PERMITS AND PROCEDURES**

### **1070.010 – ZONING AMENDMENTS (TEXT AND MAP)**

- Subd. 1. Procedure. An application for an amendment to the Zoning Ordinance or Zoning Map shall be approved or denied, pursuant to Minnesota Statutes 15.99. Additional City requirements are as follows:
- A. Request for rezoning (text or map) shall be filed with the Zoning Administrator on an official application form. A non-refundable fee as set forth in the City Code shall accompany such application. Detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use, shall also accompany such application. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
  - B. Upon completion of preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
  - C. Notice of said hearing shall be mailed to all owners of land within 350 feet of the boundary of the property in question. This provision shall not apply in the case of a rezoning if the amendment affects an area greater than five (5) acres pursuant to Minnesota Statutes §462.357.
  - D. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Chapter.
  - E. Notice of said hearing shall also be published in the official newspaper at least 10 days prior to the hearing and consist of:
    - 1. Legal property description.
    - 2. Description of request.
    - 3. Map detailing property location.
  - F. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.

- G. The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
- H. The Planning Commission shall make findings of fact and a recommendation on the request. Such recommendations shall be accompanied by the report and recommendation of the City staff.
- I. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- J. Upon receiving said reports and recommendations of the Planning Commission and the City staff, the City Administrator shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- K. Upon receiving said reports and recommendations, the City Council shall have the option to set and hold a public hearing if deemed necessary.
- L. The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request.
- M. For any application that changes all or part of the existing classification of a zoning district from residential to either commercial or industrial, approval shall require passage by a two-thirds vote of the full City Council. Approval of any other proposed amendment shall require passage by a majority vote of the full Council.
- N. For any application requesting a rezoning to a Planned Unit Development District, approval shall require passage by a four-fifths vote of the seated City Council present at the time of the vote. Approval of a proposed amendment shall require passage by a majority vote of the entire Council. A vote that fails due to failure of requisite votes is deemed a denial.
- O. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment.
- P. Whenever an application for an amendment has been considered and denied by the City Council, the Planning Commission or City Council shall not consider a similar application for an amendment affecting substantially the same property again for at least 6 months from the date of its denial. A subsequent application affecting substantially the same

property shall likewise not be considered again by the Planning Commission or City Council for an additional 6 months from the date of the second denial unless a decision to reconsider such matter is made by not less than a majority of the full City Council.

- Subd. 2. Evaluation Criteria. 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:
- A. 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.
  - B. The proposed action meets the purpose and intent of this Ordinance or, in the case of a map amendment, it meets the purpose and intent of the individual district.
  - C. There is adequate infrastructure available to serve the proposed action.
  - D. There is an adequate buffer or transition provided between potentially incompatible districts.
- Subd. 3. Initiation. Any person owning real estate within the City may initiate a request to amend the district boundaries or text of this Chapter so as to affect the said real estate. The City Council or Planning Commission may, upon their own, initiate a request to amend the text or the district boundaries of this Chapter.
- Subd. 4. Certification of Taxes Paid. Prior to approving an application for rezoning, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the rezoning application relates.

*(Ord. 486, passed 05-25-23)*

## **1070.020 – CONDITIONAL USE PERMITS**

- Subd. 1. 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.

Subd. 2. Procedure. An application for a conditional use permit shall be approved or denied pursuant to Minnesota Statutes 15.99. Additional City requirements are as follows:

- A. Request for conditional use permits, as provided within this Chapter, shall be filed with the Zoning Administrator on an official application form. A non-refundable fee as set forth in the City Code shall accompany such application. Detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use, shall also accompany such application. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
- B. Upon completion of preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing, and report its findings and make recommendations to the City Council.
- C. Notice of said hearing shall be published in the official newspaper at least 10 days prior to the hearing.
- D. Notice of said hearing shall also be mailed at least 10 days prior to all owners of land within 350 feet of the boundary of the property in question, informing them of the receipt of the application and the anticipated schedule for consideration.
- E. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Chapter.
- F. The applicant or their representative may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
- G. The Planning Commission shall make findings of fact and make a recommendation on such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter. Such recommendation shall be in writing and accompanied by the report and recommendation of the City staff.
- H. The City Council shall not consider a conditional use permit until they have received a report and recommendation from the Planning Commission and the City staff.
- I. Upon receiving said reports and recommendations of the Planning

- J. Commission and the City staff, the City Administrator shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- K. Upon receiving said reports and recommendations, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition they consider necessary to protect the public health, safety and welfare.
- L. The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request.
- M. Approval of a request shall require passage by a majority vote of the full Council.
- N. Whenever an application for a conditional use permit has been considered and denied by the City Council, the Planning Commission or City Council shall not consider a similar application for a conditional use permit affecting substantially the same property again for at least 6 months from the date of its denial. A subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional 6 months from the date of the second denial unless a decision to reconsider such matter is made by a majority vote of the full City Council.

Subd. 3. Evaluation Criteria. The Planning Commission shall consider possible adverse effects of the proposed conditional use. Its judgment shall be based upon (but not limited to) the following factors:

- A. Compliance with and effect upon the Comprehensive Plan, including public facilities and capital improvement plans.
- B. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
- C. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

- D. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- E. Adequate public facilities and services are available or can be reasonably provided to accommodate the proposed use.
- F. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
- G. The conditional use and site conforms to performance standards as specified by this Chapter.

Subd. 4. Information Requirement.

- A. The information required for all conditional use permit applications shall be as specified in Section 1070.050, Subd. 6.
- B. In addition, the City Council, Planning Commission, and City staff shall all have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant. Said information is to be declared necessary to determine performance and may include but is not limited to:
  - 1. Scope of operation of the proposed use, including methods and materials utilized in operation.
  - 2. Traffic Generation Data.
  - 3. Statement of the economic impact of the proposed use on the surrounding area.
  - 4. Statement of the environmental impact of the proposed use on the surrounding area.

Subd. 5. Revocation.

- A. Justification.

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:

- 1. The conditions of the permit.



2. The intent of this Chapter.
3. City Codes.
4. Other applicable regulations.

B. Process.

The City Council or Planning Commission shall initiate an application and the Zoning 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 application shall be processed and considered pursuant to Subd. 2. of this Section. The Zoning 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.

Subd. 6. Amendments.

- A. Holders of a conditional use permit may propose amendments to the permit at any time, following the procedures for a new permit as set forth in this Section.
- B. No changes in the circumstances or scope of the permitted use shall be undertaken without approval of those changes by the City Council.
- C. Significant Changes. Following the procedures for hearing and review set forth in this Section the Planning Commission may make a recommendation and the City Council shall take action on significant changes and modifications to conditional use permits, including the application of additional or revised conditions. The Zoning Administrator 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. Operational modifications resulting in increased external activities and traffic.
- D. Minor Changes. Minor changes to the conditional use permit, which do not include significant changes, shall require City Council action only.

*(Ord. 275, passed 02-28-13)*

Subd. 7. Expiration.

- A. Unless otherwise specified by the Zoning Administrator or City Council at time of approval, permit approval shall expire within one year of the date of approval unless the applicant commences the authorized use. Prior to the expiration, the applicant may apply for a time extension of up to one year.
- B. The request for extension shall be submitted to the Zoning Administrator not less than 30 days before the expiration of said approval and shall include the renewal fee as set forth in the City Code and state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. A request for an extension not exceeding one year shall be subject to the review and approval of the Zoning Administrator. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.
- C. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the Zoning Administrator or the City Council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

Subd. 8. Performance Agreement and Financial Guarantee. Following the approval of a conditional use permit and prior to the issuing of any building permits or the commencing of any work, the applicant, as may be applicable, shall guarantee to the City the completion of all private exterior amenities as shown on the approved site plan and as required by the conditional use permit approval. The guarantee shall be made by means of a performance agreement and financial guarantee as specified in Section 1070.050, Subd. 9.

Subd. 9. Certification of Taxes Paid. Prior to approving an application for a conditional use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the conditional use permit application relates.

### **1070.030 - INTERIM USES**

Subd. 1. Purpose and Intent. The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

- B. To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- C. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that 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.

Subd. 2. Procedure. Uses defined as interim uses, which do not presently exist within a respective zoning district, shall be processed according to the standards and procedures for a conditional use permit as established by Section 1070.020 of this Chapter.

Subd. 3. General Standards. An interim use shall comply with the following:

- A. Meet the requirements of a conditional use permit set forth in Section 1070.020, Subd. 3.
- B. The use is allowed as an interim use in the respective zoning district.
- C. The date or event that will terminate the use can be identified with certainty.
- D. The use will not impose additional unreasonable costs on the public.
- E. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

Subd. 4. 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 a change in the City's zoning regulations which render 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.

- Subd. 5.        Certification of Taxes Paid. Prior to approving an application for an interim use permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the interim use permit application relates.

## **1070.040 - VARIANCES**

- Subd. 1.        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 practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Chapter.

- Subd. 2.        Board Designation

- A. The City Council shall act as the Board of Adjustment and Appeals (“the Board”).
- B. The City Council shall not approve any variance application unless they find failure to grant the variance will result in practical difficulties on the applicant, as defined by Minnesota Statute 462.357. 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. The burden of proof is on the applicant to show that all of the following criteria have been met:
  - 1. That there are practical difficulties in complying with the Zoning Ordinance.
  - 2. That the conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought and were not created by the landowner.
  - 3. That the granting of the variation will not alter the essential character of the locality.
  - 4. The proposed variance would be in harmony with the general purposes and intent of the Ordinance.
  - 5. The variance is consistent with the Comprehensive Plan.
  - 6. The City may impose conditions on the variance to address the impact of the variance

Subd. 3. Procedures.

A. An application for a variance shall be approved or denied pursuant to Minnesota Statutes 462.358. Additional City requirements are as follows:

B. Application Process.

1. Requests for a variance shall be filed with the Zoning Administrator on an official application form. A non-refundable fee as set forth by the City Code shall accompany such application. The application shall be considered as being officially submitted complete when the applicant has complied with all the specified informational requirements, which shall include the following:
  - a. A written description of the request for the variance, including an explanation of compliance with the variance criteria set forth in this Section.
  - b. Supporting materials, as outlined in this Section and as determined by the Zoning Administrator on a case-by-case basis.
2. The Zoning Administrator shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.

C. Approval Process.

1. Upon receipt of a complete application, as determined by staff review, and following preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall establish a time and place for consideration by the Planning Commission. At least 10 days before the date of the meeting, a written notice of the meeting shall be mailed to the applicant and to all other owners of property located within 350 feet of the boundaries of the subject property.
2. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.
3. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission.

4. The Board of Adjustment and Zoning Administrator shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.
5. The applicant or a representative thereof may appear before the Planning Commission in order to present and answer questions concerning the proposed request.
6. The Planning Commission shall make findings 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.
7. The City Council (as the Board of Appeals and Adjustments) shall not act upon the request until they have received a report and recommendation from the Planning Commission and the City staff.
8. Upon receiving said reports and recommendations the City Administrator shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the Commission meeting.
9. Upon receiving said reports and recommendations the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact and may impose any condition they considered necessary to protect the public health, safety and welfare.
10. Approval of a request shall require passage by a majority vote of the entire City Council.
11. In granting any variance under the provisions of this Section, the City Council shall designate such conditions in connection with the request that will, in its opinion, secure the objectives of the regulations or provisions to which the adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare.
12. In all cases where variances are granted under the provisions of this Section, the City Council shall require such evidence and guarantee, as

it may deem necessary to insure compliance with the conditions designated in connection with the request.

13. The Zoning Administrator shall serve a copy of the final order of the City Council upon the petitioner by mail.

14. Whenever an application for a variance has been considered and denied, a similar application for a variance affecting substantially the same property shall not be considered again by the City Council for at least 6 months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the City Council for an additional 6 months from the date of the second denial unless a decision to reconsider such matter is made by a majority vote of the full City Council.

Subd. 4. Appeal of Board Ruling. Any person or persons, any private or public to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented or replaced.

Subd. 5. Expiration. Unless otherwise specified by the Zoning Administrator or City Council at the time of approval, approved variances shall expire, within one year after the date of approval unless the applicant has commenced the authorized use or improvement. Prior to the expiration, the applicant may apply for a time extension of up to one year.

The request for extension shall include the renewal fee as set forth in the City Code and be submitted to the Zoning Administrator not less than 30 days before the expiration and shall include the renewal fee as set forth in the City Code and state facts showing a good faith attempt to complete or utilize the approval permitted in the variance. A request for an extension not exceeding one year shall be subject to the review and approval of the Zoning Administrator. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented for approval to the Board.

Subd. 6. Performance Agreement and Financial Guarantee. Following the approval of a variance and prior to the issuing of any building permits or the commencing of any work, the applicant, as may be applicable, shall guarantee to the City the completion of all private exterior amenities as shown on the approved site plan and as required by the variance approval. The guarantee shall be made by means of a performance agreement and financial guarantee as specified in Section 1070.050, Subd. 9.



Subd. 7.        Certification of Taxes Paid. Prior to approving an application for a variance, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the variance application relates.

## **1070.050 – SITE PLAN**

- Subd. 1. 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.
- Subd. 2. Site Plan Approval. Site plan approval is required for all development, except the following:
- A. Agricultural uses and tree farms in the A and RR districts.
  - B. Single family detached dwellings.
  - C. Two family attached dwellings.
- Subd. 3. Sketch Plan.
- A. Prior to filing a formal application, applicants may present a sketch plan to the Zoning Administrator. The plan shall be conceptual in nature but shall be drawn to scale and shall contain at a minimum the following:
    - 1. Location map showing the location within the City and more detailed locations on half-section plat maps showing all perimeter property lines.
    - 2. Aerial photograph of the area.
    - 3. General location of all identified natural resources and wetland inventories on and abutting the premise.
    - 4. General location of existing and proposed structures.
    - 5. Tentative access, circulation and street arrangements, both public and private.
    - 6. Amenities to be provided such as recreational areas, open space, walkways, parking, landscaping, etc.
    - 7. A representative example of the style of structures to be constructed.
    - 8. Proposed public sanitary sewer, water and storm drainage.
    - 9. A general statement of concept, identifying the intent of the project and compatibility with the surrounding area.

10. Extent of and any proposed modifications to land within the Overlay Districts as described and regulated in Section 1050.

11. Any other items as may be deemed necessary by City staff.

B. The Zoning Administrator shall refer the sketch plan to the City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the Zoning Administrator and/or City Council shall be considered advisory only and shall not constitute a binding decision on the request.

C. Request for sketch plan review and comment shall be filed with the Zoning Administrator on an official application form.

*(Ord. 286, passed 9-25-14)*

Subd. 4. Application Process. An application for site plan approval shall be approved or denied pursuant to Minnesota Statutes 15.99. Additional City requirements are as follows:

A. Request for site plan approval. As provided within this Chapter, request for approval be filed with the Zoning Administrator on an official application form. A non-refundable fee as provided for in the City Code shall accompany such application. Detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use, shall also accompany such application. The request shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.

B. Proof of Ownership or Authorization. The applicant shall supply proof of ownership of the property for which the site plan approval is requested or supply written authorization from the owner(s) of the property in question to proceed with the requested site plan approval.

C. Procedures.

1. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Planning Commission and the City Council.

2. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and

at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

3. The applicant or their representative may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
4. The Planning Commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter.
5. The City Council shall not consider a site plan application until they have received a report and recommendation from the Planning Commission and City staff.
6. Upon receiving the report and recommendation of the Planning Commission, the City Administrator shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
7. The applicant or their representative may appear before the City Council in order to present information and answer questions concerning the proposed request.
8. Approval of a request shall require passage by a majority vote of the entire City Council.

Subd. 5. Evaluation Criteria. The Planning Commission and City Council shall evaluate the effects of the proposed site plans. This review shall be based upon, but not be limited to, compliance with the City Comprehensive Plan and provisions of the Zoning Ordinance.

Subd. 6. Information Requirement. Every application must contain the following written and graphic materials in the number and size as required by the Zoning Administrator:

- A. The applicant shall submit electronic files in a manner specified by the City. The applicant may appeal directly to the City Council for a waiver of this requirement for applications for a single family home. No waiver shall be granted under this subsection unless the Council finds that the

applicant and his surveyor do not have ready, economical access to the technology required to comply with the filing requirement.

B. Location, address (if assigned), legal description, and Hennepin County property identification number (P.I.N.) of the parcel.

C. Site Plan

1. Name and address of developer/owner.
2. Name, address and Minnesota registration number of architect/designer/engineer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. Scale of plan (engineering scale only, at one inch equals 50 feet or less). All plan sheets shall be prepared using the same scale.
7. North point indication.
8. Site data computations including lot dimension, area, and building coverage percentage.
9. Required and proposed setbacks.
10. Location, setback and dimension of all buildings on the lot including both existing and proposed structures.
11. Total number of proposed dwelling units, if any.
12. Location of all adjacent buildings, improvements and natural resources located within 100 feet of the exterior boundaries of the property in question.
13. Adjacent roadway widths.
14. Location, number, and dimensions of existing and proposed parking spaces.
15. Location, number, and dimensions of existing and proposed loading spaces.

16. Curb cuts, driveways.
17. Vehicular circulation.
18. Sidewalks, walkways.
19. Site lighting plan.
20. Sign Plan.
21. Location of recreational and service areas.
22. Location of rooftop equipment and proposed screening.
23. Provisions for storage and disposal of waste, garbage, and recyclables.
24. Existing and proposed utility easements and fire hydrants.
25. Location, sizing, and type of water and sewer system mains and proposed service connections.

D. Grading/Storm Water Drainage Plan

1. Existing contours at 2-foot intervals.
2. Proposed grade elevations, 2-foot maximum intervals.
3. Drainage plan including configuration of drainage areas and calculations.
4. Impervious surface area calculation.
5. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
6. Spot elevations.
7. Proposed driveway grades.
8. Surface water ponding and treatment areas.
9. Erosion control measures.
10. Location of proposed street lights, as well as utilities, including electricity, gas, telephone, and CATV.

#### E. Landscape Plan

1. Planting Schedule (table) containing:
  - a. Symbols.
  - b. Quantities.
  - c. Common names.
  - d. Botanical names.
  - e. Sizes of plant material.
  - f. Root specification (bare root, balled and burlapped, potted, etc.).
  - g. Special planting instructions.
2. Location, type and size of all existing significant trees to be removed or preserved.
3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
4. Typical sections in details of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.
5. Typical sections of landscape islands and planter beds with identification of materials used.
6. Details of planting beds and foundation plantings.
7. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
8. Delineation of both sodded and seeded areas with respective areas in square feet.
9. Coverage plan for underground irrigation system, if any.
10. Where landscape or man-made materials are used to provide screening from adjacent and neighboring properties, a cross-through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.

11. Other existing or proposed conditions which could be expected to affect landscaping.

F. Other Plans and Information

1. Proof of ownership of the land for which site plan approval has been requested.
2. Current Survey (within one year of application date).
3. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
4. "Typical" floor plan and "typical" room plan.
5. Fire Protection Plan.
6. Extent of and any proposed modifications to land within the Wetland, Shoreland or Floodplain District as described and regulated in Sections 1050.010, 1050.020, and 1050.030.
7. Type, location and size (area and height) of all signs to be erected upon the property in question.
8. Certification that all property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the application relates have been paid.
9. Sound source control plan.

Subd. 7. Plan Modifications.

A. Minor Changes.

1. Qualifications:
  - a. Structural additions involving 10 percent or less of the total existing floor area.
  - b. Site expansions or modifications involving 10 percent or less of the total existing site area.
2. Proposed minor changes which meet all Ordinance requirements may be approved by the Zoning Administrator prior to a building permit being issued and shall not require Planning Commission or City Council review, subject to the following:



- a. This Section shall apply to developments on file that have City Council approved site plans.
- b. Compliance with all Ordinance requirements, which shall be construed to include all adopted policies and codes.
- c. Any variances from Ordinance and policy requirements shall require the plan to be subject to the established review and hearing procedures for plan and variance approval.
- d. Plans submitted for minor changes under the terms of this Section shall be the same as those required for site plan approval by the Zoning Administrator.
- e. Minor changes approved by the City shall be placed on file with the City Council approved plans.

B. Major Changes.

- 1. Plans not qualifying as minor shall be classified as major.
- 2. An amended site plan involving major changes shall be applied for and administered in a manner similar to that required for a new site plan.

Subd. 8. Expiration.

- A. Unless otherwise specified by the Zoning Administrator or City Council at time of approval, permit approval shall expire within one year of 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. Prior to the expiration, the applicant may apply for a time extension of up to one year.
- B. The request for extension shall be submitted to the Zoning Administrator not less than 30 days before the expiration of said approval and shall include the renewal fee as set forth in the City Code and state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. A request for an extension not exceeding one year shall be subject to the review and approval of the Zoning Administrator. Should a second extension of time or any extension of time longer than one year be requested by the applicant, it shall be presented to the Planning Commission for a recommendation and to the City Council for a decision.

- C. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the Zoning Administrator or the City Council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

Subd. 9. Performance Agreement and Financial Guarantee. Following the approval of a site plan and before issuance of a building permit, the applicant, shall guarantee to the City the completion of all private exterior amenities as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a performance agreement as provided below:

A. Performance Agreement.

1. The applicant shall execute the site improvement performance agreement on forms provided by the City. The agreement shall be approved as to form and content by the City Attorney and shall define the required work and reflect the terms of this Section as to the required guarantee for the performance of the work by the applicant.
2. The required work includes, but is not limited to, private exterior amenities such as landscaping, private driveways, parking areas, recreational fields, structures or buildings, signage, lighting, drainage systems, water quality ponds, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities.

B. Financial Guarantee.

1. Financial guarantees acceptable to the City include cash escrow or an Irrevocable Letter of Credit.
2. The financial guarantee shall be for 100 percent of the estimated costs of improvements, as approved by the City Engineer.
3. The term of the financial guarantee shall be for the life of the site improvement performance agreement. It shall be the responsibility of the applicant to insure that a submitted financial guarantee shall continue in full force and effect until the Zoning Administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this Section.

4. The applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work.
- C. The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide a means to the City to cure a default or reimburse the City the cost of enforcement measures. As various portions of such required work are completed by the applicant and approved by the City, the Zoning Administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the City has verified survivability of all required plantings through one winter season which is defined for the purpose of this Section as the period of October 31 through April 30.
- D. The applicant shall notify the City in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the Zoning Administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the average standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant and appropriate action, to release or to reduce the amount of the financial guarantee shall be taken by the Zoning Administrator.

Subd. 10. Minnesota State Building Code. The review and approval of site improvements pursuant to the requirements of City adopted building and fire codes shall be in addition to the site plan review process established under this Section. The site plan approval process does not imply compliance with the requirements of these building and fire codes.

Subd. 11. Plan Agreements. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the Zoning Administrator for review and approval.

- Subd. 12.      Enforcement. The Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this Section has been officially documented.
- Subd. 13.      Certification of Taxes Paid. Prior to approval of an application for a site plan, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the site plan application relates.

## **1070.060 – ADMINISTRATIVE PERMITS AND APPROVALS**

- Subd. 1.      Purpose. The purpose of this Section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, and of matters requiring the approval of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.
- Subd. 2.      Administrative Permits
- A. Procedures
1. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on an official application form.
  2. A non-refundable fee as set forth by the City Code shall accompany the application.
  3. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter.
  4. The Zoning Administrator shall make a determination of approval or denial of the administrative permit pursuant to Minnesota Statutes 15.99.
  5. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Chapter may be attached to the permit.

6. Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within 10 days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
7. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 1070.090 of this Chapter.

Subd. 3. Evaluation Criteria. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:

- A. Compliance with and effect upon the Comprehensive Plan and public facilities plans.
- B. The establishment, maintenance or operation of the use, event, or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
- C. The use, event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- D. The establishment of the use, event, or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- E. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event, or activity which is proposed.
- F. The use, event, or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
- G. The use, event, or activity and site conform to the performance standards as outlined in Section 1060 and all other applicable provisions of this Chapter.

Subd. 4. Information Requirements. The information required for all administrative permit applications shall include:

- A. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of

operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.

- B. A copy of the approved site plan for the property or an “as built” survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.
- C. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exits.
- D. A copy of the current sales tax certificate issued by the State of Minnesota, if applicable.
- E. Information identified in Section 1070.050, as may be applicable.

Subd. 5. Performance Standards. All uses, events or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed.

Subd. 6. Administration and Enforcement

- A. The Zoning Administrator shall keep a record of applications and administrative permits.
- B. A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
- C. Enforcement of the provisions of this paragraph shall be in accordance with Section 1080. Violation of an issued permit or of the provisions of this Section also shall be grounds for denial of future permit applications.

Subd. 7. Certification of Taxes Paid. Prior to approving an application for an administrative permit, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the administrative permit application relates.

Subd. 8. Non-Permit Approvals. In cases where the Zoning Administrator is given approval authority without a requirement for an administrative permit, determinations shall be based upon the criteria outlined in Subd. 2. of this Section.

## **1070.065 – CERTIFICATE OF COMPLIANCE**

Subd. 1. Purpose. The purpose of this Section is to establish regulations and procedures for the processing Certificates of Compliance and of matters requiring the approval of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.

Subd. 2. Certificate of Compliance

A. Procedures

1. Application for an administrative permit shall be filed by the property owner or designated agent with the Zoning Administrator on an official application form.
2. A non-refundable fee as set forth by the City Code shall accompany the application.
3. The Zoning Administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this Chapter.
4. The Zoning Administrator shall make a determination of approval or denial of the certificate of compliance permit pursuant to Minnesota Statutes 15.99 as may be amended.
5. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Chapter may be attached to the permit.
6. Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within 10 days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
7. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section 1070.090 of this Chapter.



- Subd. 3. Evaluation Criteria. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
- A. Compliance with and effect upon the Comprehensive Plan and public facilities plans.
  - B. Compliance with all City Code requirements.
  - C. The establishment, maintenance or operation of the use, event, or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
  - D. The use, event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
  - E. The establishment of the use, event, or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  - F. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event, or activity which is proposed.
  - G. The use, event, or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located.
  - H. The use, event, or activity and site conform to the performance standards as outlined in Section 1060 and all other applicable provisions of this Chapter.
- Subd. 4. Information Requirements. The information required for all administrative permit applications shall include:
- A. A concise statement describing the proposed structure, use, event or activity, including any pertinent information required by the Zoning Administrator to fully evaluate the application.
  - B. A copy of the approved site plan for the property or a survey which accurately represents existing conditions on the site and which accurately indicates the proposed changes.
  - C. An accurate floor plan, when in the judgment of the Zoning Administrator, such a plan is necessary to properly evaluate the application.



D. Information identified in Section 1070.050, as may be applicable.

Subd. 5. Administration and Enforcement

- A. The Zoning Administrator shall keep a record of applications and certificates.
- B. A copy of all certificates of compliance issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
- C. Enforcement of the provisions of this paragraph shall be in accordance with Section 1080. Violation of an issued permit or of the provisions of this Section also shall be grounds for denial of future permit applications.

Subd. 6. Certification of Taxes Paid. Prior to approving an application for an certificate of compliance, the applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the certificate of compliance application relates.

#### **1070.070 – DEVELOPMENT RIGHTS MAP**

Subd. 1. Purpose. The Development Rights Map reflects the number of development rights remaining on properties zoned Urban Reserve, Rural Residential, Rural Commercial, and Transitional Rural Commercial. It is intended to show the maximum number of residential and non-residential lots that may be developed per individual property.

Subd. 2. Non-transferable. Development rights cannot be transferred, except as allowed by Section 940.050, Subd. 1(8)(5) as part of an Open Space & Preservation Plat. Development rights can be reassigned as part of a lot consolidation, lot line adjustment, or subdivision application.

Subd. 3. Maintenance. The number of development rights shown on the map shall be revised to reflect the number of remaining development rights on property following subdivision of the land. It shall be the duty of the Zoning Administrator to maintain the map as required.

Subd. 4. Appeals. Should an objection to the number of development rights remaining on a particular property arise, the property owner may file an appeal to be heard by the City Council. All appeals should be submitted in writing to the Zoning Administrator and should state the calculation error or provide evidence of a record keeping error justifying the objection. The Council may decide the matter at any regularly scheduled meeting. A property owner

may only file a second appeal for the same property if the justification has changed.

### **1070.080 – FEES**

- Subd. 1. Administrative fees shall be charged to the applicant based on the fee schedule adopted by City Council resolution.
- Subd. 2. In addition to the application fees set by the City Council, the applicant shall provide an escrow and agree to pay the total cost of staff and consultant time spent exclusively in reviewing and researching the application and presenting requests to the Planning Commission and City Council.
- Subd. 3. Fees shall be payable at the time applications are filed with the City and are not refundable unless the application is withdrawn prior to Planning Commission review.
- Subd. 4. Any escrow not spent on application review shall be refunded to the applicant after the review and administrative process is completed.
- Subd. 5. The applicant is responsible for all costs associated with the proposed application. If the required escrow accounts are delinquent, the City may approve a special assessment against the property, pursuant to the process outlined in Minnesota Statutes §429.061.

### **1070.090 – APPEALS**

- Subd. 1. Board Designation. The City Council shall serve as the Board of Adjustments and Appeals.
- Subd. 2. Applicability. An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Chapter. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.
- Subd. 3. Filing. An appeal from the ruling of an administrative officer of the City shall be filed by the property owner or their agent with the Zoning Administrator within 30 days after the making of the order being appealed.
- Subd. 4. Stay of Proceedings. An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Board of Adjustment and Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a restraining

order which may be granted by a court of record on application, and upon subsequent notice to the City.

Subd. 5. Procedure. The procedure for making such an appeal shall be as follows:

- A. The property owner or their agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee set forth in the City Code.
- B. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Board of Adjustment and Appeals.
- C. The Board of Adjustment and Appeals shall make its decision by resolution.
- D. The Zoning Administrator shall serve a copy of the final order of the Board upon the petitioner by mail.

Subd. 6. Appeals from the Board of Adjustment and Appeals. Any person or persons, any private or public board, or taxpayer of the City aggrieved by any decision of the Board of Adjustment and Appeals shall have the right to seek review of the decision with a court of record in the manner provided by the laws of the State of Minnesota, and particularly Minnesota Statutes, Chapter 462, as such statutes may be from time to time amended, supplemented or replaced.

*(Ord. 266, passed 12-19-11, Ord. 378, passed 09-13-18, Ord 532, passed 08-22-2024)*



## **SECTION 1080 - ENFORCEMENT PROVISIONS**

- Subd. 1. Process. This Chapter shall be administered and enforced by the Zoning Administrator who is appointed by the City Administrator. The Zoning Administrator may institute in the name of the City of Corcoran any appropriate actions or proceedings against a violator as provided by statute, charter, or ordinance. The Zoning Administrator's duties shall include, but not be limited to, the following:
- A. Periodically inspect buildings, structures, and uses of land to determine compliance with the terms of this Chapter.
  - B. Notify, in writing, any person responsible for violating a provision of this Chapter, indicating the nature of the violation and ordering the action necessary to correct it.
  - C. Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions or alterations; order discontinuance of illegal work being done; or take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions, including cooperation with the City Attorney in the prosecution of complaints.
  - D. Maintain permanent and current records of the Zoning Ordinance, including all maps, amendments, conditional uses and variances.
  - E. Maintain a current file of all permits, all certificates and all copies of notices of violation, discontinuance, or removal for such time as necessary to insure a continuous compliance with the provisions of this Chapter and, on request, provide information to any person having a proprietary or tenancy interest in any specific property.
  - F. Provide clerical and technical assistance to the Planning Commission and Board of Zoning Adjustments and Appeals.
  - G. Receive, file and forward as applicable to the Board of Adjustment, Planning Commission, or City Council all applications for conditional use permits, variances, amendments or development plans as required herein.
  - H. Maintain the Development Rights Map.
- Subd. 2. Violations. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Chapter, the Zoning Administrator, in addition to other remedies, may institute any proper

criminal action or proceedings in the name of the City of Corcoran. Therefore, the Zoning Administrator shall hereby have the powers of a police officer to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain or correct such violations, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

Subd. 3. Penalties. Any person who violates a provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, may be punished as allowed by State Statute and as identified in Section 10.19 (B) of the City Code. Each act of violation and every day on which a violation occurs or continues is a separate violation.

Subd. 4. Recover Costs Charged To The City

- A. Purpose. In instances in which watershed management commissions, other water authorities, and other regulatory agencies seek recovery of costs from the City of Corcoran, the City of Corcoran desires to recover any such costs which are charged to the City from the responsible property owner or the property owner's designated responsible agent or representative via a special assessment against the property in question.
- B. Special Assessment of Costs Charged to the City which are Attributed to Non- Payment on the Part of a Property Owner. The City of Corcoran shall maintain the right to recover from the responsible property owner or that owner's designated responsible agent or representative those costs charged to the City by watershed management commissions, other water authorities, and other regulatory agencies. To recover these costs, the City may approve a special assessment against the property, pursuant to the process outlined in Minnesota Statute §429.061

*(Ord. 301, passed 04-23-15)*

## **APPENDIX A – DESIGN GUIDELINES**

### **RECOMMENDATIONS FOR OVERALL DESIGN STANDARDS**

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#### **Objectives**

The objective for developing design guidelines for the City of Corcoran is to establish:

- A clear definition of urban design objectives that informs citizens, developers, and decision-makers.
- A tool that designers can use to incorporate general and specific approaches and techniques in their plans that will achieve City design objectives.
- A basis for uniform and consistent review of development proposals by the City Council and Planning Commission.

The *Corcoran General Design Guidelines* should meet the following goals:

Goal 1: Preserve the unique, rural character of Corcoran.

Goal 2: Establish a consistent, high quality baseline design standard for all districts.

Goal 3: Maintain a high quality, harmonious visual environment.

Goal 4: Communicate the community's expectations for new development in Corcoran.

#### **Application**

The design guidelines are intended to be applied in all districts where a District Plan has been developed. These guidelines are designed to be complimentary to the District Plans, the existing Comprehensive Plan, the Zoning Map, and Zoning Ordinances. Illustrations have been included to further explain the design guideline intent.

#### **Organization**

The District Plans and Design Guidelines begin with General Design Guidelines which apply across all districts. This general Section is followed by the District Design Guidelines and District Plans which are specific to the three districts in the City of Corcoran – Southwest, Northeast and Southeast. District Design Guidelines are applied in addition to the General Design Guidelines, and address unique conditions or uses in that District. The Southwest, Northeast, and Southeast District Plans accompany the Design Guidelines for each District. These build on the concepts identified in the Comprehensive Plan.

The Southeast District Plan and Design Guidelines also include the Downtown Illustrative Plan and Downtown Design Guidelines which are also applied in addition to the General Design Guidelines and the Southeast District Design Guidelines.

## **GENERAL DESIGN GUIDELINES**

### *Recommendations for Overall Design Standards*

---

#### **General**

- All new development should be designed to value, respect and preserve Corcoran's identified natural features and resource corridors.
- Rural view sheds and identified view corridors should be preserved and maintained wherever possible as important contributors to Corcoran's character.
- All new development should provide for pedestrian as well as vehicle circulation, and shall create links to existing and proposed sidewalks and trails.
- All new development should be sensitive to existing residences in the design and location of new uses and buildings with respect to shading, viewsheds, and potential light and noise pollution. Where necessary, appropriate screening or buffering shall be provided.
- New business parks should not be designed only for larger businesses, but should also accommodate the small and mid-sized businesses that enhance Corcoran's rural community.

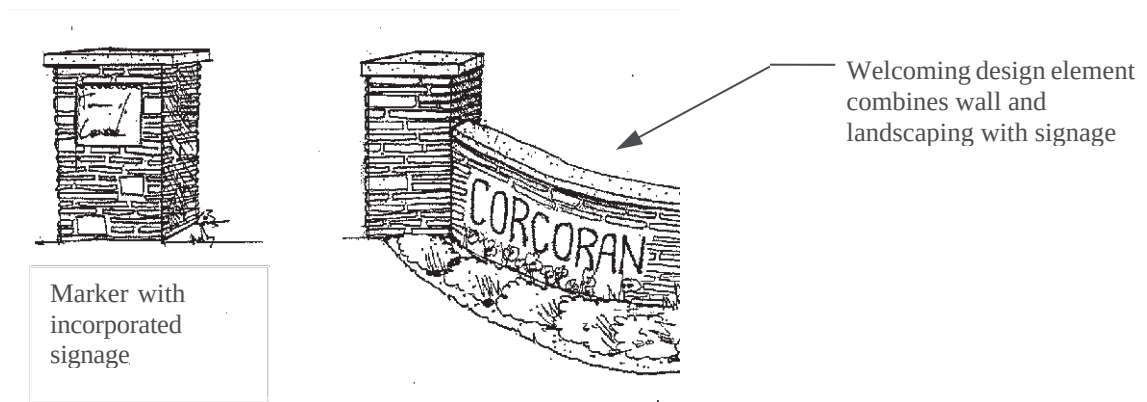
#### **Streets, Public Space and Amenities**

- All arterial roads should have a minimum 100-foot setback to preserve a rural road character. This area shall be maintained as a natural buffer preserving mature trees and shrubs, with native grasses and wildflowers encouraged.
- Along County Road 116 a rural greenway is proposed with trails and amenities. New development along this route will be required to continue the greenway throughout Corcoran based on the City's design.
- Key intersections have been identified as primary entrances to Corcoran and should be designed as "gateways" to the City; gateway elements could include open space, unique landscaping, walls or gates, City identity signage and water features.
- Direct access for new developments should be restricted on Highway 55 and County Roads 101 and 116; driveways serving only one parcel or use should be prohibited along these roads.
- Direct access from County Road 30 and the new alignment of County Road 50 should be limited. Driveways serving only one parcel or use are highly discouraged in along these roads.

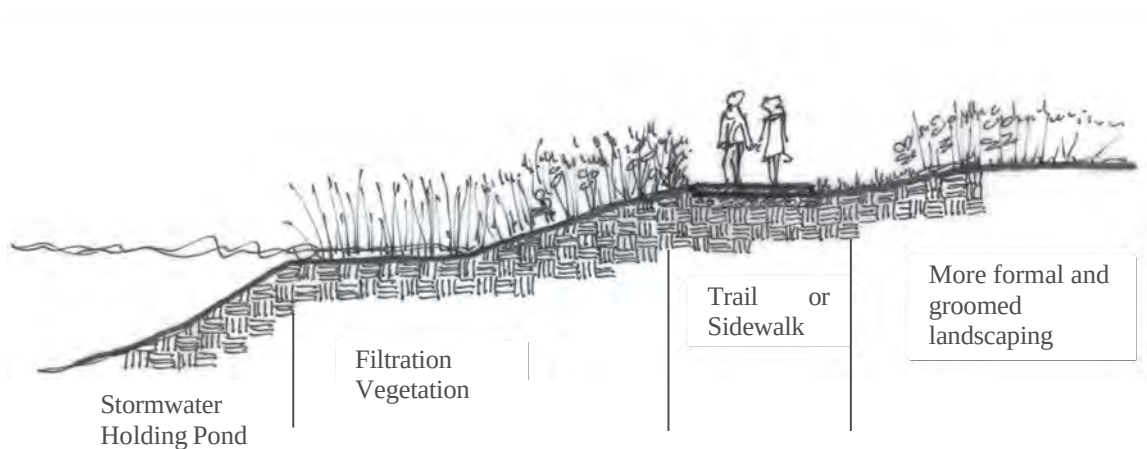


- Through roads with connections to existing roads are encouraged; streets with cul-de-sacs should be limited.
- All residential development should seek to preserve and maintain some natural open space; larger developments will be required to designate common areas for residents shared use and/or to identify and preserve land for a neighborhood park.

### Site Planning and Development

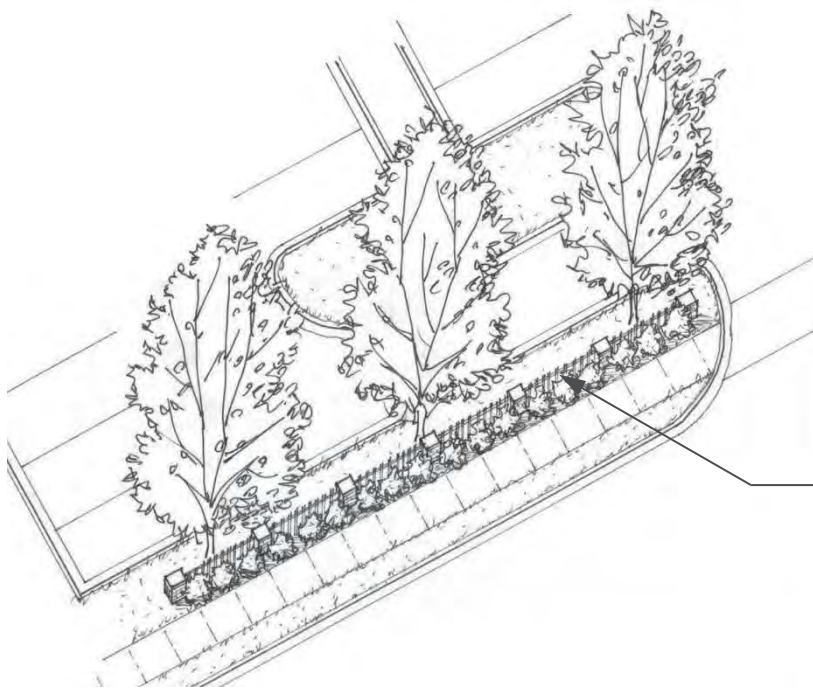


- Well-landscaped open areas should be provided at the main road entryway to new developments; gateway or welcoming design elements, including water or landscape features, signage and lighting are encouraged.



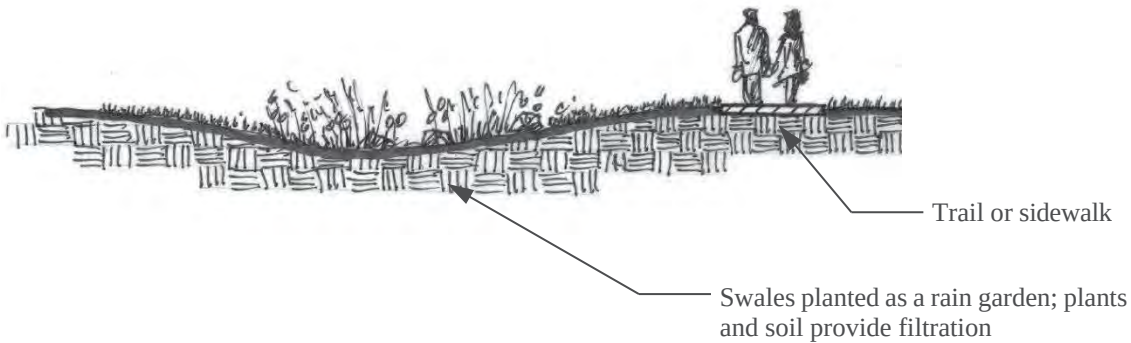
- Preserve and maintain identified natural resource areas, existing healthy areas of native vegetation, mature trees, wetlands, ponds, and other natural features to the extent possible; design which harmonizes more groomed and landscaped areas with more natural landscape is encouraged.

- Site design that integrates identity signage and lighting into the landscape is encouraged.
- Provide for both private and common or public open spaces; connections from open spaces to existing or proposed trails and sidewalk networks are encouraged.
- Limit parking provided between buildings and the main road; distribute parking around the building, especially to the side and back of buildings.



Landsaped edge that combines fence with trees, low shrubs and ground cover for parking lot screening and buffering along sidewalk

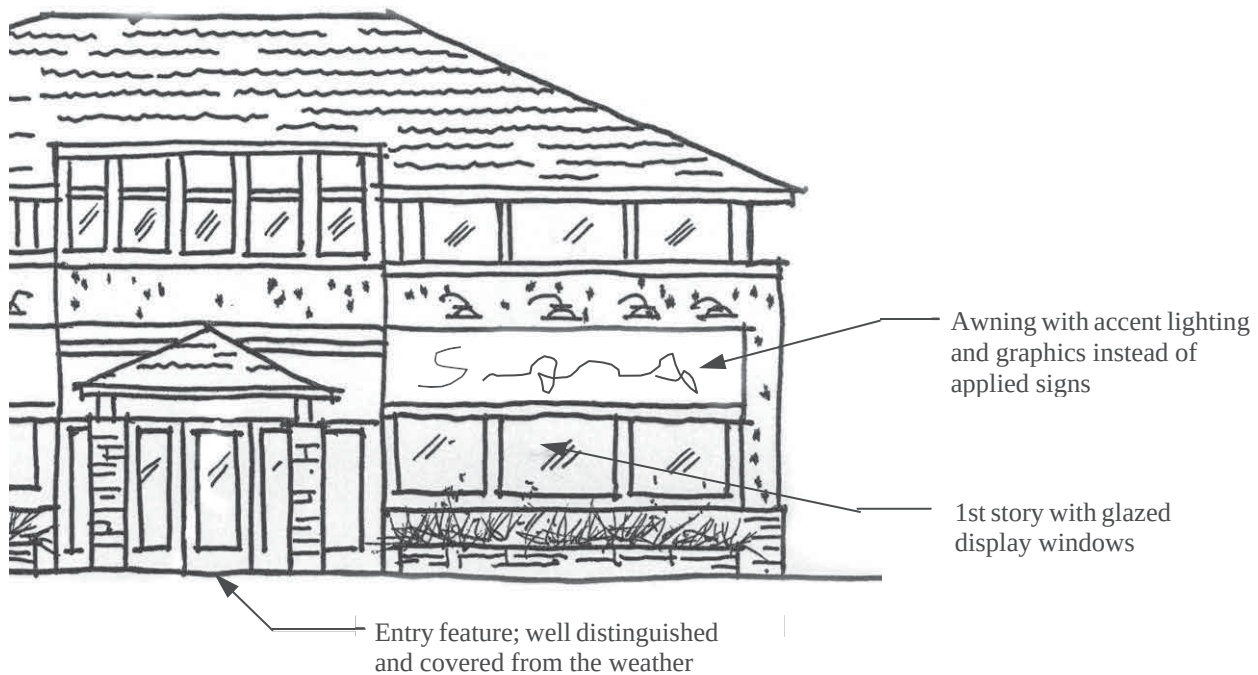
- Parking areas should be well-landscaped and screened from the street; larger parking areas should be planned with internal landscaping and divided into smaller areas where possible.
- Buildings should be oriented to minimize views of service areas, loading docks and equipment from the street and other developments; these views can be buffered with a combination of landscaping and screening; trash areas should not be visible from the street; where this is not possible they must be fully screened and buffered to mitigate the noise and visual impacts.



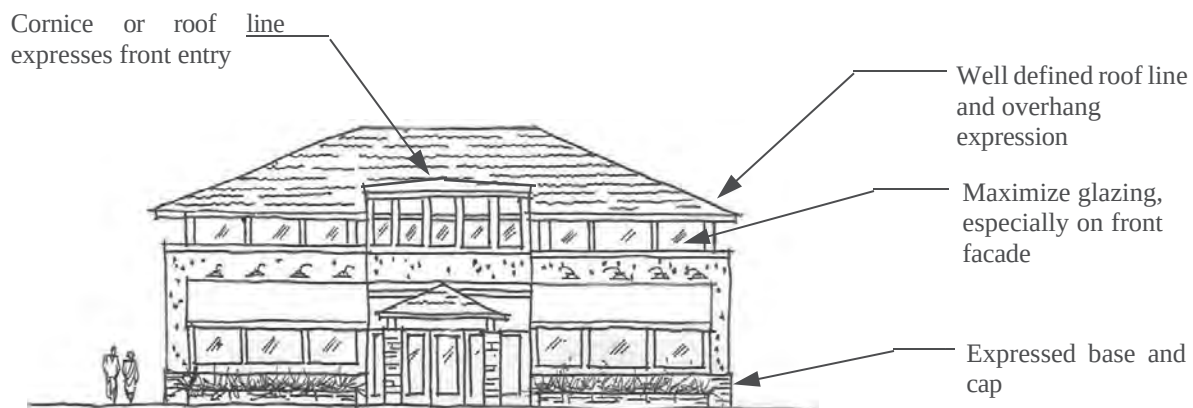
- Stormwater ponds, dry ponds and other stormwater management or holding areas shall be designed to be attractive in both flooded and dry conditions; use of native plants for filtration around pond and wetlands is encouraged.
- Sustainable design approaches to site and landscape design, especially for storm water management and water shed quality is encouraged.
- All landscaping shall preserve and enhance natural features (such as wetlands, drainage ways, mature stands of trees, and the like), enhance architectural features, strengthen vistas and important amenities and provide shade.

### **Architecture**

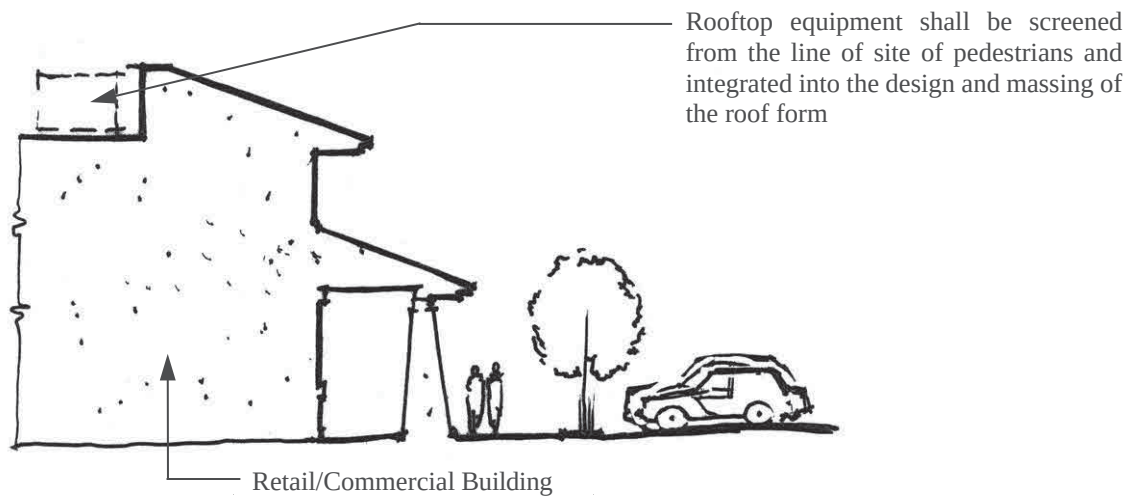
- Buildings should be constructed and maintained for permanence and longevity – durable, maintainable materials should be used; temporary buildings, metal sheds, etc. shall not be permitted except when allowed as accessory buildings.
- Buildings should be designed to relate well to the existing environment, both natural and man-made, and consider context in massing, materials, style and color.
- Design of the landscape and hardscape should be coordinated and harmonious with the building design and materials.
- Multi-family buildings should be designed to provide both private and common outside space and units with terraces, balconies or other private exterior space are encouraged. Orientation of building and unit entrances, windows, garages, etc. should be considered for visual and acoustic privacy.
- Buildings should be oriented and designed to consider sun and shade, wind exposure and snow drifting to avoid creating icy or dangerous conditions.



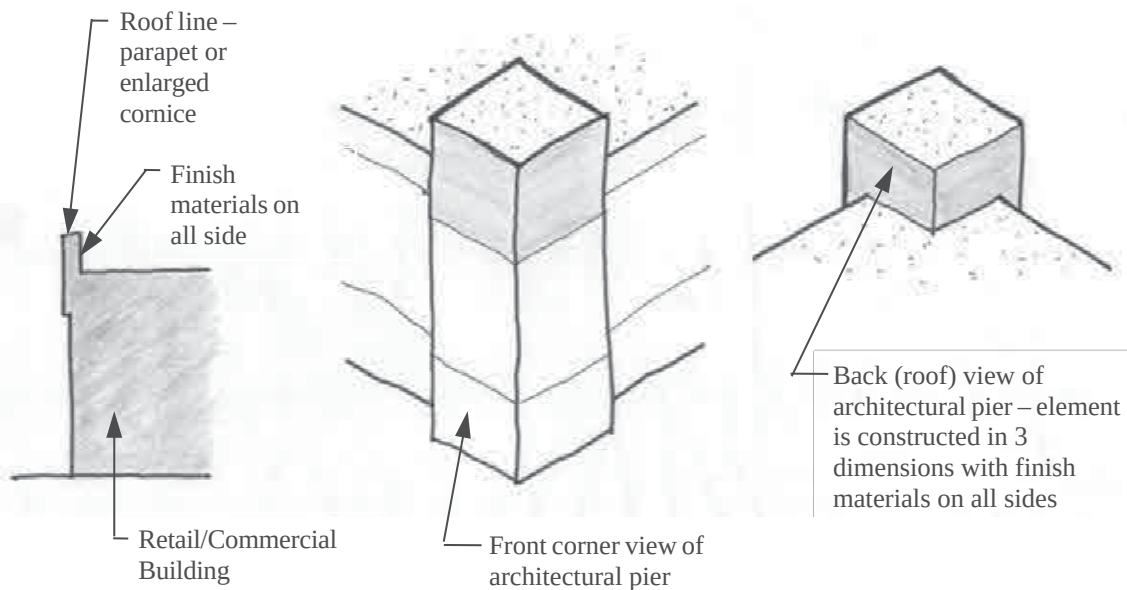
- Building entries should be visible from the main street or entry route, and distinguished from the building façade; entrance areas should be well lit, covered or protected from weather, and include significant glazing and glass doors where the public will be entering buildings.



- Buildings should be designed with quality materials on all sides; all facades shall be articulated with a variety of materials, glazing or other details to add visual interest, although the front façade may have a unique design or more significant glazing; long blank exterior surfaces shall be avoided.

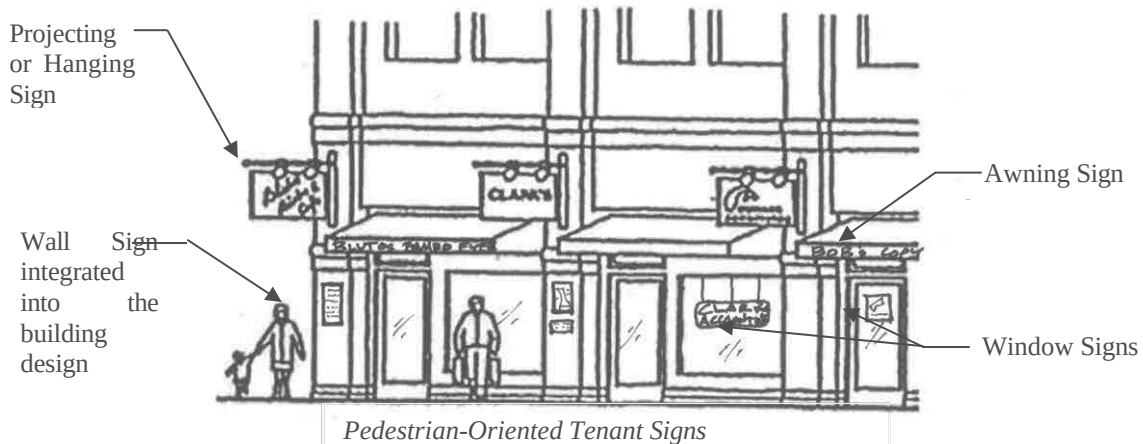


- Equipment, mechanical systems, transformers, etc. must be screened from view in a way that is integral to the architecture of the building. Screening should be accomplished with materials similar to or compatible with materials used on the main structure; metal fencing or mechanical vent screens alone are not sufficient.

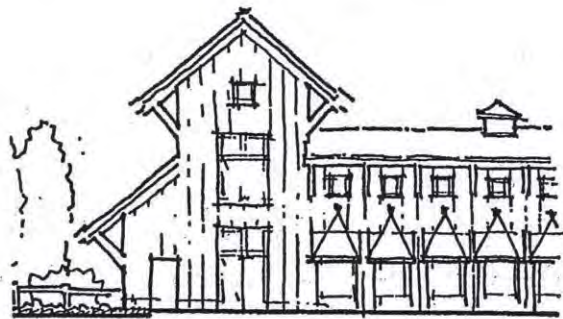


- Roof lines and cornice details shall be completed in a 3-dimensional manner so that the back of roof features or similar unfinished areas are not visible.



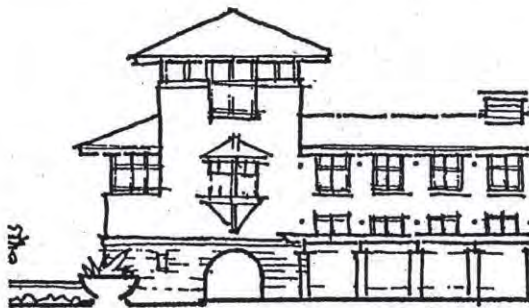


- Signage and lighting which is integrated into the design of the building is encouraged.



*Regional Architectural Styles.* The design of buildings, particularly important civic buildings, shall reflect regional traditions.

Agrarian Style



Prairie Style

- Architecture of new buildings should be respectful of the existing agricultural and historical structures which enhance the rural character of Corcoran; design which reflects the elements of vernacular prairie-style or agrarian architecture is encouraged.

## District Design Guidelines

### *District Descriptions and Recommendations for District Specific Design Standards*

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District Plan follows:

#### **SOUTHWEST DISTRICT DESIGN GUIDELINES**

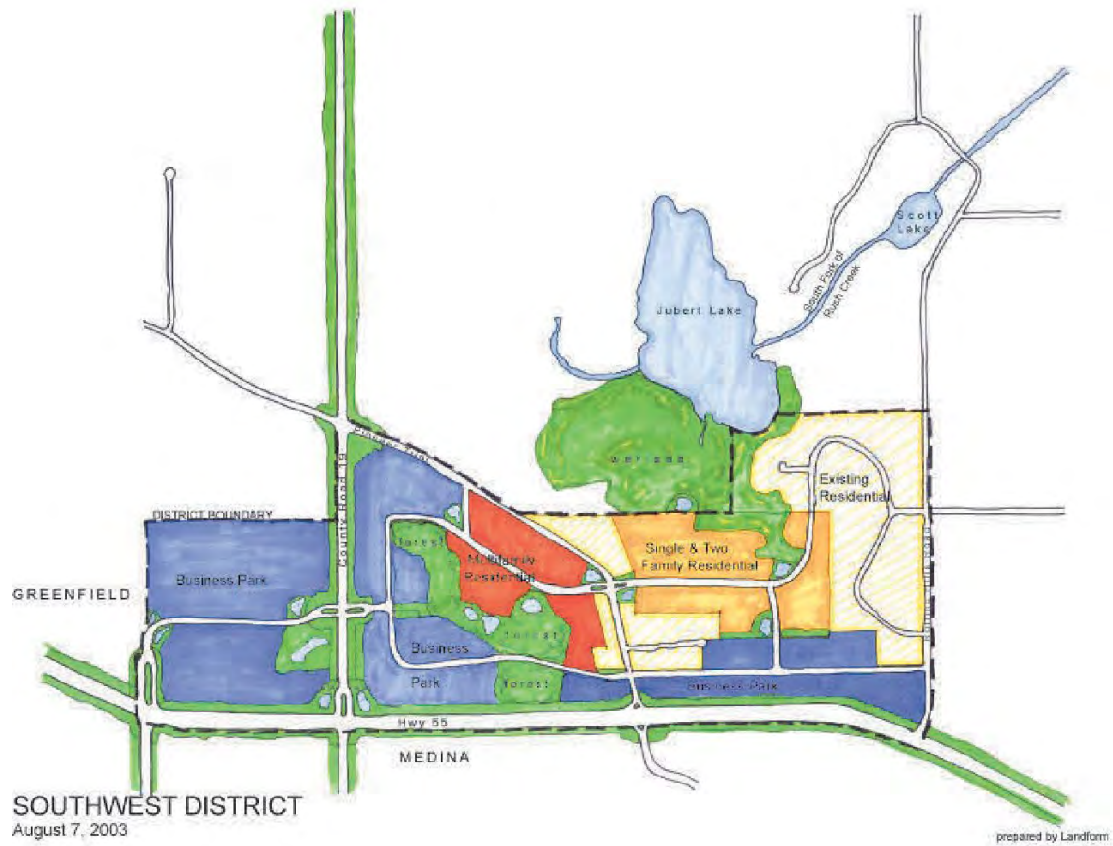
The Southwest District offers Corcoran the opportunity to establish a “gateway” to the City on State Highway 55 at County Road 19. Development in this district should be of the type and quality that will add significant value for the City. The District Plan calls for high quality business parks along Highway 55 and County Road 19, with well-landscaped setbacks and buffers. The presence of a major natural resource corridor creates the opportunity for mixed residential development offering a mix of housing types and densities while preserving significant natural features.

##### **Site Development**

- Site design and landscaping should be designed to work with the existing topography of this area, preserving the rolling hills and natural view corridors.
- Commercial areas should be designed as high quality business parks, with appropriate office, commercial and light industrial uses.
- New residential development should include a range of housing types (townhouses as well as single-family attached and detached) and densities.
- New residential development should reserve land for a neighborhood park as well as “natural open space”; these spaces should be linked to the trail system.

##### **Streets and Public Amenities**

- The intersection of County Road 19 and State Highway 55 should be developed as a “gateway” to the City of Corcoran with appropriate open space and gateway elements, such as identity signage, lighting, landscape and water features. The design should express the unique character of Corcoran’s rural community.
- Driveways and other direct access from new developments to State Highway 55 shall not be permitted. New access roads shall be provided for access to properties that currently front the highway.
- Access shall be from a new road network, for both business park and residential uses, with connections to existing roads; cul-de-sacs are discouraged.

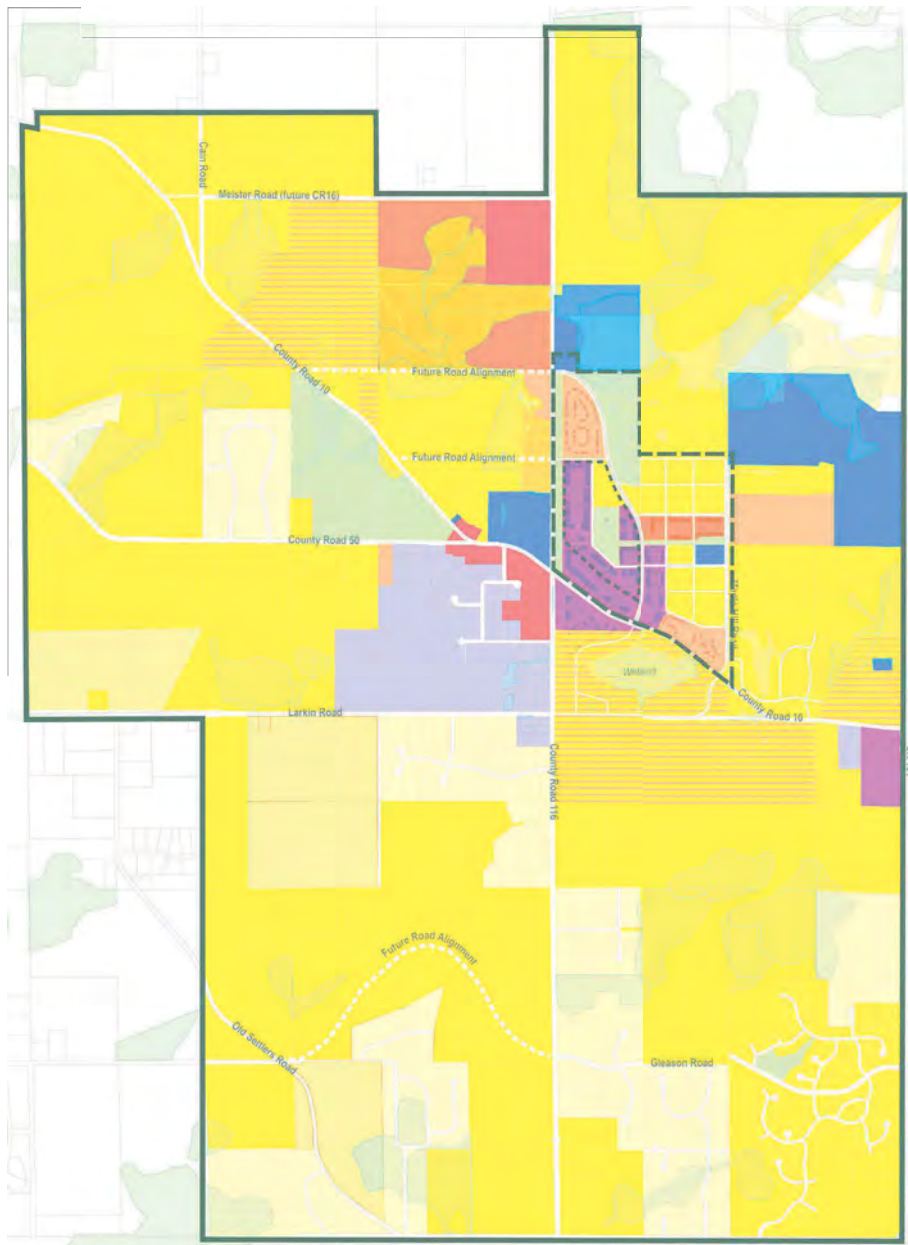




## **APPENDIX B – CORCORAN SOUTHEAST DISTRICT PLAN AND DESIGN GUIDELINES**

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Updated July 22, 2021







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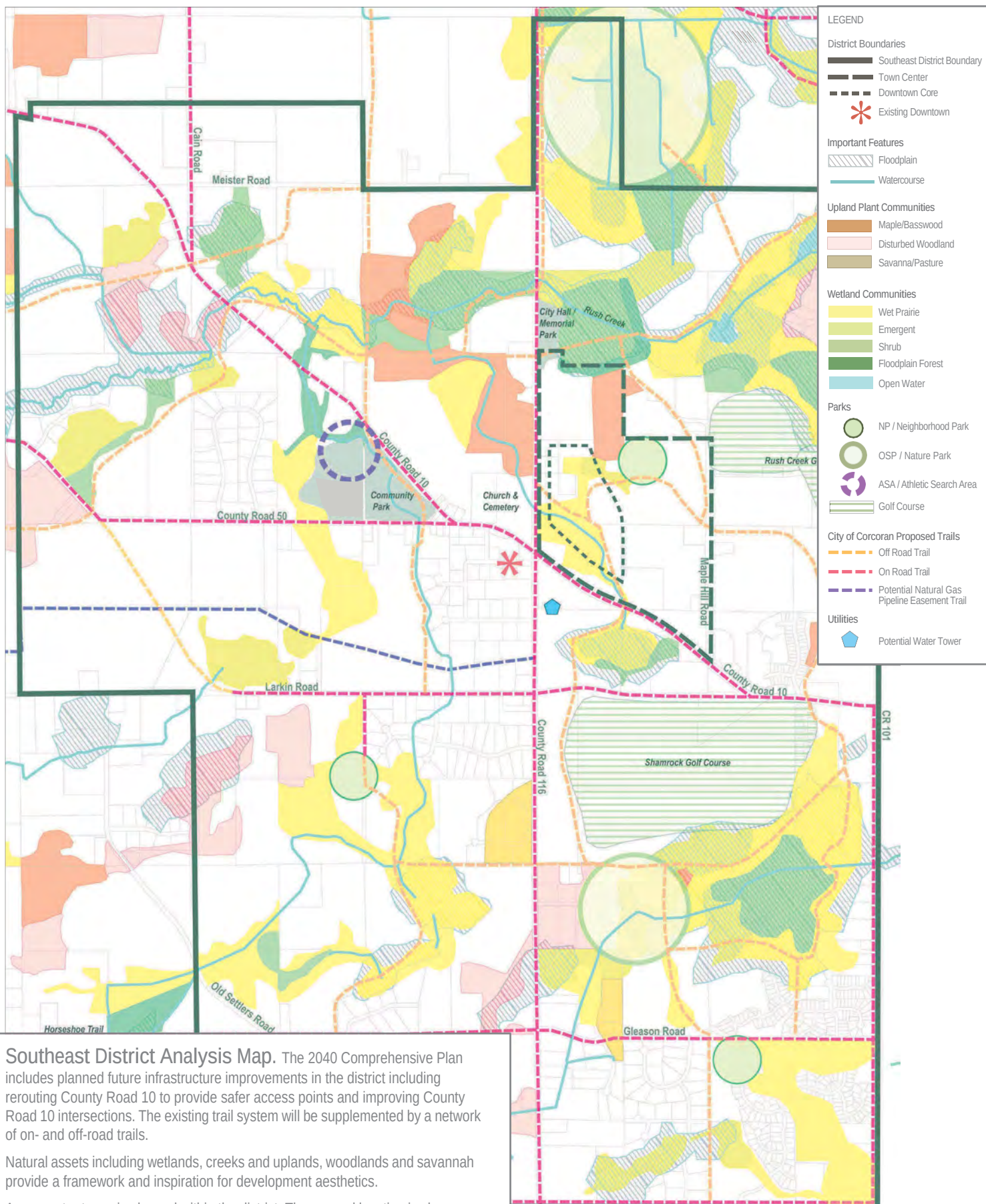
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# Southeast District Overview

## Southeast District Objectives

1. The Southeast District has key transportation corridors within the City of Corcoran which provide vehicle, bicycle and pedestrian connections to adjacent communities.
2. The Southeast District is home to Corcoran Community Park.
3. The Southeast District includes a variety of businesses that provide retail and services that support the daily needs of residents.
4. The Southeast District includes a Town Center with retail, office, housing, public spaces, and employment opportunities.
5. The Southeast District provides life-cycle housing opportunities that are within walking and biking distance of Downtown.
6. The Southeast District provides a concentration of urban housing options, so that the majority of the City can remain rural.

In 2015, the City of Corcoran, in partnership with Hennepin County, began work to update the existing design guidelines and master plan for the Southeast District. The Corcoran Southeast District Plan and Design Guidelines were modified to reflect the 2030 Future Land Use Plan and other changes needed to implement the City's Vision. This update was developed to reflect the 2040 Comprehensive Plan, which no longer includes the realignment of County Roads 10 and 50, but does continue to show a partial realignment of County Road 10 onto Meister Road at a future date.

The Southeast District is the historic heart of the City. The intersection of County Road 10 and County Road 116 is a historic crossroads and this area is home to the existing city hall, St. Thomas Catholic Church and the existing business park. The Southeast District is also beginning to see the residential development that has long been anticipated with the development of Lennar's "Ravinia" neighborhood and M/1 Homes "Bass Lake Crossing" and "Bass Lake Crossing South." The **Town Center** (including the **Downtown Core**) within the Southeast District is a mixed-use district combining retail, office and service commercial with a mix of low, medium and higher density residential. The planned development is balanced by extensive open space and natural resources, including two golf courses (Rush Creek & Shamrock), Lions Park, Corcoran Community Park, the City Hall park and the Rush Creek corridor.

## Purpose

The primary purpose of Corcoran Southeast District Plan and Design Guidelines is to set basic parameters, describe preferences and illustrate design intent. These guidelines serve as principles within which creative design can and should occur – there is no one solution, but many options that meet the basic requirements of this document.

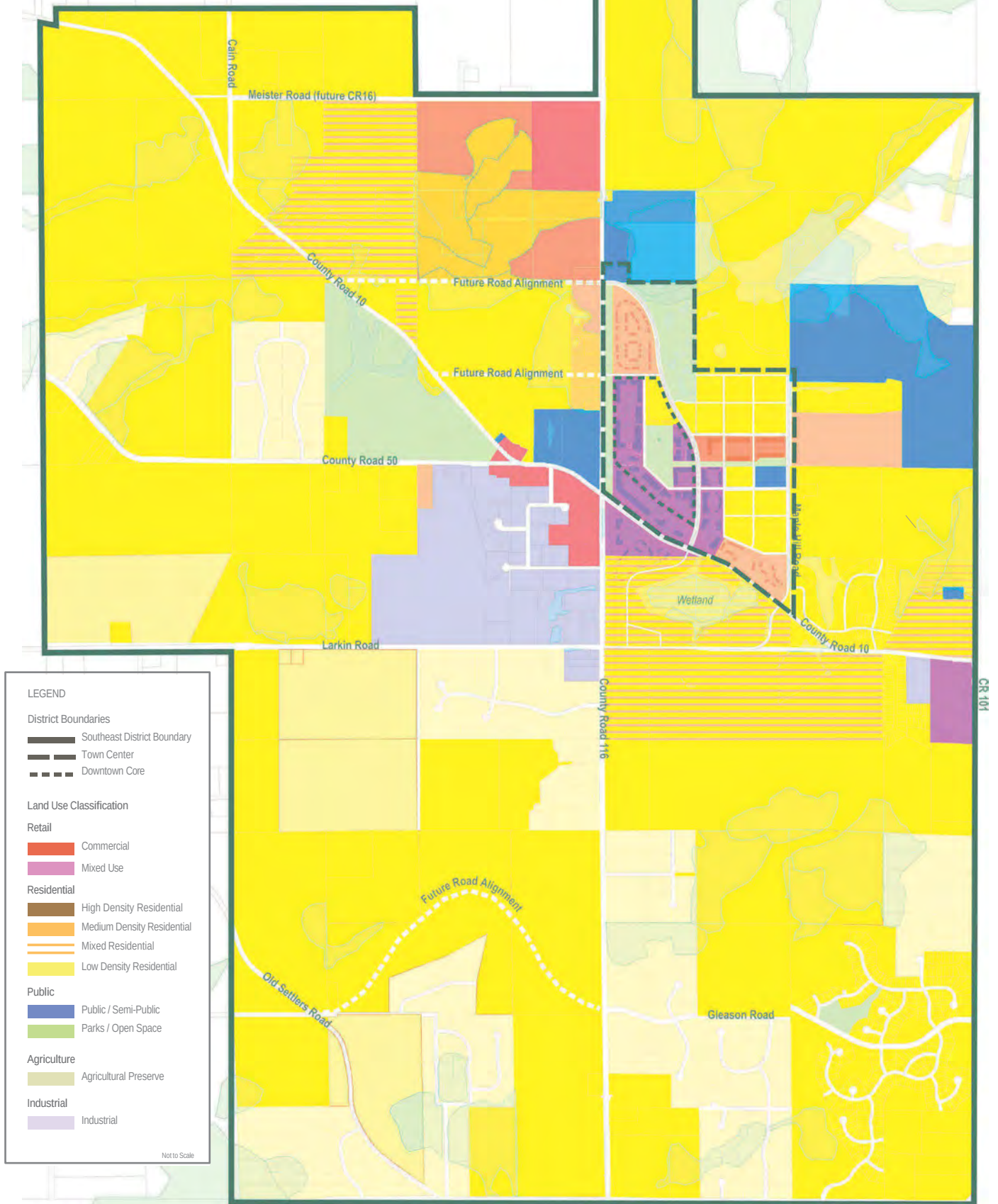
## Application

The format and content are specifically tailored for use as a supplement to the Zoning Ordinance. This master plan provides illustrative guidance for building locations and orientation. Any changes to this approved master plan must be reviewed and approved by the City Council as part of the development application.

## Southeast District Vision

Create a complete transportation network that balances pedestrian, bicycle and vehicular use with mix of residential housing types, retail and an expanded employment base, while maintaining access to the natural resources that define Corcoran's quality of life.

**Southeast District Concept Plan.** The Southeast District is the spatial framework for these design standards. The Town Center and Downtown Core are nested within the district each with additional guidance to create the neighborhoods and places envisioned by the community.







# Southeast District Principles

## Sites and Structures

The Southeast District should continue to provide a mix of residential, commercial, office and industrial uses as described in the Comprehensive Plan and Zoning Ordinance. The Design Guidelines for the district shall be the same as those described in the Zoning Ordinance for the zoning district in which the development is located and these Design Standards will provide an additional layer of standards.

New residential development should provide for the full range of life cycle housing, offering choices of housing types at low, medium and higher densities.

Within the Southeast District, the combination of site and building design should provide a visual cue that this is a unique place. For single family, twin and townhome structures, architecture styles including: Agrarian Contemporary, Farmhouse, and Arts & Crafts - Prairie are encouraged, as is the use of regional building materials and native plants. Development in this district should be thoughtfully designed to reflect Corcoran's rural character.





## Agrarian Contemporary

Agrarian Contemporary style homes rely on simple forms with strong roof lines and inviting front porches. This style is a clean, crisp, more contemporary version of the Agrarian Rural style. Typical style elements include:

- Form and Roof
  - Simple roof design, front to back gable or side to side
  - 5:12 to 12:12 roof pitches
  - Overhang eaves
- Walls and Windows:
  - Horizontal or board and batten siding, stucco or a combination
  - Symmetrical placement and distinct fenestration rhythms
  - Square, circular or 2:1 proportioned vertical rectangular windows with grid patterns
- Details
  - Porches with simple columns, trim and railings
  - Minimal door and window trim detailing
  - Dormers, cupolas, shutters, exposed rafter tails







## Farmhouse

Farmhouse style is comfortable and practical. It is a hybrid of elements brought together by regional craftsmen and traditions of the early 20th century. Typical style elements include:

- Form and Roof
  - Two story
  - Asymmetrical, angular design with tall proportions.
  - Gable roof
  - 8:12 or greater roof pitch
  - Overhang eaves
  - Wood or asphalt shingled roof
- Walls and Windows:
  - Wood cladding with horizontal, diagonal or vertical layout
  - Tall rectangular windows with large panes
- Details
  - Decorative braces and brackets
  - Plain trim boards and soffits
  - Corbels and gable trusses
  - Wrap porches
  - Geometric patterns
  - Embellished porch railings





## Arts & Crafts - Prairie

Prairie Style is truly American, derived by Frank Lloyd Wright and Louis Sullivan. Typical style elements include:

- Form and Roof
  - Low pitched roof with wide overhanging eaves
  - Massive square porch supports
  - Two stories with one story porches or wings
  - Gable roof edges flattened
  - 3-1/2:12 or greater roof pitch
  - Hipped roof
- Walls and Windows:
  - Horizontal windows, sometimes wrapping around corners
  - Tall casement windows
  - Geometric patterns of small-pane windows
- Details
  - Detail emphasizing horizontal lines
  - Contrasting wood trim
  - Horizontal patterns in wall materials
  - Window boxes
  - Ornamentation at the door or cornice line
  - Flattened pedestal urns





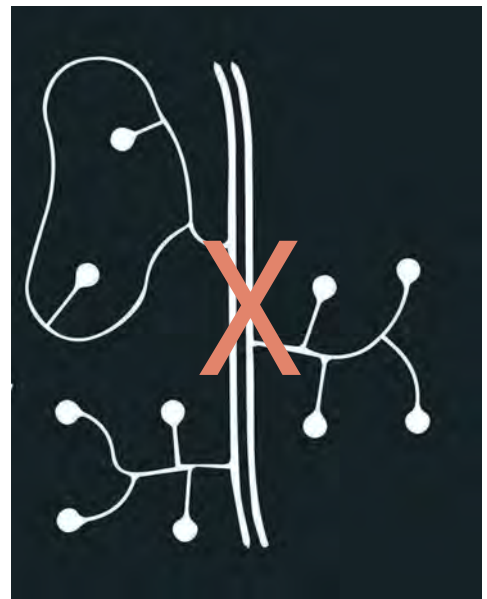
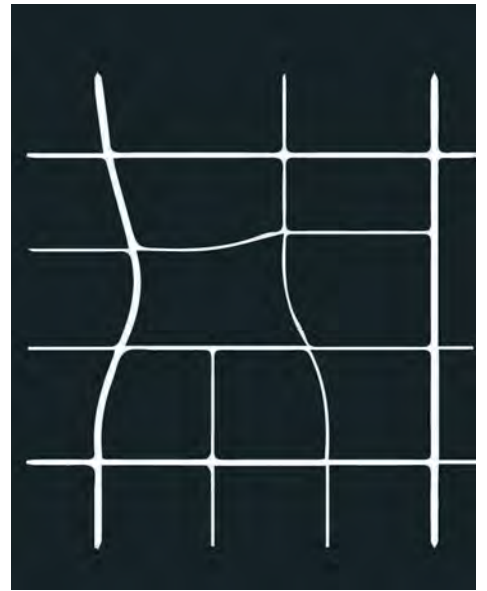
## Street Hierarchy

One significant development consideration in this district is increasing the intensity of use without overloading the existing transportation network. Current plans will create safer, better managed traffic flow and correct several difficult intersections. County Road 116 will continue to be the central route through the Southeast District, but improvements are planned for where County Road 116 passes through the Town Center. As improvements are made to this road, emphasis should be placed on creating a pedestrian-friendly environment. Enhancements to traffic controls, pedestrian connections, lighting, gateway elements and landscaping at key intersections will serve that purpose. The County Road 116 corridor should be designed with green boulevards on both sides, with particular attention given to the east side of the road where a linear park with off-road trail is planned.

Where County Road 116 passes through the Town Center, this road should shift to the east to allow for a center landscaped boulevard and other enhancements that will express a sense of Town Center identity. The intersections of County Road 116 and Larkin Road and County Road 116 and City Hall Drive (proposed new road just south of City Hall) mark the entry points into this area, and the start of the proposed boulevard. The design of these intersections should balance the needs of traffic and pedestrians. The City will continue to work with Hennepin County to ensure future improvements are consistent with City's vision as well as the County policy related to Complete Streets. As part of this vision, the City will look for opportunities to provide grade-separated pedestrian crossings in addition to the at-grade crossings.

The existing road network should be maintained as a continuous network, with new connections where needed. Cul-de-sacs are strongly discouraged in the Town Center. Cul-de-sacs should be avoided throughout the Southeast District in favor of connecting streets that will facilitate resilient multi-modal routes within the district.

The Southeast District has six main types of streets which are described and illustrated on the following pages. Each serves a specific function toward the creation of a well connected and economically viable Southeast District.



**Street Connectivity.** A connected network of streets provides system resiliency and greater capacity with the same lane miles. Top: Connected Network is preferred. Bottom: Sparse Hierarchy with cul-de-sacs is not desirable.

Street typology in this appendix does not take the place of the standards found in the Corcoran Comprehensive Plan and Subdivision Ordinance, but is intended to supplement that information with a more detailed description of the street design in this district. These standards will be applied for development in the Town Center, but the City may require developments in other areas of the Southeast District to follow the standards in the Engineering Design Standards.

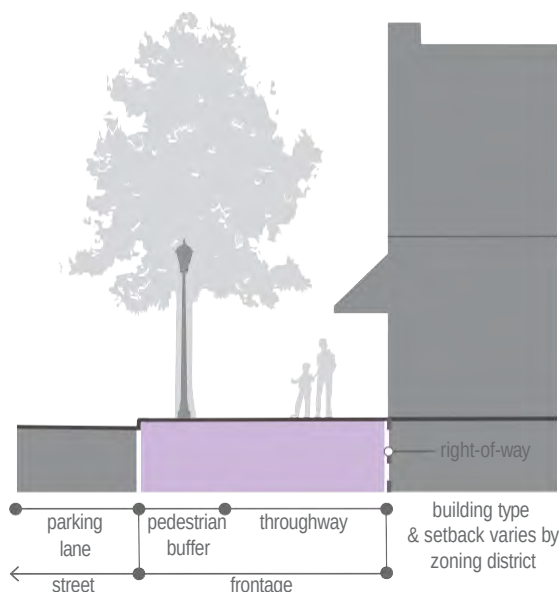
The developer shall be responsible for construction of all streetscape improvements along adjacent streets. These improvements include all hardscape, landscape and site amenities, such as trails, sidewalks, benches, bike racks, street trees and plantings.

**Frontage** (space between the back of curb and the right-of-way line) can be divided into two zones: the throughway and pedestrian buffer.

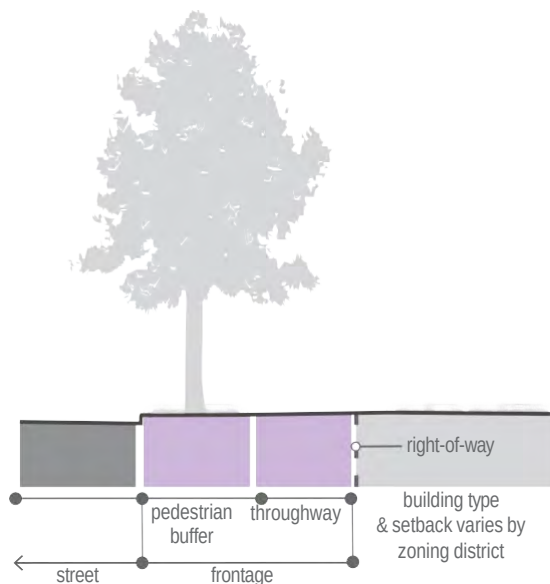
**Throughway** is foremost the accessible route for pedestrians. Once the needs for ADA accessibility are met, the remaining width is based on the needs of the frontage. An urban frontage with shopping and many pedestrians requires a wider throughway to allow for window shopping, couples walking side-by-side, strollers and the like.

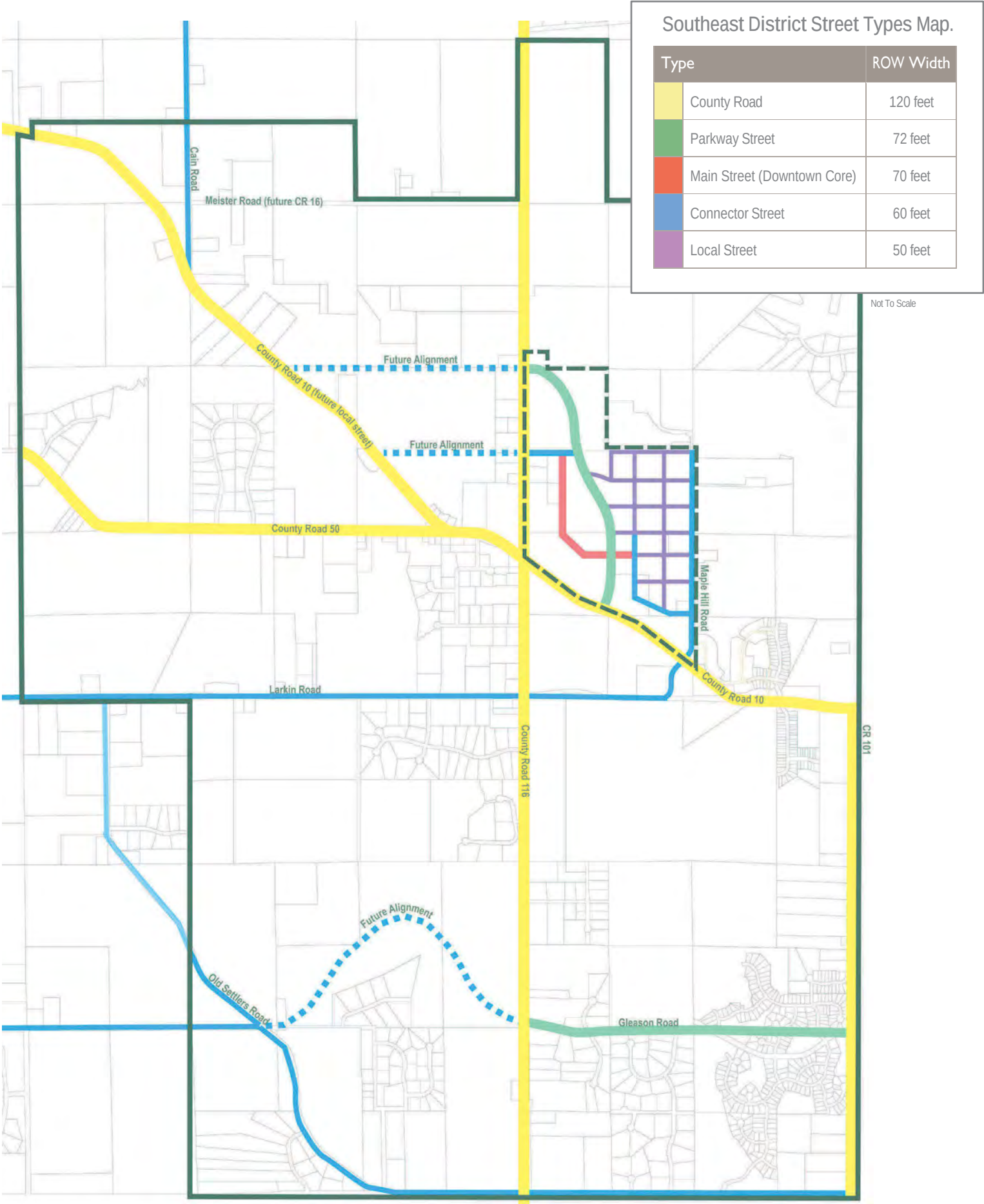
**Pedestrian Buffer** is the space between the throughway and the back of curb. It will also vary in width depending on the needs of the adjacent land uses. In active urban areas, the pedestrian buffer includes patio tables, pedestrian lighting, street trees, planters and all the amenities that support the streetscape character. In single family residential neighborhoods, the pedestrian buffer is generally tree lined with turf or plantings tended by residents.

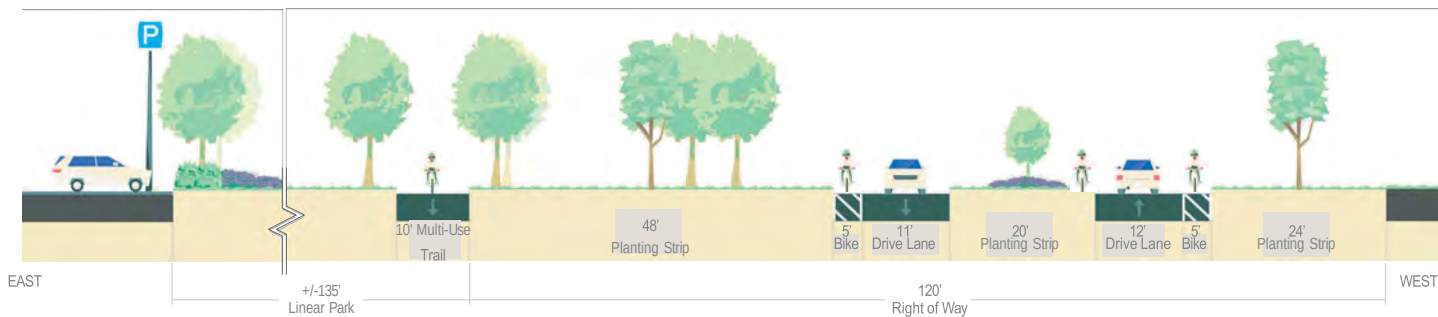
**Frontage Prototype.** The frontage is a subset of each street section. In high traffic areas, like Main Street, the frontage is wide, fully paved and programmed to support the wide range of retail, service and residential activities occurring on adjacent properties.



In low density residential areas, the frontage is narrow and supports the needs of a quiet neighborhood. A sidewalk and turf boulevard with regularly spaced overstory and tall ornamental trees is sufficient.

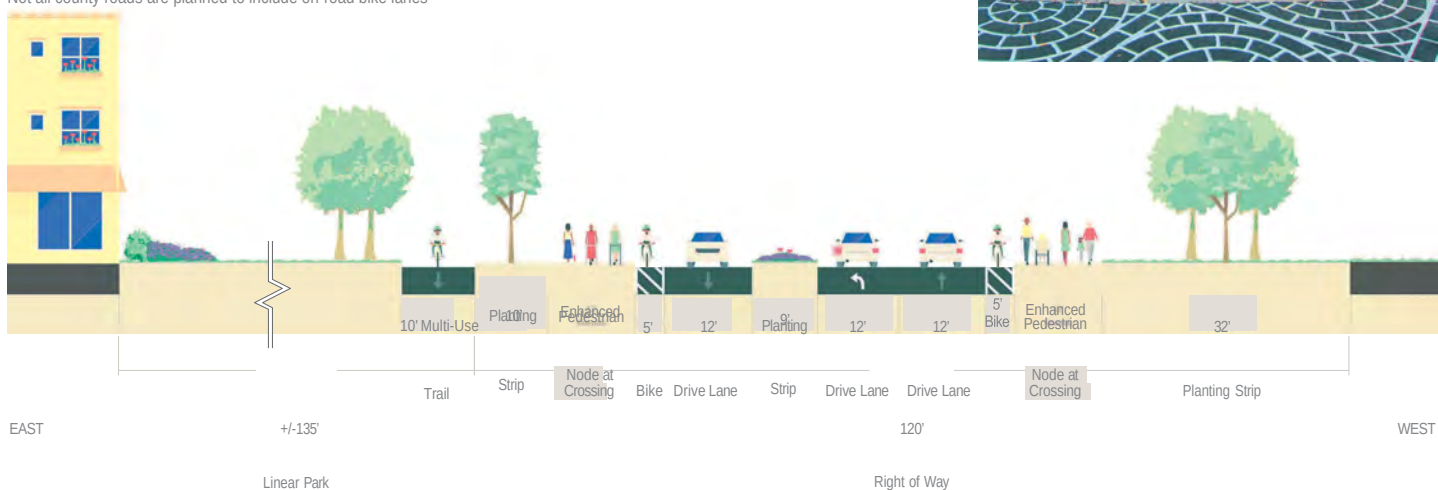
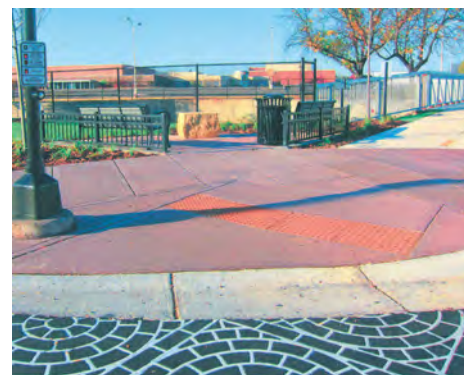




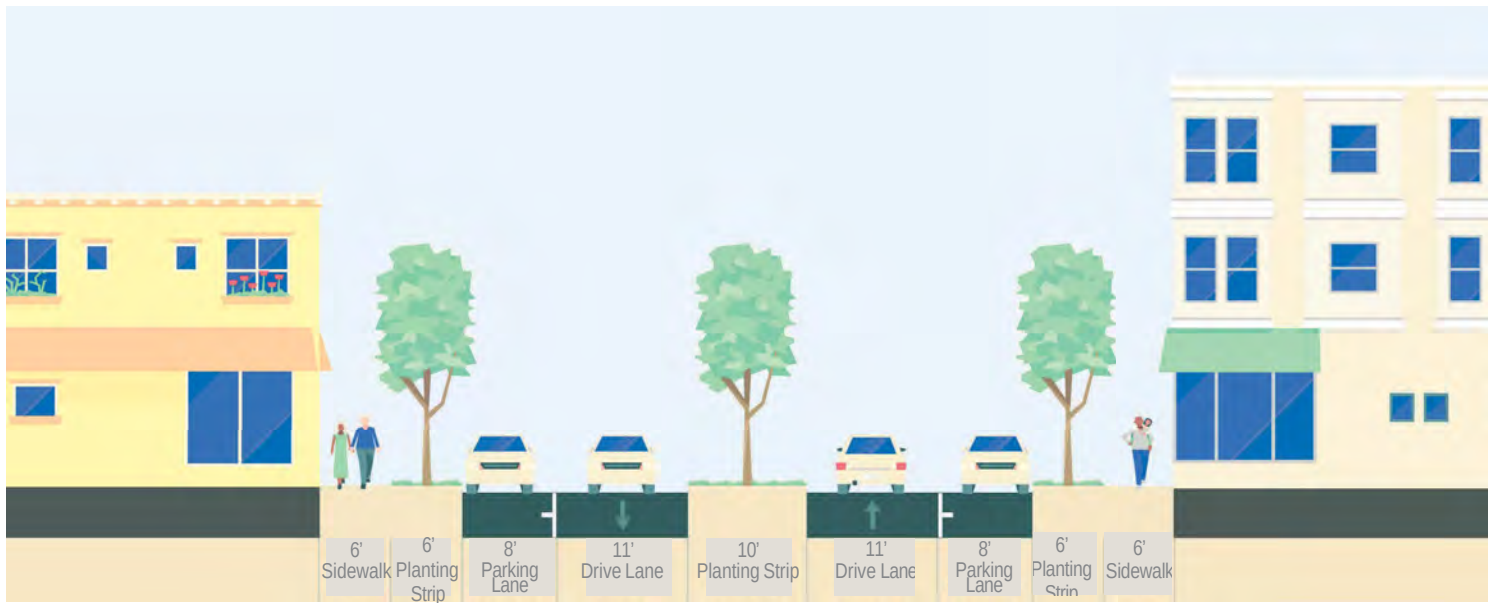


**County Road, Mid-Block (top), Corner/Intersection (bottom).** The County Road street type has a 120-foot wide standard right-of-way. County Engineering standards apply and through current traffic and future demand analysis, the roadway section may include turn lanes, two-lane or four lane sections and required clear zones for safety. On CR 116 within the Town Center, gateway intersections and planted medians reinforce the road's role to support the Downtown Core. At gateway corners along CR 116, pedestrian amenities should reinforce the gateway character and include high visibility safety features including crosswalks with crossing countdowns lights, center refuge medians, wide pedestrian level pavements and enhanced lighting. On road bike lanes exist on CR 116 today and fit within the future section. Not all county roads are planned to include on-road bike lanes

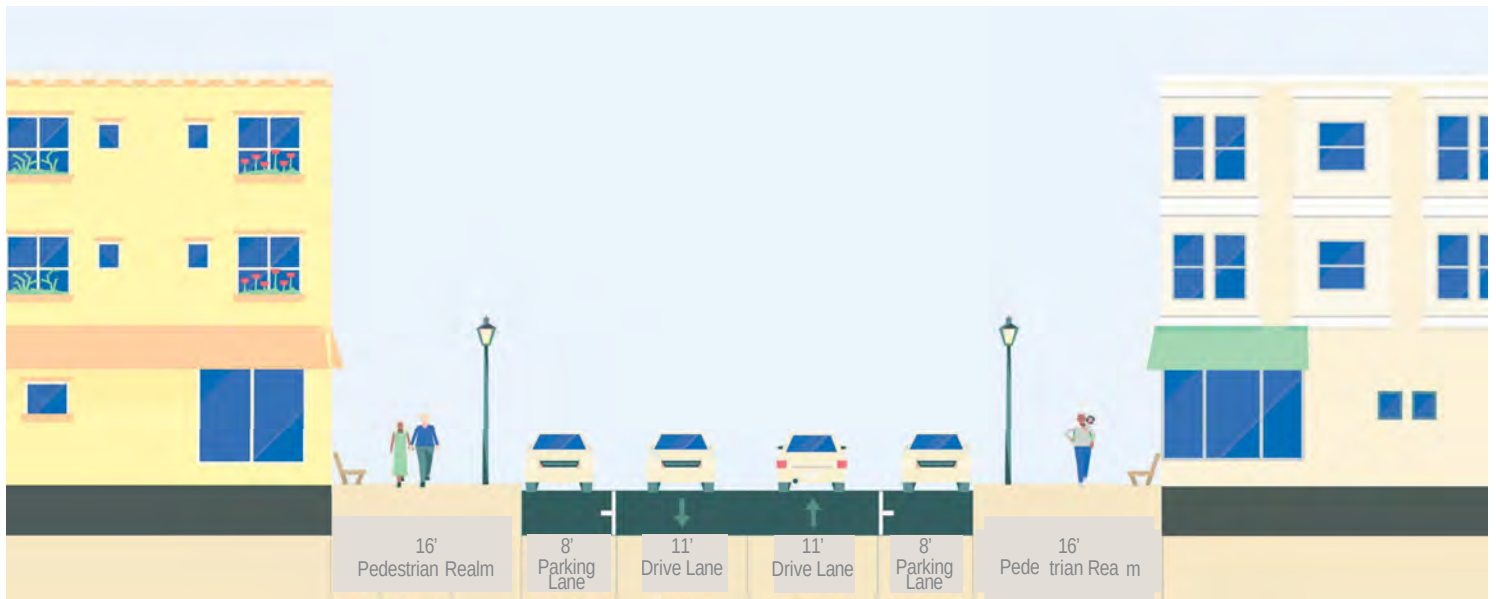
**Enhanced Pedestrian Node.** (Right) Major crossings of County Roads should have enhanced pedestrian nodes including extra wide concrete landings upon which to wait safely, detectable warnings, and clear crosswalk markings. This example connects a City sidewalk to a Three Rivers Park System trail and so is further enhanced with benches, litter receptacles, wayfinding, decorative fencing, and stone pedestals for future art installation.







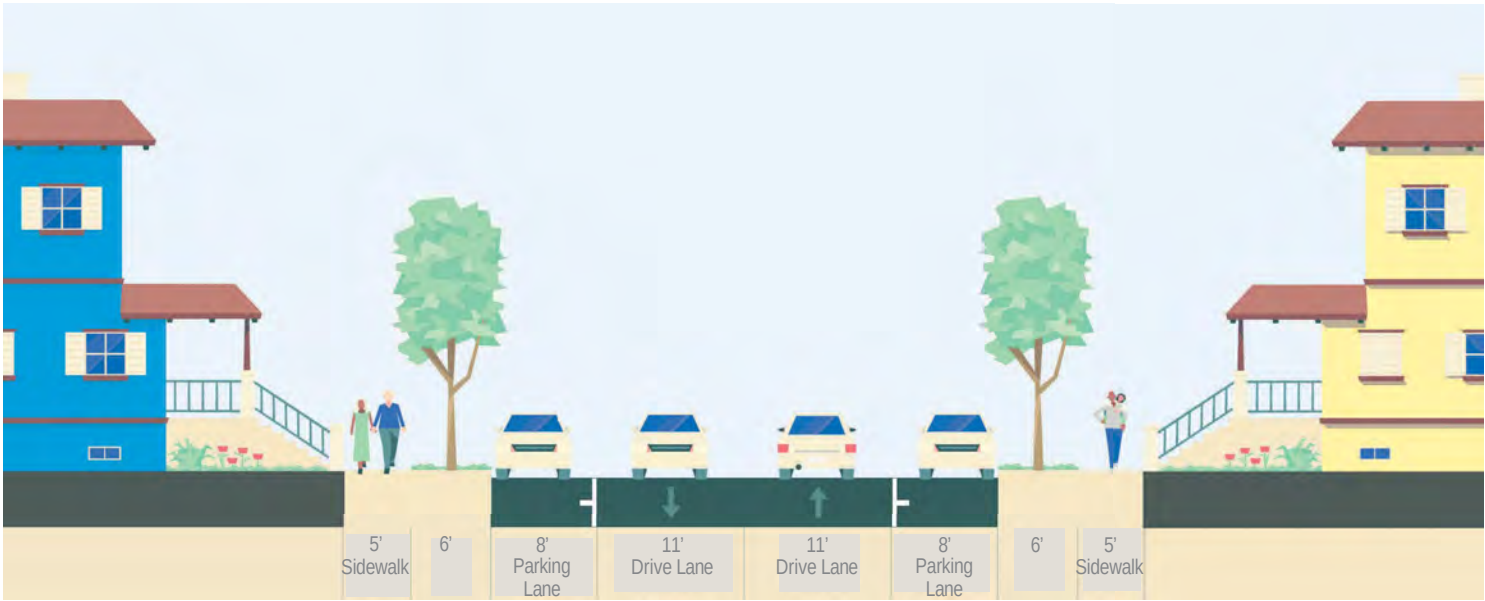
**Parkway Street.** This tree lined street has a 72-foot wide right-of-way and a center median with trees. The median may have turf or perennials and shrubs depending on the surrounding context. Parkways at the entrance to a neighborhood or district are logical places for upgrading the median plantings to perennials and shrubs with trees. In special cases, the median may be depressed and function as a stormwater amenity. In this case, upgraded plantings are advised. The City Engineer may reduce or eliminate on-street parking for this street type outside the Town Center depending on the surrounding context.



**Main Street** is characterized by a 70-foot right-of-way width. Buildings should have a zero setback. The pedestrian realm is an urban streetscape with space for window shopping, furnishings, pedestrian level lighting, overstory trees and planters.

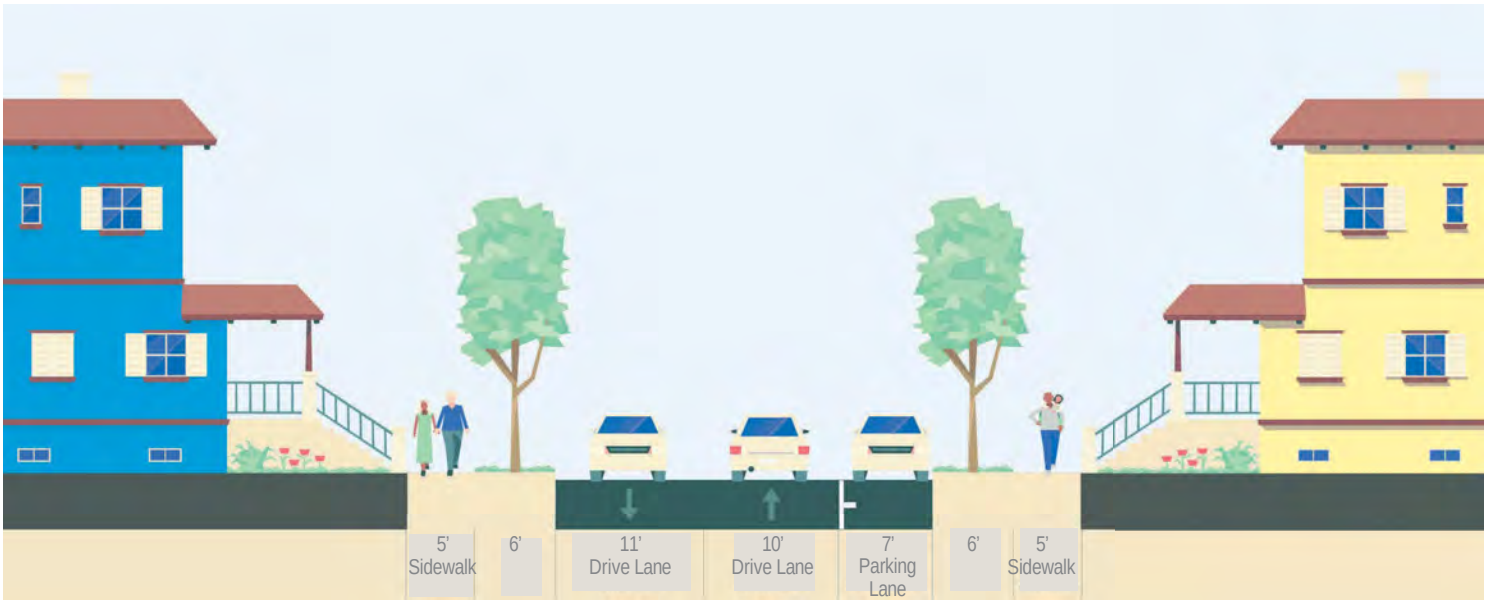
**Main Street Pedestrian Realm.** The pedestrian realm on Main Street is 16-feet wide from back of curb to building face. Amenities supportive of the building uses are encouraged including: patio seating, benches, bicycle racks, litter receptacles, and planter pots with seasonal displays. Infrastructure like pedestrian level lighting, street trees in landscaped boulevards are also appropriate.





**Connector Street.** The Connector Street has a 60-foot right-of-way and prioritizes movement across the community. Setbacks vary by district, but the frontage is consistently a sidewalk in the throughway and a turf boulevard with regularly spaced overstory and tall ornamental trees.

**Local Street.** The Local Street has a 50-foot right-of-way with parking on one side and serves the movement needs of neighborhood residents. Setbacks vary by district, but the frontage is consistently a sidewalk in the throughway and a turf boulevard with regularly spaced overstory and tall ornamental trees. The drive lane near the curb is slightly wider to accommodate vehicular buffer space.



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### Landscaping and Screening

Site design and landscaping should be designed to work with the existing topography of the area, preserving the rolling hills, Rush Creek natural resources corridor, woods and wetlands, and natural viewsheds and corridors.

Landscape screens with berms, hedgerows, and a variety of deciduous and coniferous native trees and shrubs should be incorporated to minimize undesirable views from the public realm.

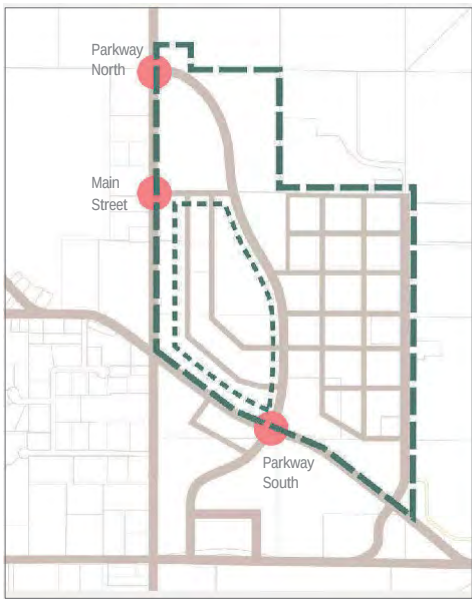
### Signage and Gateways

Signage should be designed as an integral part of the building and site design and shall comply with the requirements of Chapter 84 of the City Code.

The City will work with developers to:

- Include gateway signage at key intersections along County Road 116 and the Town Center.
- Incorporate landscaping, lighting and hardscape to anchor the gateway’s visual presence.

**Gateways.** City Center Drive, Main Street and Larkin Road, primary and secondary entrances to the Town Center, should have gateway amenities, landscaping, monument signage and lighting.







## Stormwater Management

Water features and drainage systems are essential components of development in the Southeast District. A mix of ponds, fountains and other water elements provide focal amenities and year round activities within the framework of an environmentally responsible, visually pleasing strategy to manage stormwater. A series of regional stormwater ponds is envisioned, but each site has a responsibility to utilize best management practices (BMP) to pretreat run-off, reduce erosion and encourage infiltration in compliance with City and Elm Creek Watershed Management Commission standards. Water and landscape should be utilized within multipurpose areas that accommodate both active and passive recreational use – the following examples illustrate only a few of many possibilities:

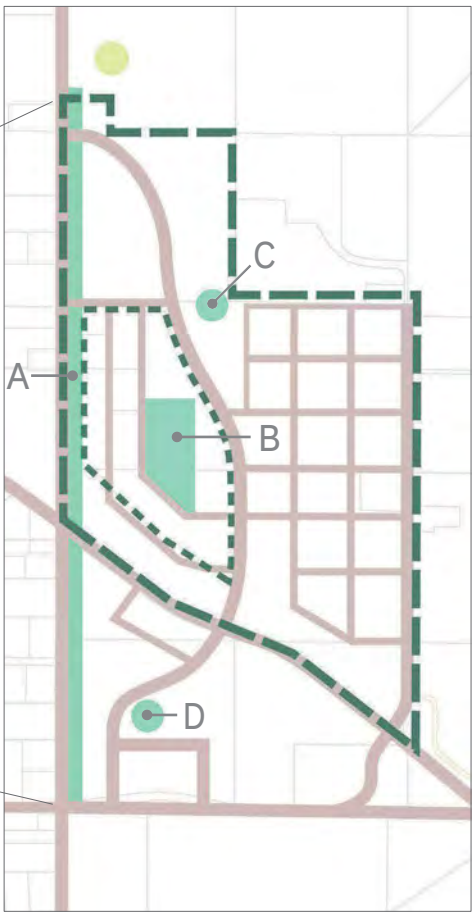
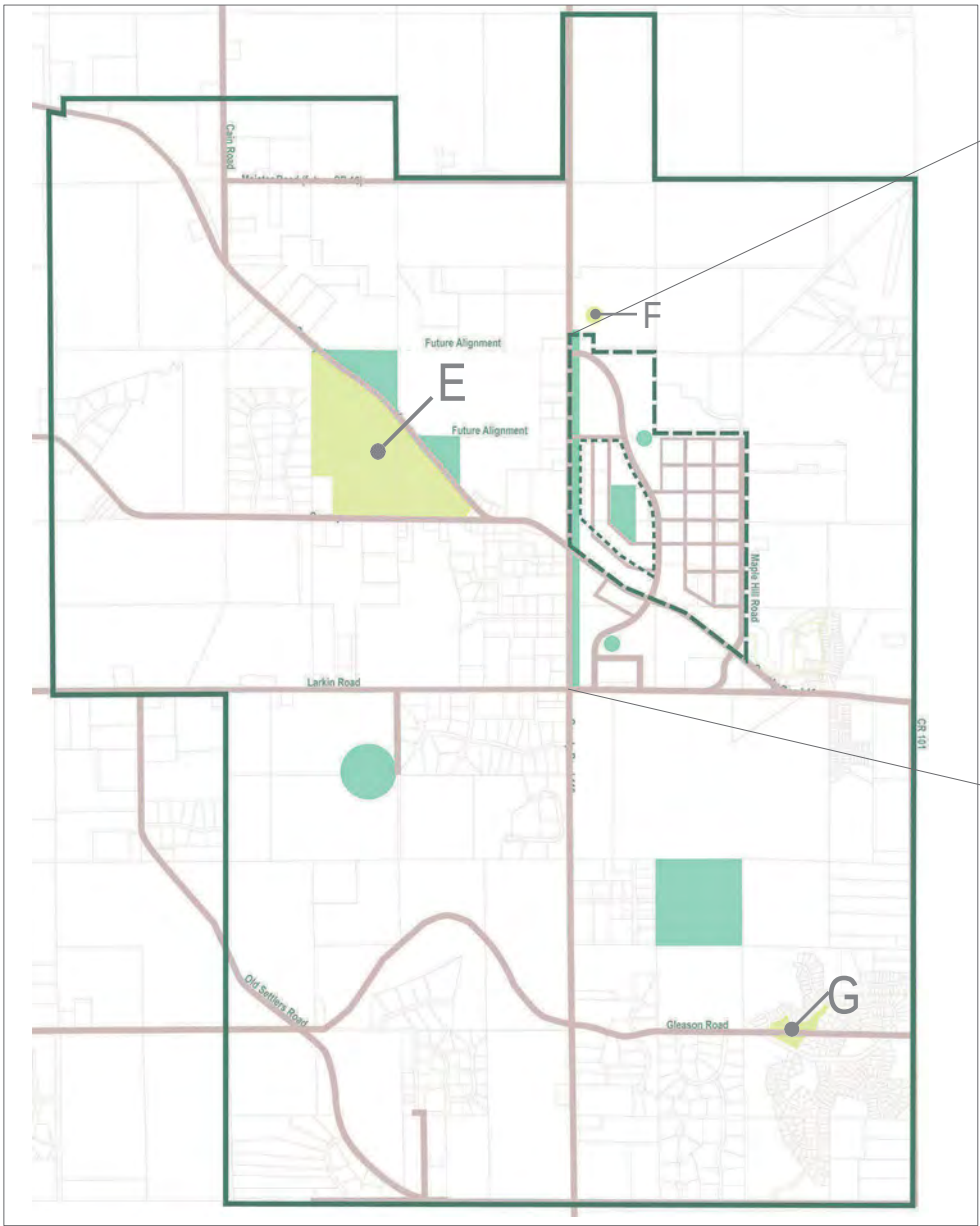
1. Pervious pavements, underground storage and other creative techniques should be used to BMP standards, particularly in the Town Center where more density is expected.
2. Green architecture, expressed through green roofs, gray water recycling and other techniques should be included to reduce the impact of new development on stormwater systems
3. Water feature design should include both formal elements (such as reflecting pools or fountains) and natural/informal forms (such as ponds or fountains) and should explore creative ways to integrate wet landscapes with active, urban spaces.



**Stormwater Management.** Stormwater management infrastructure can take a variety of forms. Master planning regional stormwater is the most efficient use of land. Other options include a hard working below ground system that is topped by a parking lot, streetscape or even a planted swale. These examples of stormwater infrastructure are from various locations around the Twin Cities metro area (top left to bottom right) planted swale within a parking lot, infiltration system under a parking lot, structural cell streetscape system, infiltration trench within a county road median.







### Southeast District Parks

Within the Town Center, the linear park along County Road 116, the Town Square, and two small neighborhood playgrounds serve residents and visitors.

- A. Linear Park
- B. Town Square
- C. Neighborhood Park
- D. Neighborhood Park
- E. Corcoran Community Park
- F. City Park near City Hall
- G. Wildflower Park

## Parks, Trails and Public Space

The linear park (A) should continue north and south through the town center on the East side of County Road 116, with trail connections to new civic and community spaces and uses. Safe, convenient pedestrian crossings are a priority within the entire Southeast District.

New public spaces, parks, and common greens or open space should be linked to other community parks and open space with trail connections to the existing and proposed City parks and trail system.

The only active park currently in the Southeast District is Corcoran Community Park (E). The park will likely change over time as the former Rockford school property is developed and road connections in this area are modified, but this will continue to be an important park in the City system and priority should be given to ensuring strong bike and pedestrian connections to this park and other planned parks in the district. A second City park is being developed on the City Hall property (F) and could be expanded to take advantage of the woodland area on the east side of the City Hall property.

A new Town Square (B) is planned in the Downtown Core. The Town Square will serve as a social center for the community, suitable for concerts and celebrations, but also as a place to enjoy the scenes of downtown. Picnic tables for lunch, benches for people watching, the Town Square will be a public space to support a bustling downtown.

Two small neighborhood parks (C & D) are also planned in and near the Town Center, one each to the north and south of the Downtown Core. These parks will include walking trails and playgrounds. The neighborhood park on the north is nestled in an existing woodland, and will provide interesting walking trails, connecting to City Hall, ample shade, and an opportunity for an exercise circuit (Par Course) for the adjacent senior housing development. The southern neighborhood park is perched on a terrace above the wetland and offers great views across the landscape. A playground and trails through the wetland prairie will offer birdwatching and contemplation.

All three parks will be developed when the adjacent property is platted. Another park is proposed in the Southeast District near Blue Bonnet Drive and in the Northwest corner of the Ravinia development. Wildflower Park (G) was recently developed in the Ravinia development.



Par Course Station



Woodland Playground



Wetland Overlook





Public green space, within close proximity to homes and businesses, is a vital part of a healthy community. A Town Square is meant to serve as a community gathering place for celebrations throughout the seasons. This example from Burnsville is a modern destination surrounded by civic, retail and residential uses.

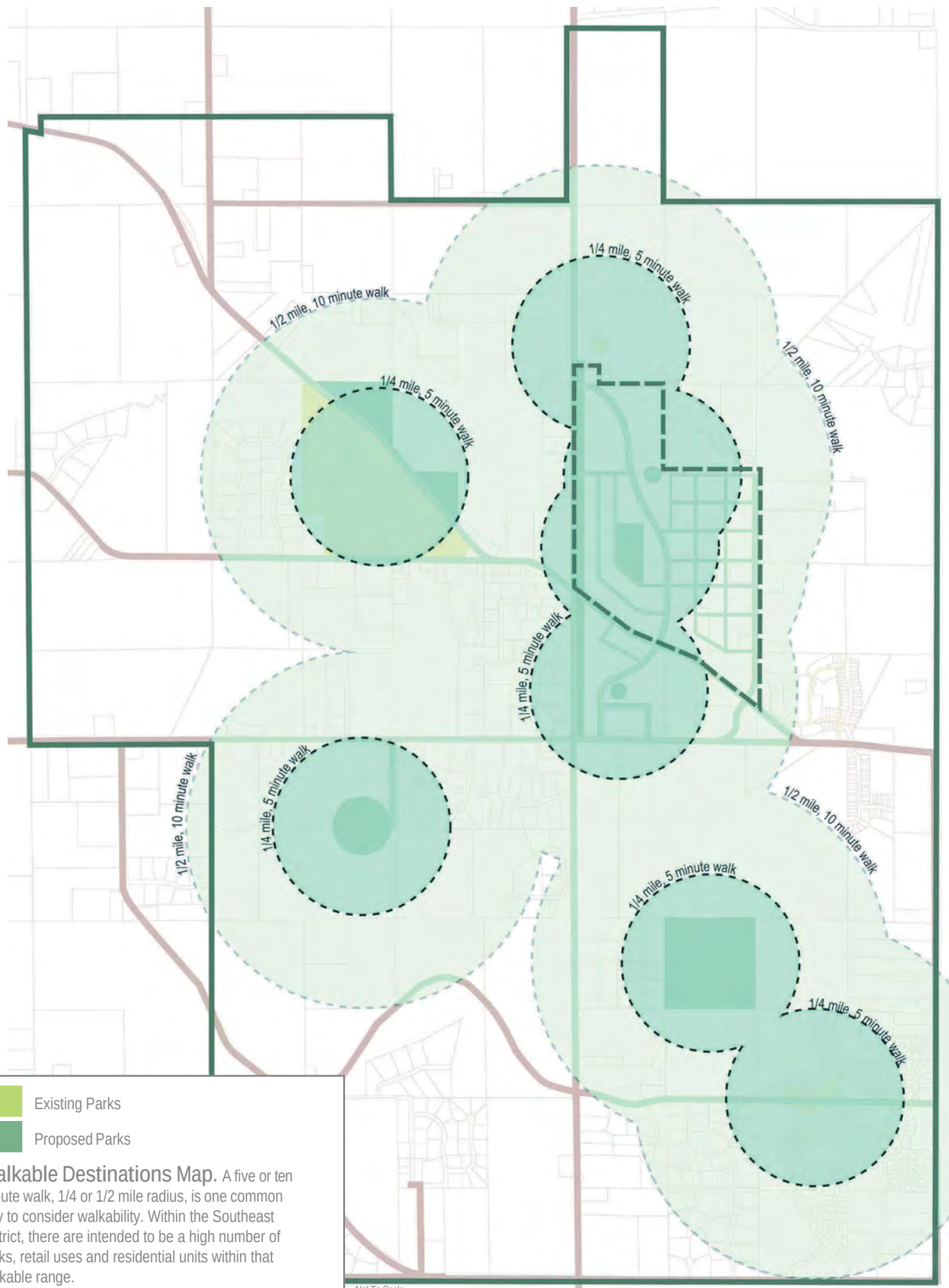


Temporary winter uses like a small ice rink could double the value of a bandshell or picnic pavilion when considered as a warming house in the cold season. Olympic Plaza in Whistler below creates an irregular shaped rink for casual and family use.





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## Healthy Communities

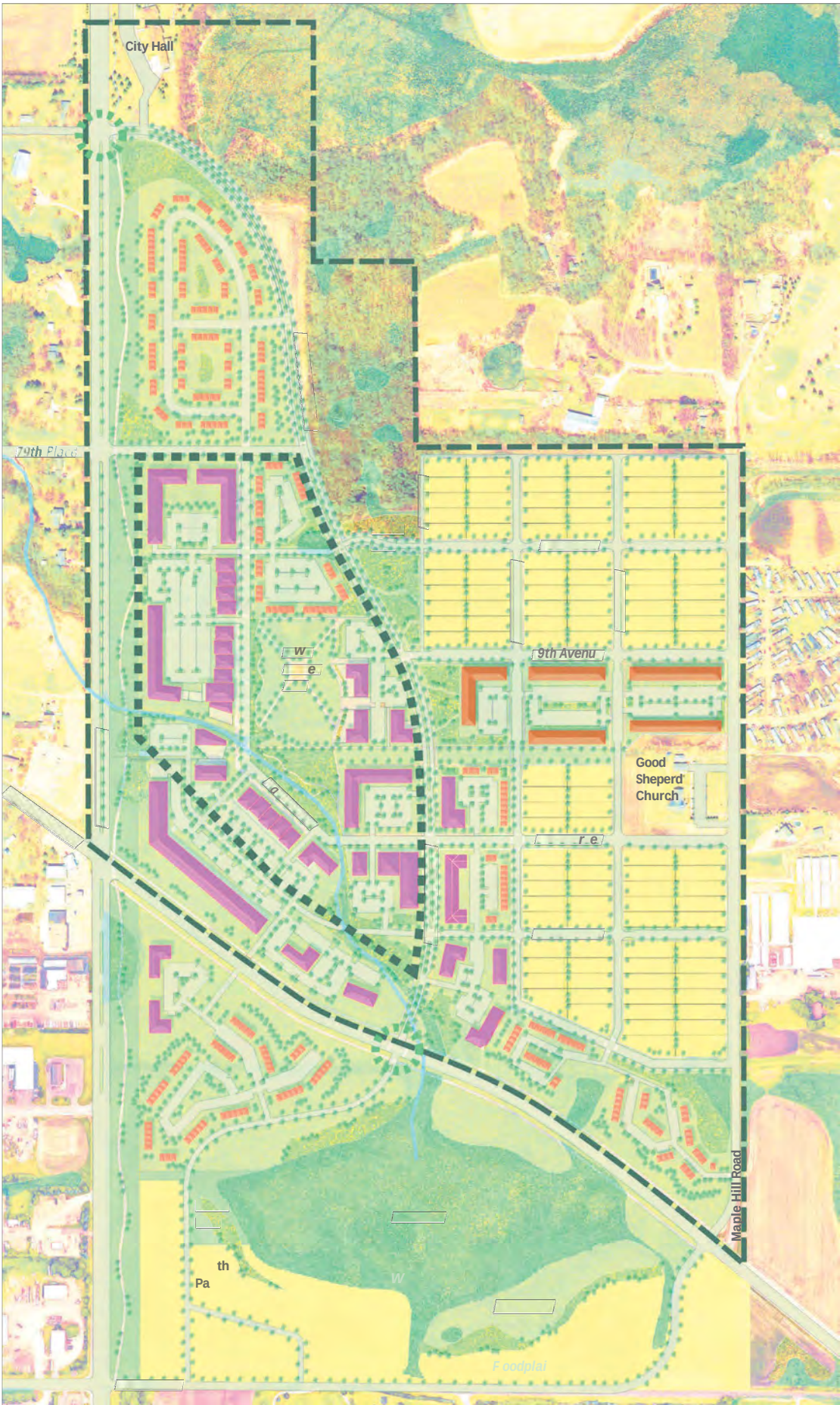


While developing these guidelines, the City of Corcoran was mindful of how community design impacts the health of the people who live, work, play, learn and worship in the city. Communities around the country are increasingly aware of the impact that land-use and transportation have on people's ability to be active and access healthy food. We also know that a lack of physical activity, combined with diet, is one of the leading factors behind the increase in chronic diseases, such as heart disease and type II diabetes.

Sidewalks, trails, bike lanes and parks all provide opportunities for people to be physically active, both recreationally and by incorporating activity into their daily routines. Mixed-use and higher density developments also encourage people to be active by making it easier to bike and walk to destinations rather than driving. When developing the plan and design guidelines for the Southeast District (including the Town Center and the Downtown Core), we looked at the following considerations:

- **An integrated transportation network:** Streets connecting residential areas to the Downtown Core are safe, appealing and accessible to people walking and biking, as well as people driving motor vehicles. A combination of off-road and on-street bike and pedestrian facilities are included to give people safe and convenient options for active transportation.
- **Accessible destinations and inviting design:** Housing, retail and other destinations are located in or near the downtown to invite walking by creating pleasant and safe routes.
- **Green space:** A new Town Square and neighborhood park create additional opportunities for physical activity and promotes social connectedness.





Town Center Concept Plan

Legend

- Mixed Use
- Town Homes
- Apartments
- Single Family
- Town Center
- Downtown Core
- Gateway Nodes

Not To Scale





# Town Center

## Overview

The Town Center is the walkable traditional neighborhood supporting the Downtown Core. The Town Center is bound by City Hall on the north, County Road 10 on the south, County Road 116 on the west and Maple Hill Road on the east. The Town Center is intended to support the Downtown Core through walkable blocks, a variety of housing types and densities, and a unified public realm aesthetic. The Downtown Core is a subset of the Town Center and shall have additional design guidelines.

All development within the Southeast District will be based on an integrated transportation network that connects residential neighborhoods with the existing business park on the west side of County Road 116 and the Downtown Core on the east side of County Road 116. A combination of off-road and on-street bike and pedestrian facilities are included to give residents and visitors safe and convenient options for active transportation as an option to driving.

Special emphasis will be placed on providing accessible destinations and inviting design. Housing, retail and other destinations are located in or near the Downtown Core to invite walking by creating pleasant and safe routes within the Town Center. A Town Square, City Hall Park and two small Neighborhood Parks create additional opportunities for physical activity and social connectedness.

Uses within the Town Center include: mixed use, public/semi-public, and mixed residential. The Town Center shall be developed in compliance with the standards in the Zoning Ordinance and these guidelines. The entire Town Center is guided Mixed Use in the 2040 Comprehensive Plan. This land use category would allow development in this area by Planned Unit Development (PUD). This district provides a variety of anticipated uses and the City developed the Town Center master plan as their preferred vision for the area; however, the City is willing to evaluate other uses provided that the spirit and intent of the Town Center master plan is preserved.

Town Center Development Potential: The concept developed for the new Town Center includes the following development potential:

| Concept Areas             |                  |
|---------------------------|------------------|
| Town Center               | 200 acres        |
| Downtown Core             | 40 acres         |
| Use                       | Size (estimated) |
| Mixed Use                 | 440,000 sq. ft.  |
| Single Family Residential | 150 units        |
| Townhomes                 | 170 units        |
| Apartment/Condo           | 500 units        |
| Town Square Park          | 7 acres          |
| South Neighborhood Park   | 1.1 acres        |
| North Neighborhood Park   | 3.0 acres        |
| Linear Park               | 9.0 acres        |





Reinforcement of the street edge with low walls and landscaping.

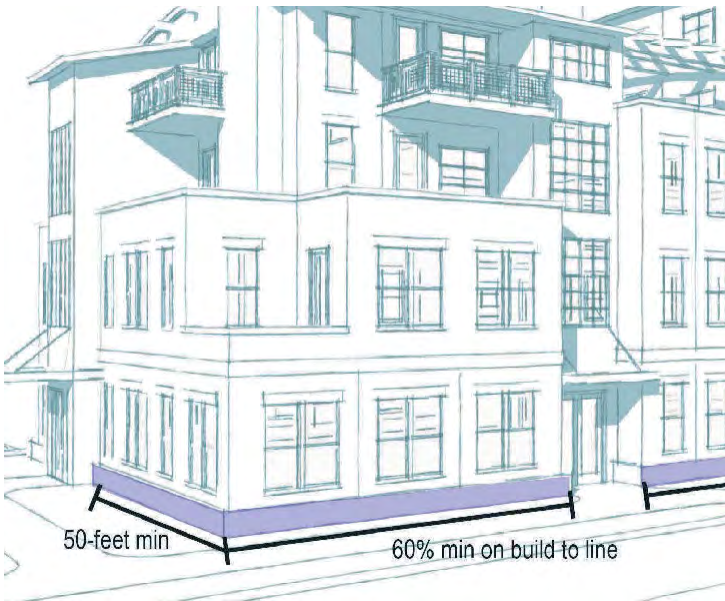


Diagram of building frontage requirements for primary street and corner lot frontage.

### Buildings - Placement, Massing and Height

The area and setback requirements shall be as noted in the Zoning Ordinance for the district in which the property is located, except that additional standards shall be required for the Downtown Core as noted elsewhere in this document. Placement of non-residential and multi-family residential structures should support a higher level of consideration as described in this section.

**Street Edge Requirement.** A consistent street edge must be maintained at the right-of-way line along all street frontages. Street edge elements may consist of the primary building, low masonry walls, fences, landscaping or a combination of all of these elements.

**Zero Lot Line Buildings** are encouraged within the Town Center and particularly in the Downtown Core.

**Building Frontage.** At least 60% of the primary street linear frontage of each lot shall be occupied by a building at the required build-to line. Other portions of a building beyond the 60% may be set back farther than required by the build-to line. In addition, on corner lots, a minimum of the first 50 feet of the lot frontage on either side of a street intersection must be occupied by buildings set at the build to line. Parking or other space open to the sky is not allowed within this first 50 feet.

The build-to line may be met either with an enclosed building or an arcade constructed with a permanent roof of the same materials as the remainder of the building.

**Height.** Multi-story buildings (greater than two stories) built to the maximum heights permitted by zoning are encouraged.

Stepping portions of upper stories back from the line of the front façade to provide areas for outdoor terraces and rooftop patios is encouraged.

New single story commercial building types with flat roofs shall have a minimum cornice height of 20 feet to better define the street.



Architectural screening and plantings minimize the visual impact of necessary but unappealing portions of this apartment building.

## Screening and Loading

**Ground Mounted Mechanical Equipment** shall be fully screened and properly maintained with material similar to or compatible with material used on the main structure. Screened mechanical equipment shall not be located in the front side yard, but may be located at the side or rear yard.

**Trash and Recycling Storage** areas shall be designed internal to the principal building and shall not be allowed in an external fenced structure. Trash and recycling storage area doors shall not be located on the primary front elevation of building, but may be located in the side or rear yard.

**Loading Areas and Docks** shall be limited to the rear of the principal building and shall not be visible from the street. These areas shall be screened from adjacent residential areas by fencing, walls, or landscaping. Screening shall block views from public right-of-way or adjacent uses and shall be equally effective in winter and summer.





## Facades

Facades for non-residential and multi-family residential structures should support a higher level of design as described in this section.

**Architectural Style** shall not be restricted. However, Architectural Styles as described in Section Two are encouraged. Evaluation of a project shall be based on the quality of its design and on its relationship to its surroundings, guided by the provisions in these guidelines and the Zoning Ordinance.

The architectural appearance, including building character, permanence, massing, composition, and scale of all principal buildings shall comply with the Master Plan.

**Franchise architecture** (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is prohibited unless it employs a traditional storefront commercial style. Franchises or national chains shall follow these guidelines to create context-sensitive buildings that are sustainable in that they can be reused by other types of business.

**A - Entrances.** The main entrance shall face the primary street with secondary entrances to the side or rear. In the case of a corner building or a building abutting more than one street, the City will determine which street should be considered primary.

**B - Appearance.** All sides of buildings shall have an equal appearance in terms of materials and general design.

**C - Windows.** At least 40% of the wall surface at the street side of the first story, non-residential, shall consist of clear windows and doors that allow a view into the working areas, lobbies or display areas.

**D - Roofs.** Building facades that exceed 100 feet in length measured along the street frontage shall have variations in roofline or rooftop parapet. Rooftop equipment shall be concealed behind parapets or screened from the view of pedestrians.

**E - Elements.** All buildings shall include the following elements:

- Accent materials shall be wrapped around all walls;
- Complementary major material colors.

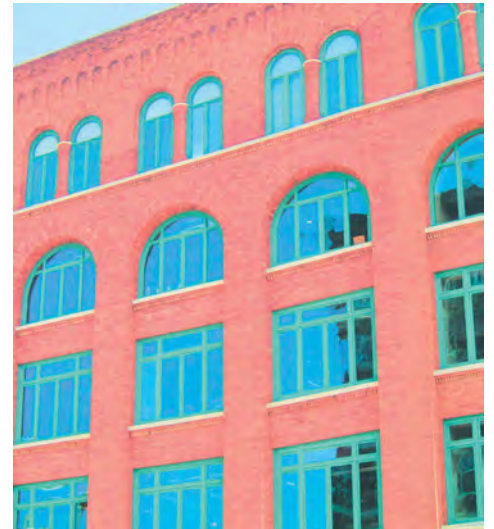
**F - Articulation.** Any exterior building wall adjacent to or visible from a public street, public open space, or abutting property may not exceed 40 feet in length without visual relief consisting of one or more of the following:

- The facade shall be divided architecturally by means of significantly different materials or textures, or
- Horizontal offsets of at least four feet in depth, or
- Vertical offsets in the roofline of at least four feet, or
- Fenestration at the first floor level which is recessed horizontally at least one foot into the facade.



**G - Materials.** Exterior building materials shall be classified either primary, secondary, or accent materials. Primary materials shall cover at least 60% of the facade of a building. Secondary materials may cover no more than 30% of the facade. Accent materials may include door and window frames, lintels, cornices, and other minor elements, and may cover no more than 10% of the facade. Allowable materials are as follows:

- Primary exterior building materials may be brick, stone (natural or cultured) EIFS, stucco, architectural precast concrete or glass. Bronze tinted or mirror glass are prohibited as exterior materials.
- Secondary exterior building materials may be any of the primary building materials above or decorative block, integrally colored stucco, or fiber cement siding (color impregnated or painted) in vertical panel design only with hidden seams.
- Accent materials may be wood, metal or fiber cement when used in trim, fascia or soffit if appropriately integrated into the overall building design and not situated in areas which will be subject to physical or environmental damage.
- All primary and secondary materials shall be integrally colored, except where otherwise stated.
- Decorative block shall be colored only by means of a pigment integral to the block material, not applied to the surface.
- Sheet metal, corrugated metal, iron, shakes, plain flat concrete block are not acceptable as exterior wall materials.







## Streets

Walkability is a priority in the Town Center. All streets and crossings should be safe and accessible for pedestrians with enhancements to support low speed vehicular travel, on street parking, and adequate right-of-way for healthy tree canopy. Design components should include paving or striping of crosswalks, curb extensions, pedestrian level and roadway level lighting, tree lined boulevards.

**Bike lanes** can be strategically incorporated on major east/west connectors via the, Bikeway Street type, to provide thoughtful bicycle routes between the County Road 116 linear park into the Town Center district neighborhoods and beyond.

**Sidewalks** are required along all streets within the Town Center. The location and alignment of new sidewalks shall connect directly with adjacent existing networks. The width of the sidewalk shall be consistent with City policy and the design guidelines.

Where the sidewalk along the public street is interrupted by a curb cut, the walkway across the driveway shall be delineated by elevated pavement or by use of contrasting pavement materials that meet ADA accessibility standards.

**Parking.** On-street parking shall be incorporated with the street design within the Town Center. Parking zones shall be defined either by curbing or with a change in paving materials.

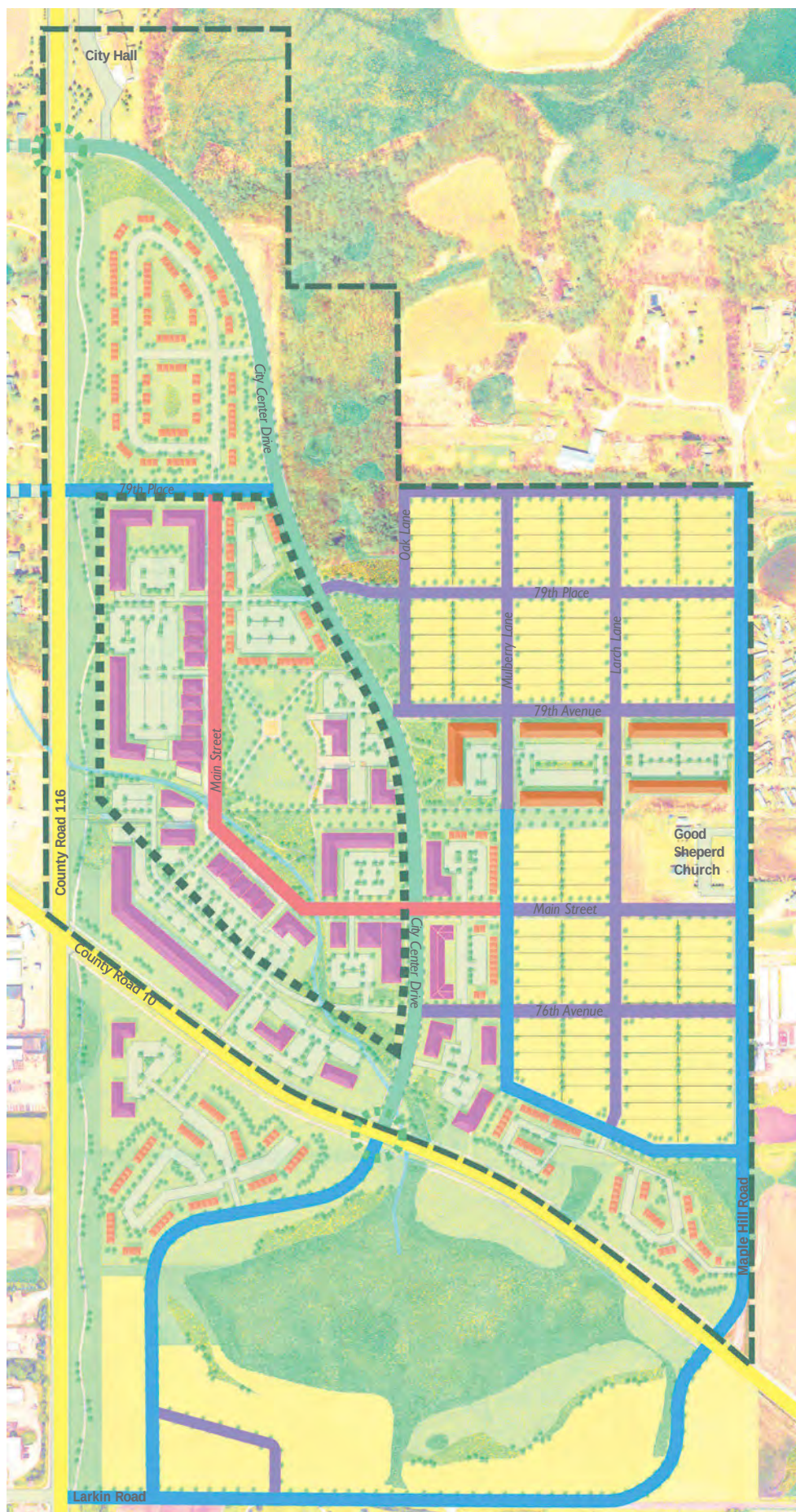
**Curb Cuts.** The number and width of curb cuts shall be limited in conformance with City policy. Sites with multiple buildings shall have unified/joint access.

**Utility Installation.** New utilities shall be placed underground. Compatible lines (e.g., electric, phone, cable) shall be placed in a common trench.



## Southeast District Street Types

| Type                        | ROW Width |
|-----------------------------|-----------|
| County Road                 | 120 feet  |
| Parkway Street              | 72 feet   |
| Main Street (Downtown Core) | 70 feet   |
| Connector Street            | 60 feet   |
| Local Street                | 50 feet   |







## Parking and Access

No parking spaces shall be located on corner lots at the point of street intersections. In the Downtown Core, parking is desired to be located behind the buildings.

**Reductions.** Per Section 1060.060 of the Zoning Ordinance parking may be reduced by:

- Up to 20% of required off-street parking spaces in the case of shared parking between abutting uses or use of public parking.
- One parking space for each on-street parking space provided at the lot frontage on a public street adjacent to the lot.

**Pedestrian Circulation.** Clearly defined, safe pedestrian access shall be provided from parking areas, adjacent public rights-of-way, and public and private open space to building entrances. Pedestrian walkways traversing parking lots with more than 60 parking spaces shall meet the following guidelines:

- Walkways adjacent to parking spaces shall be at least five feet wide and shall be separated from vehicles by curbing or landscaping.
- Walkways that cross parking lot drive aisles shall be delineated by stripes, contrasting pavement materials, elevated pavement, or a combination of these measures.

**Bicycle Parking.** Non-residential developments shall strive to provide bicycle parking spaces in a convenient, visible, preferably sheltered location.



## Landscaping and Screening

Parking bays shall have landscape islands at each end, and bays in excess of 15 spaces in length shall be divided by intermediate islands. Landscape islands shall provide at least 360 square feet of area for planting trees, shrubs and/or groundcovers. Intermediate landscape islands shall provide at least 180 square feet of planting area.

A landscape buffer of a minimum five feet in width shall be provided between all parking areas and the public sidewalk. The buffer shall consist of shade trees, low shrubs or perennial flowers and a decorative fence or masonry wall. Plantings and parking lot screen walls or fences shall be no less than three feet and no more than four feet in height to allow views into and out of parking areas

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 and trees.

Landscaping shall include a full complement of overstory, ornamental and evergreen trees, shrubbery and ground covers which are hardy and appropriate for the locations in which they are planted and provide year-long color and interest.

## Suggested Trees for the Town Center

Valley Forge Elm, *Ulmus americana* 'Valley Forge'

Bitternut Hickory, *Carya cordiformis*

Sienna Glen Maple, *Acer x freemanii* 'Sienna'

Boulevard Linden, *Tilia americana* 'Boulevard'

Ohio Buckeye, *Aesculus glabra*

Ginkgo (male), *Ginkgo biloba*

Bicolor Oak, *Quercus bicolor*

Northern Red Oak, *Quercus rubra*

Princeton Elm, *Ulmus americana* 'Princeton'

Accolade Elm, *Ulmus x 'Accolade'*

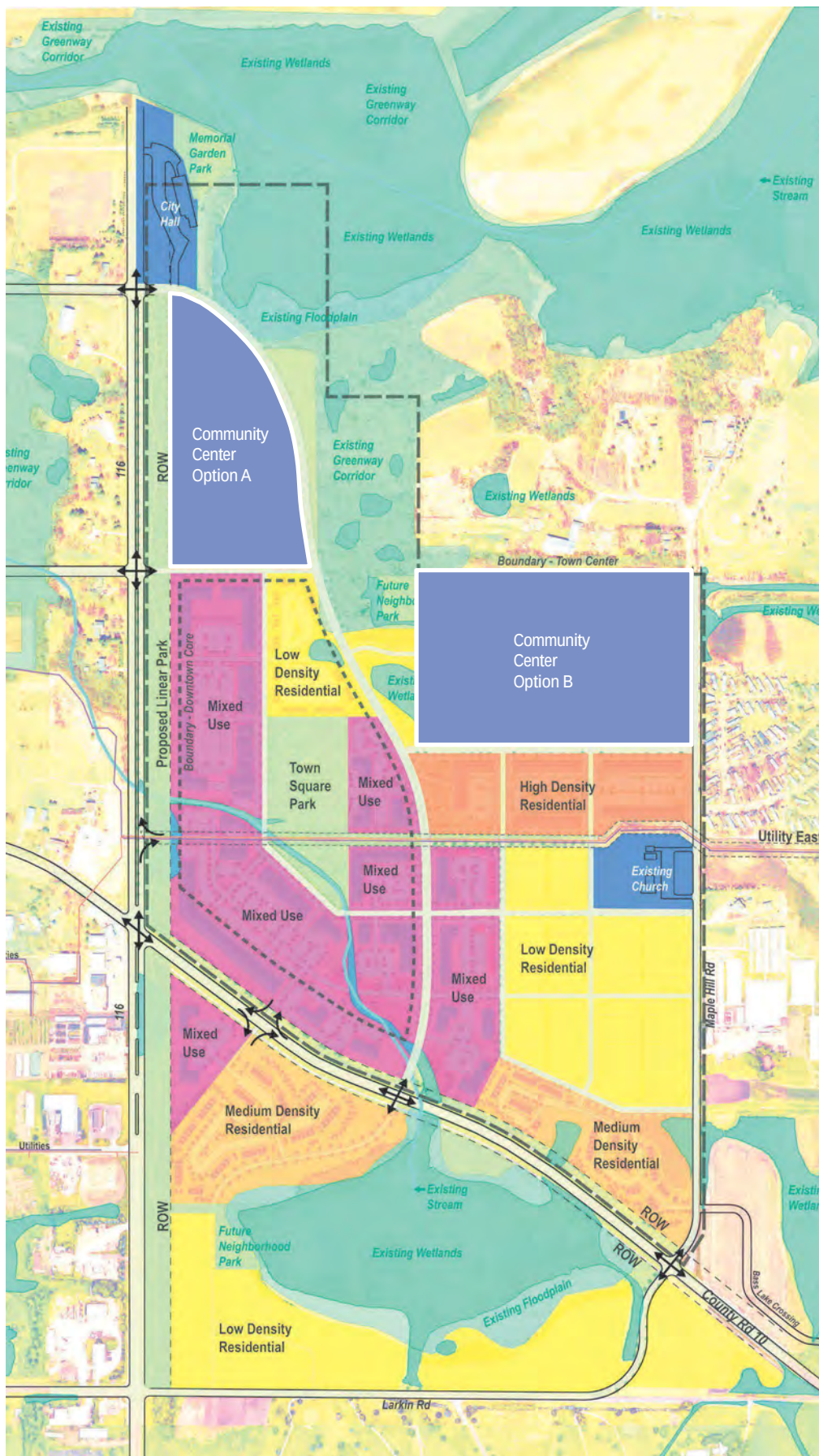
River Birch (single stem), *Betula nigra*

Korean Mountain Ash, *Sorbus alnifolia*

Crabapple species (persistent fruit)

Japanese Tree Lilac, *Syringa reticulata*



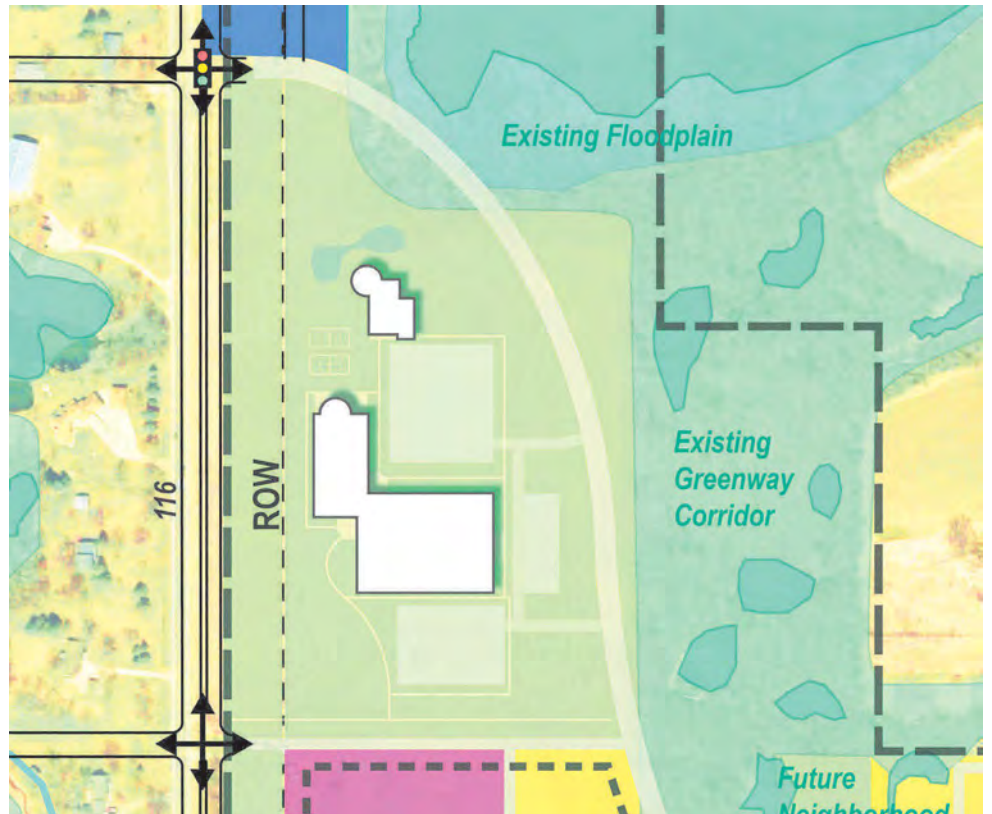


## Community Center

The Town Center is intended to be a community gathering space. As such, the City may wish to allow space within the Town Center for a community center that could include recreational space, meeting space and similar uses. This would likely be a public/private partnership if it were to develop. This exhibit is intended to identify the two preferred locations for this type of facility and provide a concept for the size of facility that could be accommodated on either site. This is intended to serve as an alternative to the land use concepts envisioned in the Town Center plan.

#### Community Center Option A

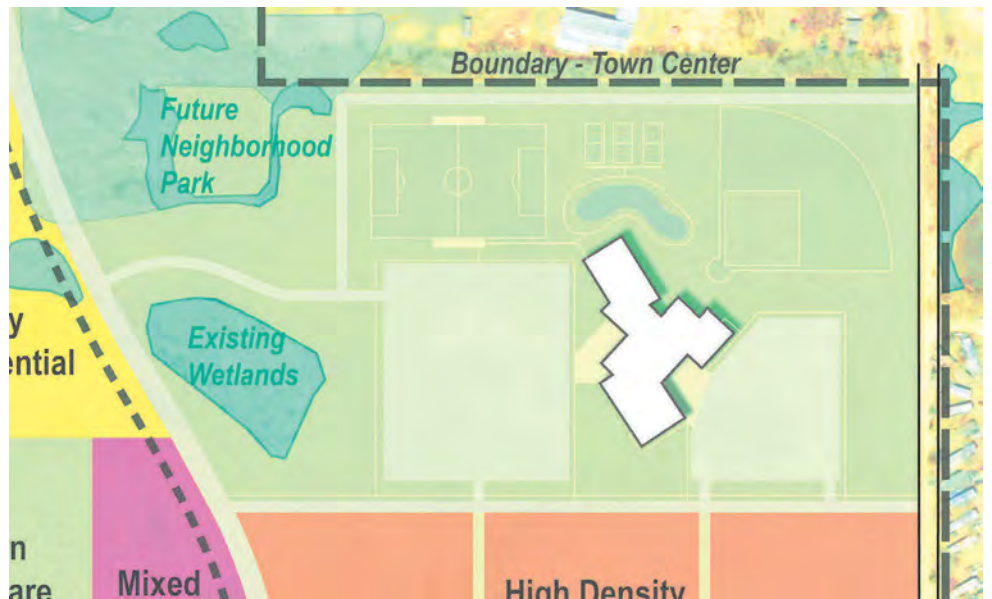
|                         |        |
|-------------------------|--------|
| Site Area (Acres)       | 14.1   |
| Building Footprint (SF) | 80,500 |



Community Center Option A

#### Community Center Option B

|                         |           |
|-------------------------|-----------|
| Site Area (Acres)       | 23.0      |
| Building Footprint (SF) | 1,001,408 |



Community Center Option B



**Downtown Core Map:**

The Downtown Core is focused along Main Street and around a Town Square. Commercial mixed-use (which may include first floor commercial with residential above) is intended for a majority of the Downtown Core with medium and high-density residential uses supporting at the periphery.





# Downtown Core

## Downtown Core Objectives:

1. Downtown Core maintains the unique heritage and history of Corcoran.
2. Downtown Core is where the community gathers.
3. Downtown Core provides safe, convenient access for pedestrians, bicycles and vehicles.
4. Downtown Core provides the daily retail and service needs for the community.
5. Downtown Core is a mix of businesses, public spaces and residential neighborhoods that are connected by complementary design elements and streetscapes.
6. Downtown Core is a destination for the region.

## Overview

The Downtown Core is the commercial and civic heart of Corcoran. It is bound by 79th Avenue on the north, County Road 10 on the south, County Road 116 on the west and City Center Drive on the east. This district is the six block Main Street area as shown on the Downtown Core master plan. It is intended to offer residents and visitors a central community place to serve their daily commercial and personal service needs, and to gather with their neighbors for civic celebrations and social events.

Through these guidelines, the Downtown Core will focus public and private investments in a smaller geographic area to support a critical mass of high quality development and public realm amenities.

Design requirements in this section are in addition to criteria set in the Downtown Mixed Use Zoning District and in these Guidelines. Where conflicts arise, this section shall prevail.

## Vision

Downtown Corcoran is a walkable, identifiable place that reflects the unique character of the community. A mix of restaurants, shops, and services will make it possible to meet daily needs all within a walkable area of the city. This pedestrian scale, with a cohesive building and landscape appearance, will identify this area as uniquely Corcoran.

## Site Development

Destination retail, restaurant and entertainment uses, particularly mixed with other synergistic uses, are encouraged. Development should be appropriate for a traditional downtown area, with mixed-use buildings combining retail, commercial, and multi-family residential uses.

## Buildings - Placement, Massing and Height

The area and setback requirements shall be as noted in the Zoning Ordinance for the district in which the property is located, except that additional standards shall be required for the Downtown Core as noted elsewhere in this document.

**Height.** Buildings are required to be a minimum of two stories in the Downtown Core. Stepping portions of upper stories back from the line of the front façade to provide areas for outdoor terraces and rooftop patios is encouraged.





### Suggested Trees for the Downtown Core

- Princeton Elm, *Ulmus americana* 'Princeton'
- Accolade Elm, *Ulmus x 'Accolade'*
- Skyline Honeylocust, *Gleditsia triacanthos* var. *inermis* 'Skyline'
- Valley Forge Elm, *Ulmus americana* 'Valley Forge'
- Boulevard Linden, *Tilia americana* 'Boulevard'
- Ohio Buckeye, *Aesculus glabra*
- Ginkgo (male), *Ginkgo biloba*
- Kentucky Coffeetree (male), *Gymnocladus dioica*
- Japanese Tree Lilac, *Syringa reticulata*
- Thornless Cockspur Hawthorne, *Crataegus crus-galli* var. *inermis*

### Streetscape

#### Trees and plantings

Overstory trees should be placed with regularity along street frontages in order to create dapple shade within 10-15 years. Space and placement of trees, lighting and signage should be thoughtfully considered to create a unified whole supportive of Downtown Core goals.

#### Furnishings

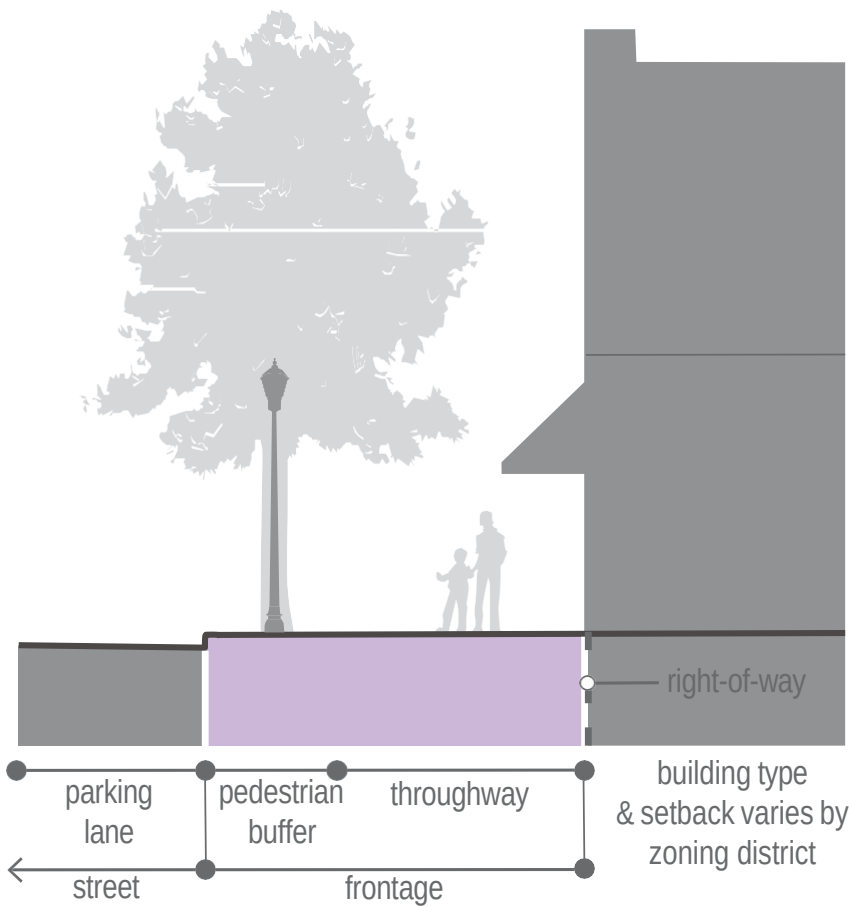
Main Street is designed as a traditional downtown main street, lined with street trees and planters, pedestrian level lighting, and furnishings including benches and trash receptacles. These elements shall also occur within the Town Center, to a lesser extent.

#### Outdoor Dining

Pavement widths are wider in the Downtown Core than in other areas of the City in order to support the widest variety of streetscape amenities. Outdoor dining shall be permitted through the Downtown Core and shall be placed in the pedestrian buffer area of the sidewalk section.

#### Awnings

Where awnings are used, canvas, fabric or vinyl awnings are preferable. If glass or metal awnings are employed, they shall closely complement the building's architectural character and aesthetic. The bottom of a window awning shall be set at least seven feet above the public sidewalk. Back lighted vinyl awnings and canopy signs shall not be used.



## Sidewalks and Boulevards

County Road 116 and Main Street in the Downtown Core warrants a unique design treatment. This intersection will be developed as the entry into the Downtown Core with appropriate identity elements. The County Road 116 linear park will offer trails through a landscaped open space, which extends into the Downtown Core and greater Town Center. The City will continue to work with Hennepin County to ensure that the ultimate design of County Road 116 respects the City's intention to develop a district that is safe and accessible for all modes of transportation, including walking and biking.

## Parking

1. No parking spaces shall be located on corner lots at the point of street intersections.
2. No parking spaces shall be located between the immediate front of the principal structure and the abutting front lot line.





## Public Art

Public art is encouraged in the Downtown Core. Durable, safe, artful enhancements to furnishings, paving, signage and building facades are also encouraged.

All locations and works of art, regardless of ownership, placed within the public rights of-way or public areas shall be approved by the City Council prior to installation.





## Signage

Signage shall comply with Chapter 84 of the City Code. However, in the Downtown Core the City is open to considering more creative signage to reflect the energetic commercial/entertainment uses that may be developed in the subdistrict. Decorative neon, moving or other decorative sign types are desirable when displayed within interior storefront windows.





## Plazas

All properties with principal buildings in excess of 30,000 square feet shall be required to have a public plaza space.

The public plaza space shall include benches, bike racks trash receptacles, lighting fixtures and other amenities to create a welcoming space for tenants of the building and members of the public.

These plaza spaces should be visible from the public street.





# Implementation

## Introduction

The design guidelines provide distinct strategies for guiding form and appearance. This vision will take several years to implement. Successful implementation will require consistent application of the Design Guidelines by City staff and City Council. Zoning enforcement and design guidelines will not succeed without the cooperation and commitment of landowners, development interests and the rest of the community.

## Changes to the Comprehensive Plan and Zoning Map

The Corcoran Southeast District Plan and Design Guidelines are consistent with the 2040 Comprehensive Plan. The proposed changes to the Zoning Ordinance and Zoning Map will be undertaken as a separate action following adoption of these guidelines.

## Design Review

The design guidelines will be administered by staff as part of the development review process. Staff will incorporate design review to ensure compliance with the design guidelines as a standard step in the development review process.



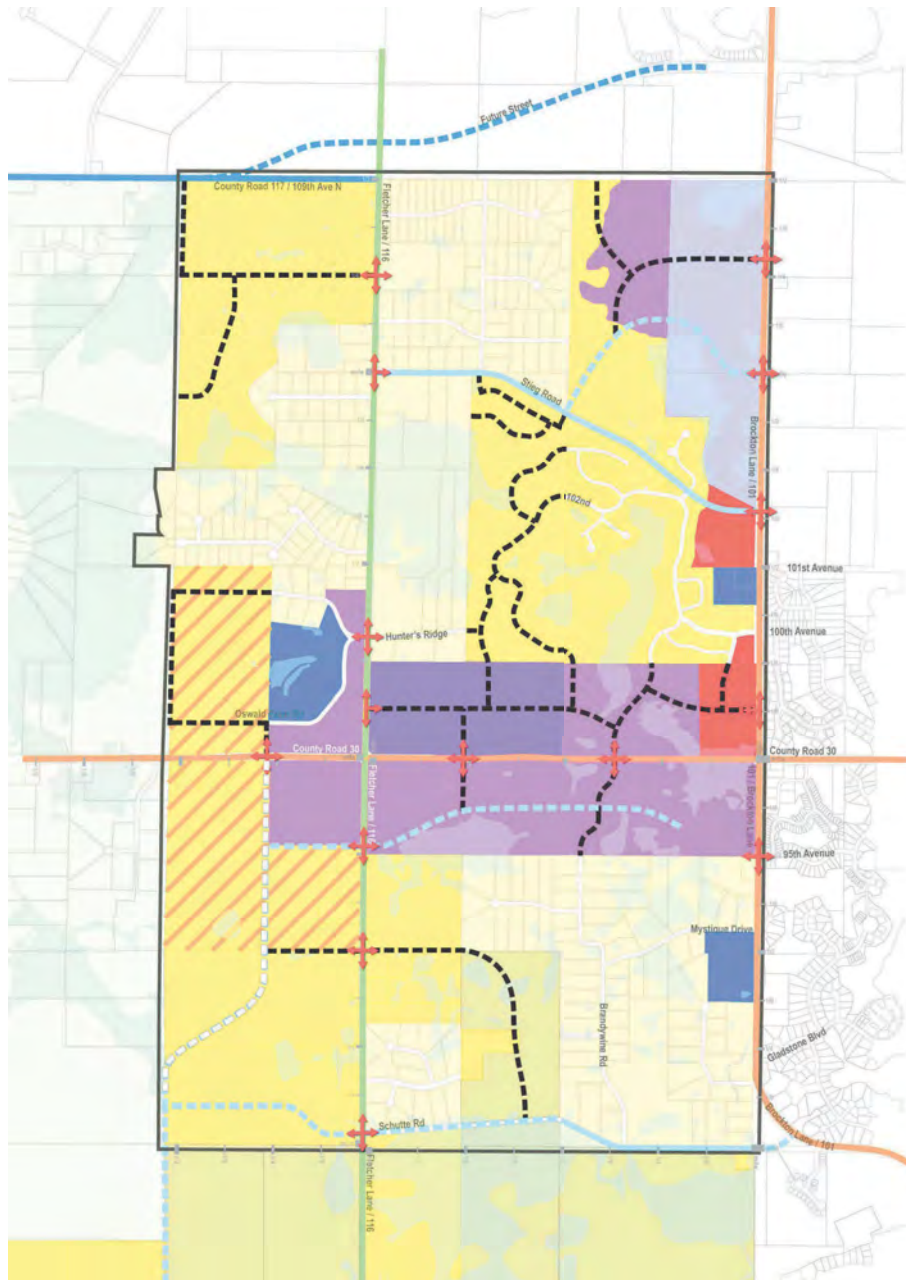
## **APPENDIX C – CORCORAN NORTHEAST DISTRICT PLAN AND DESIGN GUIDELINES**

# Appendix C

## Corcoran Northeast District Plan and Design Guidelines

Adopted May 26, 2022

Revised February 27, 2025





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# District Overview and Purpose

## Purpose Statement

The purpose of the Northeast District Design Guidelines is to establish standards for this gateway to Corcoran. The area offers opportunities for expanded tax base, jobs and retail and service businesses to serve the existing and new residents in Corcoran and surrounding communities. The newly constructed Dayton Interchange and the planned Highway 610 extension provide a once in a lifetime opportunity to develop the area in a manner that reflects the unique Corcoran character as described in the Comprehensive Plan. The standards will ensure quality site design that will result in attractive business and residential development.

The district will allow development consistent with the primary zoning district and provide additional regulations and performance standards to accomplish the following goals:

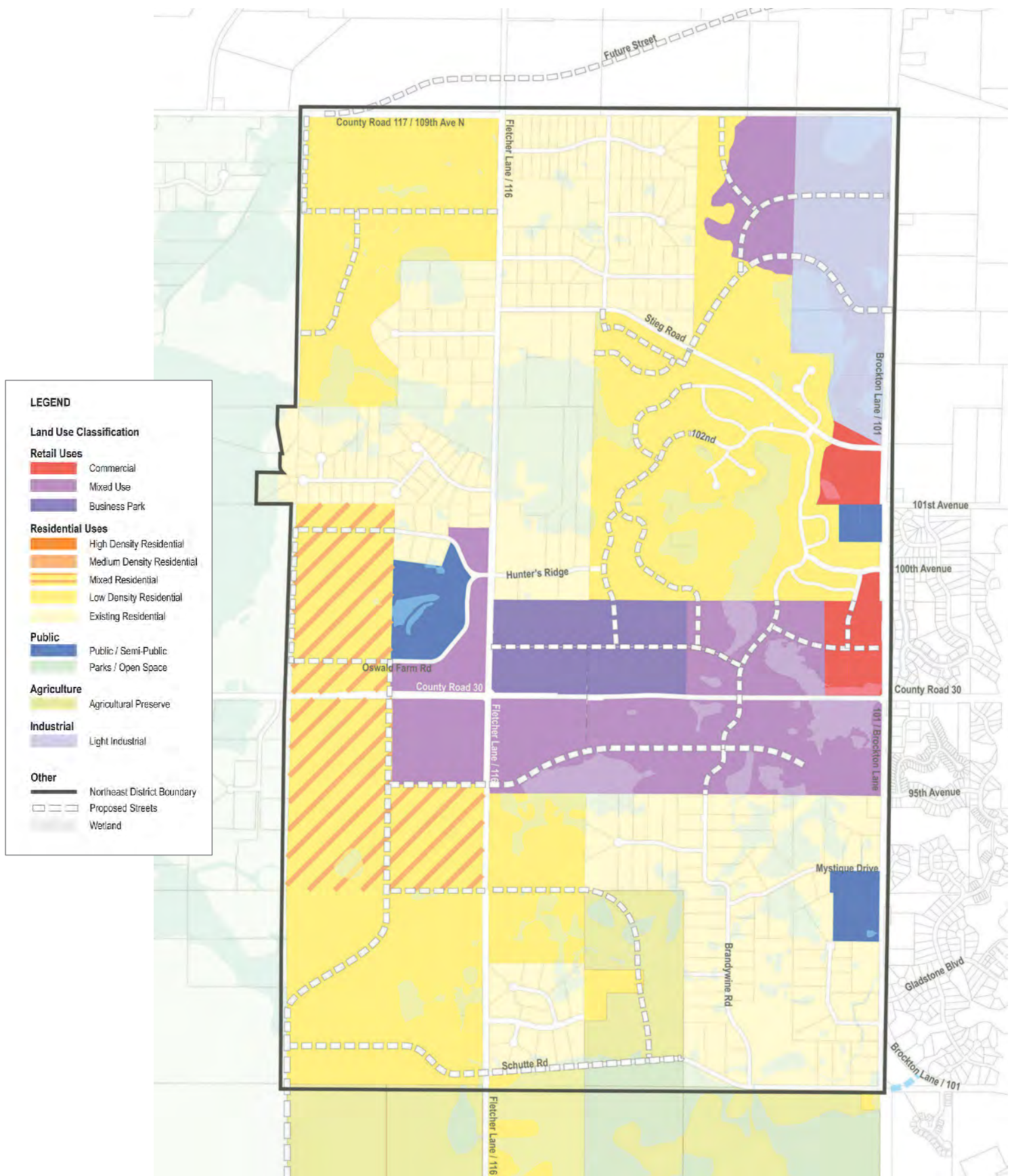
1. To allow for master planning and development of housing, employment and service uses through the use of unified developments that share common architectural schemes, landscape and site plan design, connected streets and pedestrian routes and green spaces.
2. To incentivize the development of high-quality industrial and business developments that will provide employment opportunities in Corcoran.
3. To encourage the use of sustainable, environmentally-friendly building and site development techniques.
4. To develop a transportation system that supports vehicles, bicyclists and pedestrians.
5. To promote master planned developments to increase the efficiency of infrastructure design.
6. To implement the land use goals of the 2040 Comprehensive Plan.

## Application

The format and content are specifically tailored for use as a supplement to the Zoning Ordinance. All provisions of the Zoning Ordinance shall apply to parcels in the Northeast District and these standards shall be in addition to those provisions. Where there is a conflict, the more restrictive provisions shall apply.

## Sustainable Design Framework

The vision of the Northeast Design Standards is to encourage sustainable development that meets the public demand and requires the responsible use of resources without unacceptable social, economic or environmental consequences. These guidelines are intended to provide a framework for meeting that goal.



Northeast District Land Use Map



**LEGEND**

**District Boundaries**

- Northeast District Boundary

**Important Features**

- ▨ Floodplain
- Watercourse
- High Quality Natural Environment

**Upland Plant Communities**

- Maple / Basswood Forest
- Disturbed Woodland
- Savanna / Pasture

**Wetland Communities**

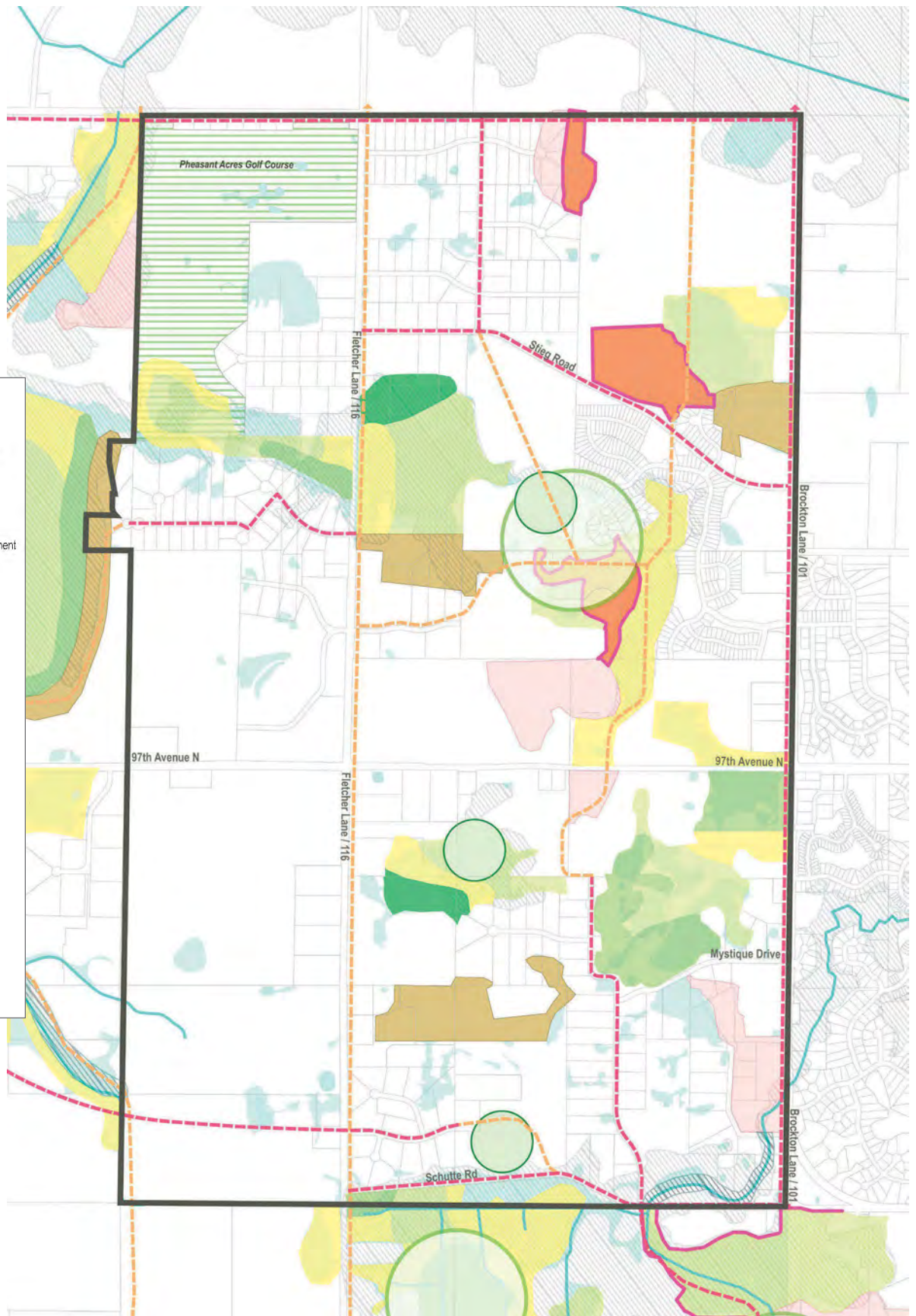
- Wet Prairie
- Emergent
- Shrub
- Floodplain Forest
- Open Water
- Wetland

**Parks**

- NP / Neighborhood Park
- OSP / Nature Park
- Golf Course

**City of Corcoran Proposed Trails**

- Off Road Trail
- On Road Trail

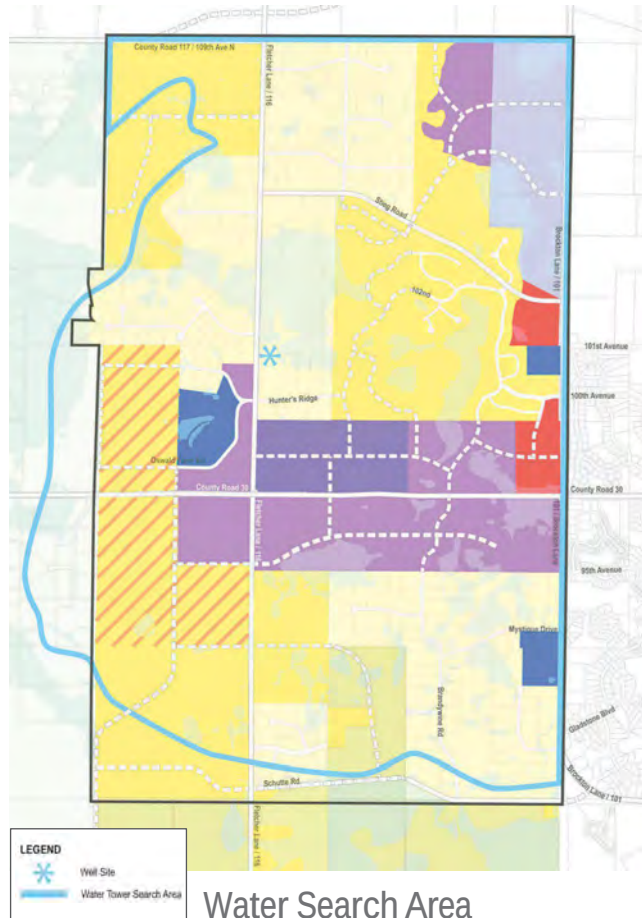


Northeast District Analysis Map

## Municipal Water and Sewer

The municipal sanitary sewer to serve the Northeast District exists and will generally flow north to the lift station at near County Road 101 at the City's north border.

Water is currently provided to the Northeast District from the City of Maple Grove. This agreement limits the area that can be served and requires landowners to pay the both the Maple Grove and Corcoran water fees. Developing a Corcoran water system has been a priority for the City. The City has identified a well and treatment site on County Road 116 north of Hunter Road. The City is in the planning stage, but hopes to have the well operational by 2023. However, at least one more well will be needed to serve the Northeast area and search area has been identified as shown on the Water Supply map. The well alone is insufficient and the City has been actively searching for a water tower site. The preferred tower site is also shown on the Water Supply map.



## Street Hierarchy

The Dayton Interchange at County Road 101/Brockton Lane and I-94 and the planned extension of Highway 610 will increase traffic along the County Road 101 and County Road 30 corridors and providing opportunities for new businesses in the Northeast District.

The Comprehensive Plan identified the major roadways as County Road 116, County Road 101, County Road 30, Stieg Road and Schutte Road. The street hierarchy map has been refined as part of this plan to provide more detail about street classifications and design.

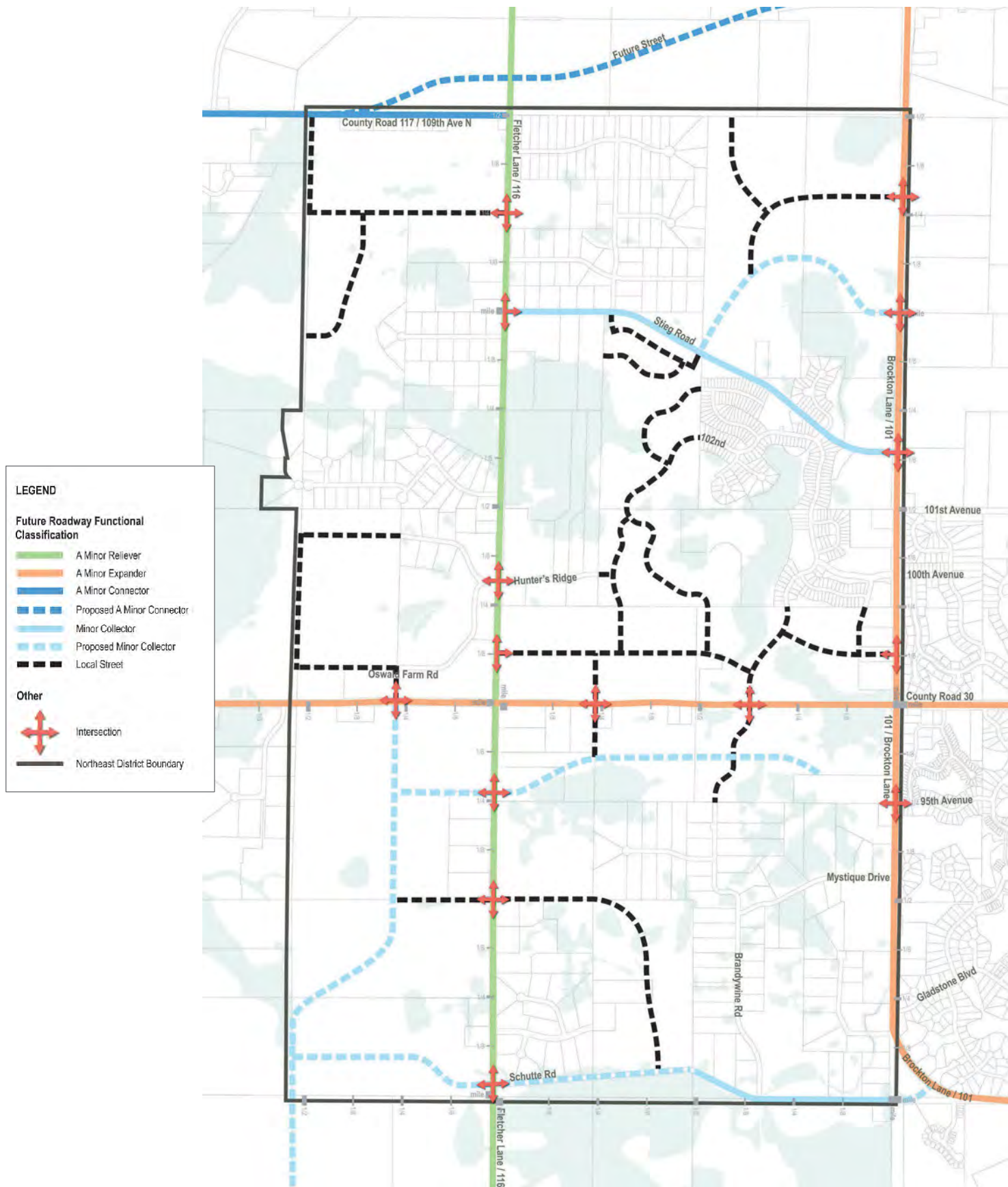
The City will continue to work with Hennepin County to ensure that as improvements are made to the County streets in the Northeast District they reflect the City's goals. As improvements are made to these streets, emphasis should be placed on enhancements to traffic controls, pedestrian connections, lighting, gateway elements and landscaping at key intersections. As part of this vision, the City will look for opportunities to provide grade-separated pedestrian crossings in addition to the at-grade crossings.

The County road corridors should be designed with green boulevards on both sides and a landscaped median similar to the County Road 30 design. Final design will be coordinated with the County.

The existing road network should be maintained as a continuous network, with new connections where needed. Cul-de-sacs should be avoided in favor of connecting streets that will facilitate resilient multi-modal routes within the district.

The Northeast District has three main types of streets which are described and illustrated on the following pages. Each serves a specific function toward the creation of a well-connected and economically viable district. The developer shall be responsible for construction of all streetscape improvements along adjacent streets. These improvements include all hardscape, landscape and site amenities, such as trails, sidewalks, benches, bike racks, street trees and plantings.





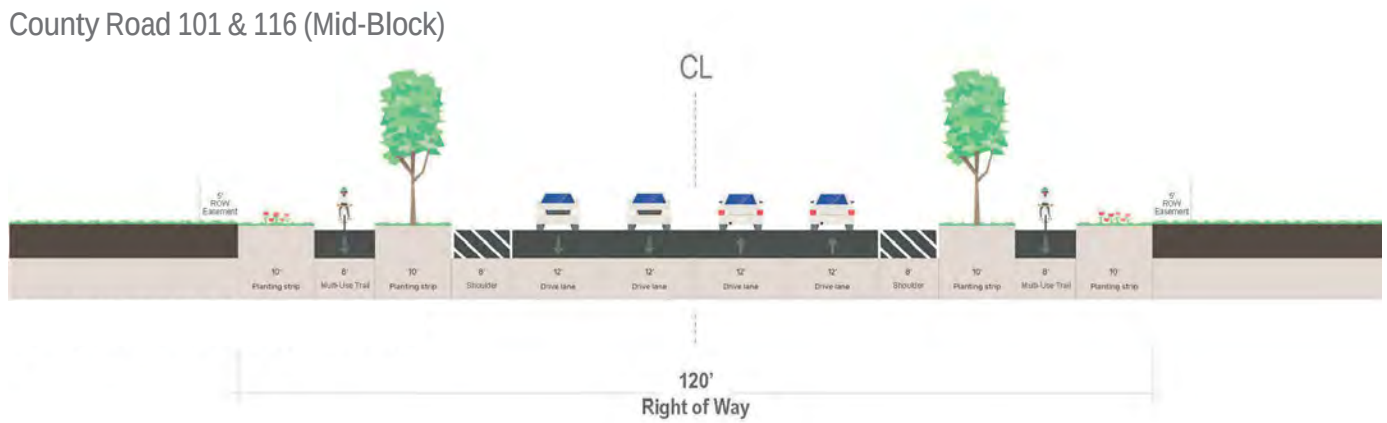
Northeast District Street Classification Map



## County Road 30 (Mid-Block)



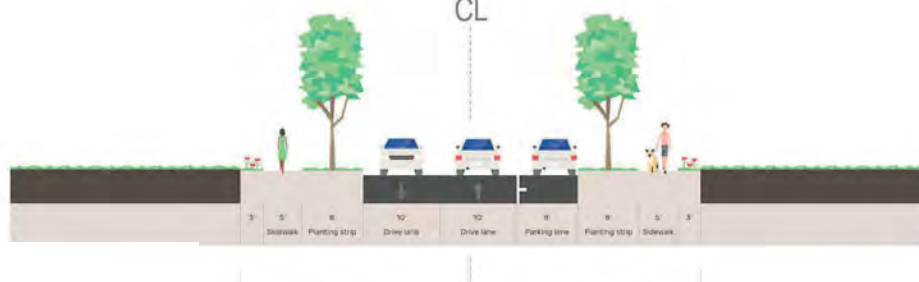
## County Road 101 & 116 (Mid-Block)



## Collector Street



## Local Street





## Design Principles

The Northeast District should continue to provide a mix of residential, commercial, office and industrial uses as described in the Comprehensive Plan and Zoning Ordinance. The Design Guidelines for the district shall be the same as those described in the Zoning Ordinance for the zoning district in which the development is located and these Design Standards will provide an additional layer of standards.

### Allowable Uses

The Northeast District is a gateway to Corcoran and the uses in non-residential areas should be developed with new light industrial, office-industrial, high tech and professional services businesses to provide quality employment and wages.

To accomplish this goal, land uses in the Northeast District shall be all uses allowed in the underlying zoning district, except that the following uses are prohibited in the Northeast District, except those uses legally established prior to May 26, 2022:

1. Contractors operations
2. Equipment rental
3. Lumber yards/building material sales.
4. Mini Storage/Self Storage Facilities.
5. Motor Vehicle, Boat or Equipment Repair
6. Motor Vehicle, Boat or Equipment Sales

### Buildings

New development site and building design should provide a visual cue that you are in Corcoran. The use of regional building materials and native plants for all development is encouraged. Development in this district should be thoughtfully designed to reflect Corcoran's rural character. The use of natural materials (such wood siding, brick and stone) is encouraged. Buildings shall have architectural details, features and patterns to provide visual interest.

All structures shall comply with the building standards in Section 1060.050 and the additional standards in this section.

Single family detached homes shall comply with the Design Requirements in Section 1040.040, Subd. 8.

Attached homes shall comply with the Design Requirements in Section 1040.060, Subd. 9.

Properties in the Mixed Use, Commercial, Business Park and Industrial district shall comply with the following:

Exterior surface materials of buildings shall be installed and maintained in accordance with the adopted building code and the manufacturer's specifications and shall be subject to the regulations listed below. Products listed as "integral colored" shall continue its surface color consistently through the depth of the product as opposed to being colored, painted, or stained on the surface only.



*Class I materials: Single Family*



*Class I materials: Multifamily Apartment*



*Class I materials: Commercial / Mixed Use*



*Class I materials: Industrial (Smooth finished concrete panels)*

Materials shall be divided into class I, class II and class III categories as follows:

Class I. The following materials are considered class 1 materials as specified:

1. Brick
2. Marble, granite, or other natural stone
3. Integral colored cast stone (the stone is colored consistently through)
4. Textured cement stucco
5. Architectural wall cladding (Nichiha, Equitone and similar brands) Material must be through colored and at least 5/8 inches thick
6. Fiber-reinforced cement board siding with a minimum thickness of 1/4 inch (for residential use only)
7. Copper
8. Porcelain
9. In the I-1 district only: Smooth finished concrete panels.
10. Glass
11. Other materials of similar quality as approved by the City Council.

Class II. The following materials are considered class II materials as specified:

1. Exposed aggregate concrete panels
2. Burnished concrete block
3. Integral colored split face (rock face) and exposed aggregate concrete block
4. Cast-in-place concrete
5. Insulated exterior wall panels (E.I.F.S., Drivit and similar brands)
6. Prefinished metal
7. Integral colored concrete panels other than smooth finished
8. Other materials of similar quality as approved by the City Council.



*Class I materials: Commercial*



*Class I materials: Office / Warehouse*



*Class I materials: Commercial / Office*



*Class I materials: Commercial / Retail*

Class III. The following materials are considered class III materials as specified:

1. Unpainted or surface painted concrete block (scored or unscored)
2. Unpainted or surface painted plain or ribbed concrete panels
3. Unfinished or surface painted metal
4. Smooth finished concrete panels
5. Brick, stone, or integral colored material which has been painted
6. Other materials of similar quality as approved by the City Council.

At least 60% of each building face visible from off the site must be of class I materials except as permitted by this section:

For buildings in the I-1 districts which are not located on a County Road or adjacent to or across from any residentially zoned property, class I materials may be reduced to a minimum of 25 percent provided that the architecture and site plan shall meet the following minimum criteria to be considered superior quality:

1. The exposed height of the building wall shall not exceed 15 feet.
2. The number of required plant units shall be increased by 20 percent or the size of 20 percent of the overstory trees installed shall be increased to 3 1/2 caliper inches.
3. A minimum of ten percent of the building facade must be windows or glass spandrels.

Not more than 10% of each building face visible from off the site may be of class III materials. Portions of buildings not visible from off the site may be constructed of greater percentages of class II or class III materials if the structure otherwise conforms to all city ordinances. The mixture of building materials must be compatible and integrated.

Large uninterrupted building elevations are not permitted. No wall may have an uninterrupted length exceeding 80 feet without including at least two of the following: changes in plane; changes in color, texture, materials or masonry pattern; windows; or an equivalent element that breaks up the elevation.



## Parking

Parking shall comply with the standards in Section 1060.060 of the ordinance and the additional standards in this section. Parking lot design shall include provisions for cross easements and stubbed access drives to the property line for the use of adjacent properties so that residents and customers do not need to return to the public street system to access adjacent developments. Parking facilities on separate lots in a development with a common lot line separating two or more parking lot areas are not required to comply with the parking/drive aisle setback from the common lot line. Sites utilizing the zero-foot setback shall be limited to 60% impervious surface for the site.

Bicycle racks shall be provided for all multi-family and non-residential uses and may be placed near the entrance if a minimum 5-foot wide pedestrian access to the building entrance is maintained. Bicycle parking may occupy a maximum of two required parking stalls without requiring additional parking.

Parking bays shall have landscape islands at each end of the parking bay and bays in excess of 15 spaces in length shall be divided by intermediate islands. Trees shall be located in the islands to shade the parking lot to reduce the heat island effect. These end landscape islands shall provide at least 360 square feet of area for planting trees, shrubs and/or groundcovers. Intermediate landscape islands shall provide at least 180 square feet of planting area. Parcels zoned I-1 and developed with large truck/trailer parking areas shall be exempt from the intermediate landscape island requirement for the dedicated truck/trailer parking bays but must provide landscaped islands at end of the parking bays. The green space and trees that would have been included in the intermediate landscape islands shall be provided in the end landscape islands or as additional green space outside of the required setbacks.

A landscape buffer shall be provided between all parking areas and the public sidewalk. The buffer shall consist of shade trees, low shrubs or perennial flowers and a decorative fence or masonry wall. Plantings and parking lot screen walls or fences shall be no less than three feet and no more than four feet in height to allow views into and out of parking areas

Parking lots should incorporate stormwater management into the parking lot as an amenity feature. These features when appropriately designed can be used to meet the landscape island requirements.

Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect glare away from adjoining property,



*Bike Parking*



*Parking Lot Islands*



*Parking Lot Screening*



*Parking Lot Stormwater*

adjacent residential uses and public rights-of-way and be in compliance with Section 1060.040 of this Chapter.

## Screening

In addition to the standards in Section 1060.030, the additional standards in this section are intended to preserve the rural character of Corcoran while allowing new development to bring jobs and homes to the community.

Loading docks or overhead doors shall be oriented away from County Roads or residential property wherever reasonable, as determined by the City. If not reasonable and the loading docks or overhead doors are visible from County Roads or residential property, they shall be screened to 80% opacity year-round consistent with Section 1060.070 Subd. 2(J) of the City Code.

The visual impact of rooftop equipment shall be minimized using one of the following methods:

1. A parapet wall.
2. A fence the height of which extends at least one foot above the top of the rooftop equipment and incorporates the architectural features of the building.
3. The rooftop equipment shall be painted to match the roof or the sky, whichever is most effective.

Loading areas must be screened as required by Section 1060.060 Subd. 3.B.9. Utility service structures (such as utility meters, utility lines, transformers, aboveground tanks) and ground mounted mechanical equipment must be screened from off-site views utilizing a double row of landscaping, a privacy fence or a wall that is at the same height as the structure it is screening or six feet, whichever is less to screen from off-site views. A chain link fence with slats shall not be accepted as screening.

All utility services shall be underground except as provided in Section 1060 of the Zoning Ordinance.

## Landscape Standards

Site design and landscaping should be designed to work with the existing topography of the area, wooded areas, wetlands and natural viewsheds and corridors. Sustainability, in terms of the landscape, is the ability of plant species to maintain healthy growth with minimal human assistance. Selecting plants suited for a specific condition is key to their sustainability over time. Benefits of utilizing sustainable plant species include less time spent towards maintenance, less maintenance costs, and positive contributions to the larger environment and its ability to perpetuate itself.

Development landscaping shall include a full complement of overstory, ornamental and evergreen trees, shrubbery





and ground covers which are hardy and appropriate for the locations in which they are planted and provide year-long color and interest. Development in the Northeast District shall select from the following list of preferred trees and shrubs that suit unique conditions and environments found in Corcoran. The following plant materials shall be used in the Northeast District:

## Ground Cover

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 and trees. Traditional lawns of mown Kentucky bluegrass are the most common groundcover in the area and have their place in new development. However, they are not conducive to sustainable practices desired in the Northeast District as they require large amounts of water and maintenance. Alternatives to traditional lawns are available and appropriate as part of a sustainable environment.

Native prairie plantings and bee lawns, which includes low growing flowers and turf grasses, are viable options to traditional lawns in Corcoran. The plant composition of these alternatives are widely varied and can be tailored to suit specific conditions and aesthetics. The overriding concept is that they provide habitat, food and shelter for a variety of animals, birds and insects and they are sustainable with minimal intervention. An overlooked benefit of prairies and bee lawns is that they visually change with the seasons, providing a changing view throughout the year. The City supports the use of these ground covers when a maintenance plan is provided for review and approval by the City.



*Site Design and Landscaping*



*Site Design and Street Trees*



*Conservation Development*

| Coniferous Trees                        | Common Name             |
|-----------------------------------------|-------------------------|
| <i>Abies balsamea</i>                   | Balsam Fir*             |
| <i>Abies concolor</i>                   | White Fir               |
| <i>Abies fraseri</i>                    | Fraser Fir              |
| <i>Juniperus virginiana</i>             | Red Cedar*              |
| <i>Larix laricina</i>                   | American Larch*         |
| <i>Picea abies</i>                      | Norway Spruce           |
| <i>Picea glauca</i>                     | White Spruce*           |
| <i>Picea glauca</i> var. <i>densata</i> | Black Hills Spruce      |
| <i>Picea mariana</i>                    | Black Spruce*           |
| <i>Pinus banksiana</i>                  | Jack Pine*              |
| <i>Pinus ponderosa</i>                  | Ponderosa Pine          |
| <i>Pinus resinosa</i>                   | Red Pine (Norway Pine)* |
| <i>Pinus strobus</i>                    | Eastern White Pine*     |
| <i>Pinus sylvestris</i>                 | Scots Pine              |

|              |            |
|--------------|------------|
| Pinus cembra | Swiss Pine |
|--------------|------------|

| Deciduous Trees                   | Common Name                                                                                                           |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Acer x freemanii                  | Freeman's Maple                                                                                                       |
| Acer x freemanii 'Sienna'         | Sienna Glen Maple                                                                                                     |
| Acer rubrum                       | Red Maple*                                                                                                            |
| Acer saccharum                    | Sugar Maple*                                                                                                          |
| Aesculus glabra                   | Ohio Buckeye                                                                                                          |
| Betula nigra 'Cully'              | Heritage River Birch*                                                                                                 |
| Betula papyrifera                 | Paper Birch*                                                                                                          |
| Betula populifolia                | Grey Birch                                                                                                            |
| Carpinus caroliniana              | American Hornbeam                                                                                                     |
| Carya ovata                       | Shagbark Hickory*                                                                                                     |
| Carya cordiformis                 | Bitternut Hickory*                                                                                                    |
| Catalpa speciosa                  | Northern Catalpa                                                                                                      |
| Celtis occidentalis               | Common Hackberry*                                                                                                     |
| Cercis canadensis                 | Eastern Redbud                                                                                                        |
| Crataegus crus-galli var. inermis | Thornless Cockspur Hawthorne                                                                                          |
| Crataegus mollis                  | Downy Hawthorne                                                                                                       |
| Ginkgo biloba                     | Ginkgo (male only)                                                                                                    |
| Gleditsia tricanthos var. inermis | Thornless Honeylocust*                                                                                                |
| Gymnocladus dioica                | Kentucky Coffeetree (male only), 'Espresso', 'Stately Manor'                                                          |
| Malus spp.                        | Crabapple, 'Adams', 'Calocarpa', 'David', 'Donald Wyman', 'Dolgo', 'Harvest Gold', 'Prairifire', 'Professor Sprenger' |
| Malus ioensis                     | Prairie Crabapple                                                                                                     |
| Ostrya virginiana                 | Ironwood*                                                                                                             |
| Populus tremuloides               | Quaking Aspen*                                                                                                        |
| Prunus serotina                   | Black Cherry*                                                                                                         |
| Prunus virginiana                 | Chokecherry                                                                                                           |
| Quercus alba                      | White Oak*                                                                                                            |
| Quercus bicolor                   | Swamp White Oak*                                                                                                      |
| Quercus ellipsoidalis             | Northern Pin Oak*                                                                                                     |
| Quercus macrocarpa                | Burr Oak*                                                                                                             |
| Quercus rubra                     | Red Oak*                                                                                                              |
| Quercus velutina                  | Black Oak*                                                                                                            |
| Salix alba                        | Weeping Willow                                                                                                        |
| Salix nigra                       | Black Willow*                                                                                                         |
| Sorbus americana                  | American Mountain Ash                                                                                                 |
| Sorbus decora                     | Showy Mountain Ash*                                                                                                   |
| Tilia americana                   | American Linden (Basswood)*                                                                                           |
| Tilia americana 'Redmond'         | Redmond Linden                                                                                                        |
| Tilia cordata                     | Littleleaf Linden, 'Morden', 'Shamrock', 'Norlin'                                                                     |



|                                |                   |
|--------------------------------|-------------------|
| Ulmus americana 'Princeton'    | Princeton Elm*    |
| Ulmus americana 'Valley Forge' | Valley Forge Elm* |
| Ulmus pumila 'New Horizon'     | New Horizon Elm   |
| Ulmus wilsoniana 'Patriot'     | Patriot Elm       |



*Celtis occidentalis* / Hackberry Tree



*Gleditsia tricanthos* / Honeylocust



*Quercus alba* / White Oak



*Picea mariana* / Black Spruce



*Pinus resinosa* / Red Pine



*Prunus virginiana* / Chokecherry Tree

| Shrubs                                        | Common Name                 |
|-----------------------------------------------|-----------------------------|
| <i>Alnus incana</i>                           | Speckled Alder              |
| <i>Amelanchier alnifolia</i> 'Regent'         | Regent Serviceberry         |
| <i>Amelanchier interior</i>                   | Inland Serviceberry         |
| <i>Aronia melanocarpa</i> var. <i>elata</i>   | Glossy Black Chokeberry*    |
| <i>Betula pumila</i>                          | Bog Birch*                  |
| <i>Cornus alternifolia</i>                    | Pagoda Dogwood*             |
| <i>Cornus amomum</i>                          | Silky Dogwood*              |
| <i>Cornus racemose</i>                        | Gray Dogwood*               |
| <i>Cornus rugosa</i>                          | Round-leaved Dogwood        |
| <i>Cornus sericea</i>                         | Red-osier Dogwood*          |
| <i>Corylus americana</i>                      | American Hazelnut*          |
| <i>Corylus cornuta</i>                        | Beaked Hazelnut*            |
| <i>Crataegus chrysocarpa</i>                  | Fireberry Hawthorn*         |
| <i>Crataegus macrocarpa</i>                   | Large-seeded Hawthorn       |
| <i>Diervilla lonicera</i>                     | Bush Honeysuckle*           |
| <i>Euonymus atropurpureus</i>                 | Easter Wahoo                |
| <i>Ilex verticillata</i>                      | Winterberry                 |
| <i>Juniperus communis</i>                     | Common Juniper*             |
| <i>Physocarpus opulifolius</i>                | Ninebark*                   |
| <i>Ribes americanum</i>                       | Wild Black Currant*         |
| <i>Ribes aureum</i>                           | Golden Currant              |
| <i>Ribes cynosbati</i>                        | Prickly Gooseberry          |
| <i>Ribes missouriense</i>                     | Missouri Gooseberry         |
| <i>Rosa blanda</i>                            | Smooth Wild Rose*           |
| <i>Salix bebbiana</i>                         | Bebb's Willow*              |
| <i>Salix discolor</i>                         | Pussy Willow*               |
| <i>Salix pedicellaris</i>                     | Bog Willow                  |
| <i>Sambucus canadensis</i>                    | Common Elderberry*          |
| <i>Sambucus racemose</i>                      | Red-berried Elder*          |
| <i>Staphylea trifolia</i>                     | Bladdernut                  |
| <i>Symphoricarpos albus</i>                   | Snowberry*                  |
| <i>Symphoricarpos occidentalis</i>            | Wolfberry*                  |
| <i>Viburnum dentatum</i>                      | Arrowwood Viburnum          |
| <i>Viburnum lentago</i>                       | Nannyberry*                 |
| <i>Viburnum opulus</i> var. <i>Americanum</i> | American Highbush Cranberry |

\* indicates plant native to Minnesota



## Resiliency Options

The City encourages the use of special design features such as xeriscaping, rain gardens/bioretention systems, landscaping with native species, green rooftops, heat island reduction and aesthetic design. All new development must include three of the following resiliency options:

**Xeriscaping:** Xeriscaping is landscaping which uses plants that have low water requirements, making them able to withstand extended periods of drought. Xeriscaping landscapes are a conscious attempt to develop plantings which are compatible with the environment and make a conscious effort to minimize use of water.

**Rain Gardens/Bioretention Systems:** Bioretention systems can be described as shallow, landscaped depressions commonly located in parking lot islands or within areas that receive stormwater runoff. For credit under this section, the rain garden/bioretention system shall be above ground and a visible part of the green or landscaped area. Stormwater flows into the bioretention area, ponds on the surface, and gradually infiltrates into the soil bed. Pollutants are removed by a number of processes including absorption, filtration, volatilization, ion exchange, and decomposition. Filtered runoff can either be allowed to infiltrate into the surrounding soil (functioning as an infiltration basin or rainwater garden), or discharged to the storm sewer or directly to receiving waters (functioning like a surface filter). The use of under drain systems are discouraged unless where infiltration is prohibited by the water resources management plan. Runoff from larger storms is generally diverted past the area to the storm drainage system.

**Landscaping With Native Species:** Fifty percent (50%) of the plantings used in the landscape plan shall be native plant communities as identified in the landscaping tables provided above. The landscape plan shall be approved by City staff.

**Green Rooftops:** Green rooftops are veneers of living vegetation installed atop buildings, from small garages to large industrial structures. Green rooftops help manage stormwater by mimicking a variety of hydrologic processes normally associated with open space. Plants capture rainwater on their foliage and absorb it in their root zone, encouraging evapotranspiration and preventing much stormwater from ever entering runoff streams. What water does leave the roof is slowed and kept cooler, a benefit for downstream water bodies. Green roofs are especially effective in controlling intense, short duration storms and have been shown to reduce cumulative annual runoff by fifty percent (50%) in temperate climates.



*Xeriscape*



*Pollinator Lawn*



*Rain Garden / Bioretention*



*Green Roof*



**Aesthetic Design:** Sites shall be designed to include three (3) of the following: public art, fountains, plazas, perennial beds, entrance landscaping, or other amenities reviewed and approved by the Development Review Committee (DRC).

Gateway signage is desired at the County Road 101 at the north Corcoran border and at the County Road 101/ County Road 30 intersection. Developers of property at those intersections will work with the City install this gateway signage and related landscaping. This would satisfy part of the aesthetic design requirement for those properties.

**Urban Garden:** Small-scale urban gardens that produce food crops are found to have beneficial outcomes for food security, the environment, physical health, and social wellbeing. For this section, an accessory outdoor garden can satisfy one of the resiliency options as long as it serves as a community garden, institutional garden, and or a chef's/kitchen garden for a business such as a restaurant. Raised garden beds may be utilized. Additionally, an accessible urban garden can be part of the design for public plazas or private open spaces as required elsewhere in this Appendix.

**Alternative Energy:** New developments may use solar energy systems (SES) to support the development. Building Integrated SES and Building or Roof Mounted SES is encouraged in the Northeast District as allowed by Section 1060.110 of the Zoning Ordinance. While the Ordinance does not currently allow wind energy conversion systems (WECS) as an allowed use, the City shall consider the amending the Zoning Ordinance to allow small WECS as an accessory use.

**Electric Vehicles:** New developments may provide parking and services for electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure. To receive credit as a resiliency option the following standards shall be met:

Parking structures or lots with at least 100 parking spaces shall provide services for electric vehicles (EV) as required below.

1. Multiple-family residential land uses shall have 5% of required parking as Level 1 stations for resident parking, and one Level 2 station for guest parking. At least one handicapped accessible parking space shall have access to an electric vehicle charging station (EVCS).
2. Non-residential land uses with parking spaces available for use by the general public shall have at least 1% of required parking as Level 2 stations with a minimum of two spaces served by Level 2 charging, with at least one station adjacent to an accessible parking space. In non-residential zoned districts, DC charging stations may be installed to satisfy the EVCS requirements described above on a one-for-one basis.



*Native Species*



*Urban Garden*



*Entry Design*



*Alternative Energy*

Notwithstanding the requirements above, all new or reconstructed motor fuel stations as defined in Section 36-142(d) (20) shall be required to install at least one additional Level 2 charging station. A DC charging station may be installed to meet this requirement.

In addition to the number of required EVCSs, the following accommodations shall be required for the anticipated future growth in market demand for electric vehicles:

1. Multiple-Family Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 EVCSs for a minimum of 10% of required parking spaces.
2. Non-Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 or DC EVCSs for a minimum of 10% of required parking spaces.

These requirements may be revised upward or downward by the City Council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.

## Parks, Trails and Open Space

There are two existing parks in the northeast district: the Community Park and the Neighborhood Park. Both parks were dedicated to the City as part of the Bellwether development and are open to the public. Parking lots are planned in the northwest corner of the neighborhood park and southwest corner of the community open space park. The Parks and Trails plan adopted in the 2040 Comprehensive Plan anticipates a second Neighborhood Park south of County Road 30.

The City parks will connect to homes and businesses through a series of trails and sidewalks. On- and off-road trails are planned along all County roads. The City plans a number of on- and off-road trails throughout the district. Additionally, Three Rivers Park District plans for the Diamond Lake Regional trail to connect through the Northeast District, including a connection to the Community Park.

As development occurs open space will transition to homes and businesses. In order to ensure that opportunities to gather outside, maintain viewsheds and retain some of the character of Corcoran's rural beginnings, all non-residential properties with principal buildings in excess of 100,000 square feet of floor area shall be required to have a public plaza space.

The public plaza space shall include benches, bike racks trash receptacles, lighting fixtures and other amenities to create a welcoming space for tenants of the building and members of the public. These plaza spaces should be visible from the public street and maintained by the landowner.

Multi-family residential developments shall be required to provide landscaped private open space for their residents. This open space shall be designed and landscaped for outdoor recreation.

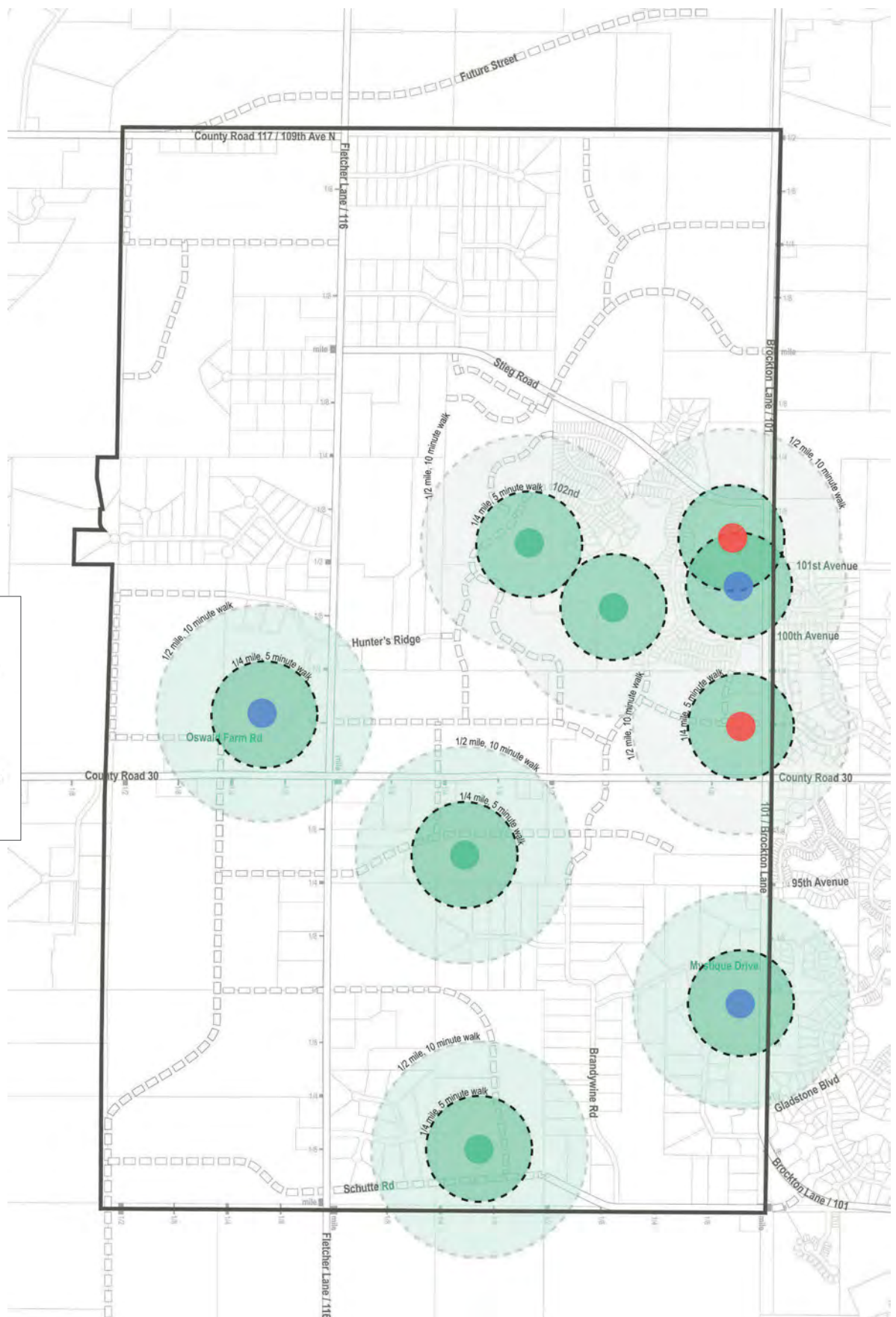


*Electric Vehicle*



*Trails*





## Walkable Destinations Map

A five or ten minute walk - 1/4 or 1/2 mile radius - is a common measure of walkability.



Pervious Pavers



Silva Cells



Underground Stormwater



Green Roof

## Stormwater Management

Water features and drainage systems are essential components of development in the district. A mix of ponds, fountains and other water elements provide focal amenities and year round activities within the framework of an environmentally responsible, visually pleasing strategy to manage stormwater. Each site has a responsibility to utilize best management practices (BMP) to pretreat run-off, reduce erosion and encourage infiltration in compliance with City and Elm Creek Watershed Management Commission standards. Water and landscape should be utilized within multipurpose areas that accommodate both active and passive recreational use – the following examples illustrate only a few of many possibilities:

1. Pervious pavements, underground storage and other creative techniques should be used to meet BMP standards, particularly in areas where more density is expected.
2. Stormwater reuse
3. Green architecture, expressed through green roofs, gray water recycling and other techniques should be included to reduce the impact of new development on stormwater systems.
4. Water feature design should include both formal elements (such as reflecting pools or fountains) and natural/informal forms (such as ponds or fountains) and should explore creative ways to integrate wet landscapes with active, urban spaces.

The City and the watershed are working to reduce chloride in our water system. All multifamily and non-residential developments are required to provide a Chloride Management Plan. Studies (see MCES publication regarding Nine Mile Creek, March 2021) show that chloride (or salt) found in surface waters and shallow aquifers has been increasing over the past 20 years. One source of the river's chloride is the salt applied to our streets, parking lots, driveways and sidewalks in the winter and results in peak chloride values between March and May. Due to the chloride's toxicity on the environment, watershed organizations and regulatory agencies have increased their focus on the urban sources and some watersheds are implementing practices for reducing salt applications. Rush Creek (the receiving water for the Northeast District) is at high risk for being impaired according to State's data base. Chloride Management Plans will be regulated under the City's MS4 permit.





# Implementation

The design guidelines will be administered by staff as part of the development review process. Staff will incorporate design review to ensure compliance with the design guidelines as a standard step in the development review process.

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## **CHAPTER 110: ALCOHOLIC BEVERAGES**

### **110.01: STATE LAW ADOPTED.**

The provisions of Minnesota Statute 340A, as amended, with reference to the definition of terms, applications for license, granting of license, conditions of license, restrictions on consumption, provisions on sales, conditions of bonds of licenses, hours of sale and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor and 3.2 malt liquor are hereby adopted.

### **110.02 : LICENSE REQUIRED.**

No person, except wholesalers or manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell or keep for sale any intoxicating liquor or 3.2 malt liquor without first having received a license to do so as provided in this chapter. Licenses shall be of three kinds: “On-Sale”, “Off-Sale”, and “Temporary on-sale”, and “On-Sale Wine”.

- (A) “On-sale” licenses shall be granted only to hotels with restaurant accommodations, clubs, restaurants and/or exclusive liquor stores and shall permit the consumption of liquor on the premises only.
- (B) “Off-sale” licenses shall be issued to either the holder of an on-sale liquor license and/or exclusive liquor store, or stores appropriate for the sales of 3.2 malt liquor, and shall permit off sales of liquor only.
- (C) “Temporary on-sale” licenses shall be granted only to (1) a club or charitable, religious, or other nonprofit organization in existence for at least three years, (2) a political committee registered under Minnesota Statute 10A.14, or (3) a state university, and shall be granted only in connection with a social event within the municipality sponsored by the licensee. Such licenses shall not authorize the on-sale of intoxicating liquor for more than four consecutive days and must be in compliance with all provisions of Minnesota Statute 340A.404. A “Temporary on-sale” license may allow the licensee to contract for intoxicating liquor or 3.2 malt liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by any municipality. All “Temporary on-sale” licenses must be approved by the commissioner of public safety.
  - (1) The City Council may issue a “Temporary on-sale” license to a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year in connection with a social event within the city, sponsored by the brewer. The terms and conditions specified for temporary licenses under paragraph “c” above shall apply to a license issued under this paragraph, except that the requirements of Minnesota Statute 340A.409, subdivisions 1 to 3a, (“Liability Insurance”), shall apply to the license.
- (D) On-sale wine licenses, with the approval of the Commissioner of Public Safety to: theaters, restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of Minn. Stat. § 340A.404, subd. 5, as it may be amended from time to time, and which meet the definition of restaurant in section 3; to licensed bed and breakfast

facilities which meet the criteria in Minn. Stat. § 340A.4011, subd. 1, as it may be amended from time to time and to theaters that meet the criteria of Minn. Stat. §340A.404, subd. 1(b) as it may be amended from time to time. The fee for an on-sale wine license established by the Council under the provisions of Section 10 of this ordinance, shall not exceed one-half of the license fee charged for an onsale intoxicating liquor license. The holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license is authorized to sell malt liquor with a content over 3.2 percent (strong beer) without an additional license.

### **110.03 : APPLICATION AND FEES.**

#### **(A) Application Process**

- (1) Every application for a license to sell intoxicating liquor or 3.2 malt liquor shall be verified and filed with the City. It shall state the name of the applicant, his or her age, representations as to his or her character, with the reference as may be required to citizenship, the organization in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how he or she has been in that business at that place, define the premises for which activities shall take place, and other information as the Council may require from time to time. In addition to containing the information, each application for a license shall be in the form prescribed by the Department of Public Safety. No person shall make a false statement in an application.
- (2) Each application for an “off-sale” and “on-sale” license, as well as an application for a “temporary on-sale” license pursuant to section 110.02(c)(1), shall be accompanied by proof of a liability insurance policy, and the liability insurance policies shall be approved as to form by the City Attorney. The operation of such an intoxicating liquor business without having on file at a time with the municipality an insurance policy shall be grounds for an immediate revocation of the license.
- (3) Each application for a license shall be accompanied by receipt from the City Treasurer for payment in full of the required fee for the license. All fees shall be paid in the general fund of the municipality. Upon rejection any application for a license, the Treasurer shall refund the amount paid.
- (4) Each application for an on-sale intoxicating liquor license shall be accompanied by a site plan, drawn to scale. The site plan must contain the following information: (a) a legal description of the property upon which the proposed licensed premises is situated; (b) a plot plan; (c) the exact location on the property of the licensed premises, all customer and employee parking areas, all accesses onto the property, all entrances into the premises, and all outdoor serving areas; (d) a floor plan of the licensed premises.

- (5) All full-year “on-sale” and “off-sale” licenses shall expire on the last day of June of each year. Each license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing the fee, any unexpired fraction of a month shall be counted as one month. “Temporary on-sale” licenses shall expire on the date specified in the license. “Temporary on-sale” licenses shall not authorize on-sales for more than four consecutive days not to exceed more than 12 days in a year.
- (6) The annual fees for “on-sale” and “off-sale” intoxicating and 3.2 malt liquor licenses and the fees for “temporary on-sale” licenses shall be set by resolution from time to time by the City Council.
- (7) If a refund for full-year “on-sale” or “off-sale” liquor license fees is sought within six months of the license year, half of the fee paid shall be refunded. After a license has been in effect for six months, no portion of the license fee shall be refunded. No refunds shall be granted on approved temporary on-sale licenses.

#### **110.04 : GRANTING LICENSES; INELIGIBILITY.**

At the time of making an initial application, or renewal application, or request for a corporate officer/partner, the applicant shall, in writing, authorize the Police Department to investigate all facts set out in the application and complete a personal background and criminal record check on the applicant and corporate officer/partner. The applicant shall further authorize the Police Department to release information received from such investigation to the Council.

Should the Council deny the applicant's request for a license due, partially or solely, to the applicant's prior conviction of a crime, the Council shall notify the applicant of the grounds and reasons for the denial; the applicable complaint and grievance procedure as set forth in Minnesota Statutes, Section 364.06; the earliest date the applicant may reapply for a license; and that all competent evidence of rehabilitation will be considered upon reapplication.

Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the City Council shall grant or refuse the application in its discretion. No "off-sale" license shall become effective until it, together with the bond furnished by the applicant, has been approved by the Department of Public Safety.

Each license shall be issued to the applicant only. Each license shall be issued only for the premises described in the application. No license may be transferred to another person or to another place without the approval of the City Council.

No license shall be issued for any place or for any organization ineligible for a license under state law.

No license shall be granted for operation on any premise on which taxes, assessments or other financial claims of the city are delinquent and unpaid.

No person shall be granted to or held by any person made ineligible for a license by state law.

#### **110.05 : CONDITIONS OF LICENSES.**

Every license shall be granted subject to the conditions in the following divisions and all other provisions of this chapter and of any other applicable ordinance of the city or state law.

Every licensee shall be responsible for the conduct on his or her licensed premises and the conditions of sobriety and order in it and on adjacent property. No person or persons to whom a liquor license is issued shall allow or permit the consumption or use of intoxicating liquor or 3.2 malt liquor in any off-street parking area connected with or a part of the land area of the licensed premises.

Any peace officer, health officer or any properly designated officer or employee of the city shall have the unqualified right to enter, inspect and search the premises of the licensee during business hours without a warrant.

No licensee shall permit any person, other than an employee engaged in bona fide duties in connection with the licensed premises, to occupy or remain in any part of the licensed premises or in any off-street parking area connected with or a part of the land area of the licensed premises between the hours of 2:30 a.m. and 8:00 a.m.

It shall be unlawful for a person under the age of 21 years of age to enter an establishment licensed for the sale alcoholic beverages for the purpose of purchasing, having served or delivered any alcoholic beverage. Notwithstanding the above, a person 18, 19 or 20 years old may enter an establishment licensed for the sale of alcoholic beverages for the following reasons:

- (A) To perform work for the establishment, including the serving of alcoholic beverages;
- (B) Consume meals; and
- (C) Attend social functions that are held in a portion of the establishment where alcoholic beverages are not sold.

All licenses hereunder shall provide proof of liability insurance to cover all claims allowed under Minnesota Statute 340A.801 (dram shop).

No minor shall misrepresent his or her age for the purpose of obtaining an alcoholic beverage.

No personnel shall induce a minor to purchase or procure an alcoholic beverage.

No person shall mix or prepare an alcoholic beverage for consumption in any public place or place of business, licensed to sell liquor "Off-sale" and no person shall consume an alcoholic beverage in any such place.

No alcoholic beverage shall be sold or consumed on a public highway or in an automobile.

No person shall consume or use an alcoholic beverage in any off-site parking area connected with or a part of the land area of a licensed premises that has been issued a license permitting the sale of alcoholic beverages. Off-street parking areas shall be construed to include roads adjacent to the area.

No person, other than an employee engaged in bona fide duties in connection with a premises which been issued a license permitting the sale of alcoholic beverages, shall occupy or remain in any part of the licensed premises between the hours of 2:30 a.m. and 8:00 a.m. Licensed premises shall include off-street parking areas and roads adjacent to same. Penalty, see § 10.99.

#### **110.06 : SUSPENSION AND REVOCATION.**

(A) The Council shall either suspend for a period not to exceed 60 days or revoke any liquor license upon finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this ordinance relating to liquor. Except in cases of lapse of proof of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the Office of Hearing Examiners for a hearing officer.

(B) The following are the minimum periods of suspension or revocation which shall be imposed by the Council for violations of the provisions of this ordinance or Minn. Stat. Ch. 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time:

- (1) For commission of a felony related to the licensed activity, sale of alcoholic beverages while the license is under suspension, sale of intoxicating liquor where the only license is for 3.2 percent malt liquor, or violation of Section 4, the license shall be revoked.
- (2) The license shall be suspended by the Council after a finding under division (A) that the licensee has failed to comply with any applicable statute, rule, or provision of this ordinance for at least the minimum periods as follows:
  - (a) For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.
  - (b) For a second violation within any three-year period, at least three consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

(c) For the third violation within any three-year period, at least seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed.

(d) For a fourth violation within any three-year period, the license shall be revoked.

(3) The Council shall select the day or days during which the license will be suspended.

(C) Lapse of required proof of financial responsibility shall effect an immediate suspension of any license issued pursuant to this ordinance or state law without further action of the Council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or of suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the Clerk, a hearing before the Council shall be granted within ten days. Any suspension under this division (B) shall continue until the Council determines that the financial responsibility requirements of state law and this ordinance have again been met.

(D) The provisions of Section 110:11 pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this ordinance.

#### **110.07 : SUNDAY SALE REGULATIONS.**

“Sunday sale“ licenses shall permit the sale and consumption of intoxicating liquors on the licensed premises only and between the hours of 8:00 a.m. on Sundays and 2:00 a.m. on Mondays in conjunction with the serving of food, but no liquor shall be served on Sundays other than to persons who are seated at tables in those types of hotels or restaurants which qualify for the “Sunday sale” license.

Every person desiring a “Sunday sale” license shall file a verified application therefore in writing with the Clerk of the municipality in the form prescribed by the Department of Public Safety and, with additional information as the City Council may require.

The annual fee for a “Sunday sale” license shall be set by resolution from time to time by the City Council.

“Sunday Sale” licenses may be revoked by the Council, for cause, in the same manner as for the revocation of “on-sale” licenses.

#### **110.08 : HOURS AND DAYS OF SALE.**

The sale of intoxicating liquor and 3.2% malt liquor for consumption on the licensed premises, as allowed in Minn. Stat. §340A.504 is modified and limited as follows:

- (A) The sale of intoxicating liquor and 3.2% malt liquor until 2:00am shall be permitted only on Friday, Saturday and Sunday. Sunday sales under Minn. Stat. §340A.504, subd. 3, shall also be permitted.
- (B) A licensee may apply to the city for a special event permit authorizing the sale of intoxicating liquor or 3.2% malt liquor until 2:00 a.m. for days other than permitted in subdivision a) above. The application shall be made to the Chief of Police or, in his absence, the City Administrator.
- (C) A licensee shall obtain the permit required of Minn. Stat. §340A.504, subd. 7 prior to selling intoxicating liquor or 3.2% malt liquor past 1:00am.

#### **110.09 : VACATION OF PREMISES.**

People may occupy the licensed premises until 2:30 a.m. on those days that the sale of intoxicating liquor and 3.2% malt liquor is permitted until 2:00 a.m.

#### **110.10: ADDITIONAL FEES.**

License fees for those establishments exercising the right to remain open until 2:00 a.m. shall be increased by an amount necessary to cover all additional costs of law enforcement and administration associated with the longer hours. Such additional fees shall be as determined by resolution of the council, from time to time.

#### **110.11: PENALTIES**

Any person violating the provisions of this ordinance or Minn. Stat. Ch. 340A as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time is guilty of a misdemeanor or guilty of applicable penalty under Minn. Stat. Ch. 340A and upon conviction shall be punished as provided by law.

- (A) The Council shall impose a civil penalty of up to \$2,000 for each violation of Minn. Stat. Ch. 340A, as it may be amended from time to time, and of this ordinance. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. Any criminal action to enforce this chapter shall not preclude the Council from imposing the civil penalties hear in or taking other action up to and including revocation of the license. A hearing under the Administrative Procedures Act, Minn. Stat. §§ 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall provide an opportunity to a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Nonpayment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the license is revoked:

- (1) For the first violation within any three-year period, \$500.
- (2) For the second violation within any three-year period, \$1,000.
- (3) For the third and subsequent violations within any three-year period, \$2,000.



(B) The term “violation” as used in Section 23 includes any and all violations of the provisions in this section, or of Minn. Stat. Ch. 340A, as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations for the preceding three-year period. Revocation shall occur within 60 days following a finding of a violation for which revocation is imposed.

*(Ord. 194, passed 03-25-04, Ord. 228, passed 01-26-06, Ord. 238, passed 11-20-06, Ord. 303, passed 07-23-15, Ord. 401, passed 03-26-20)*

## CHAPTER 111: TELECOMMUNICATIONS SERVICES

### 111.01: DEFINITIONS.

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

**COMPANY.** A natural or corporate person, business association, political subdivision, public or private agency of any kind, its successors and assigns, who or which seeks or is required to construct, install, operate, repair, maintain, remove or relocate facilities in the city.

**DIRECTOR.** The Director of Public Works, equivalent position at the city, or designated representative.

**FACILITIES.** Telecommunications equipment of any kind, including but not limited to audio, video, paging, facsimile or similar service, not governed by M.S. Chapter 238, including all trunks, lines, circuits, physical connections, switching equipment, wireless communication equipment of all kinds, and any necessary appurtenances owned, leased or operated by a company on, over, in, under across or along public ground.

**PUBLIC GROUND.** Highways, roads, streets, alleys, public ways, utility easements and public grounds in the city.

### 111.02 : PERMIT PROCEDURE.

(A) *Permit required.* A company may not construct, install, repair, remove or relocate facilities, or any part thereof, in, on, over, under or along public ground without first obtaining a permit from the city.

(B) *Application.* Application for a permit is made to the Director.

(C) *Issuance of permit.* If the Director determines that the applicant has satisfied the requirements of this chapter the Director may issue a permit to the company. An applicant may contest a permit denial or the conditions of approval by written notice to the Clerk-Treasurer requesting a City Council review within 14 days of the Director's actions under this chapter within 45 days of the City Clerk-Treasurer's receipt of the contest notice. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to the issuance of a permit set forth herein.

(D) *Permit fee.* The application must be accompanied by the permit fee set by the City Council by resolution.

(E) *Security for completion of work.* Prior to commencement of work, the company must deposit with the city security in the form of certified check, letter of credit or construction bond, in a sufficient amount as determined by the Director for completion of the work. The securities will be held until the work is completed, plus a period of months thereafter to guarantee that

restoration work has been satisfactorily completed. Upon application of the company providing the information as the Director may require, if two or more work projects are to be constructed during a calendar year, the Director may accept, in lieu of separate security for each project, a single security for multiple projects in a form and amount as determined, in the discretion of the Director, to be sufficient to assure completion of all projects which may be in progress at any one time during that calendar year and to guaranty that restoration work will be satisfactorily completed. The security will then be returned to the company with interest, if required by law, and then interest at the applicable statutory rate.

(F) *Inspection of work.* When the work is completed the company must request an inspection by the Director. The Director will determine if the work has been satisfactorily completed and provide the company with a written report of the inspection and approval.

#### **111.03 : RESTORATION AND RELOCATION.**

(A) *Restoration.* Upon completion of the work, the company must restore the general area of the work, including paving and its foundations, to the same condition that existed prior to commencement of the work and must exercise reasonable care to maintain the same condition for two years thereafter. The work must be completed as promptly as weather permits. If the company does not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and restore the public ground to the same condition, the city may put it in the same condition at the expense of the company. The company must, upon demand, pay to the city the direct and indirect cost of the work done for or performed by the city, including, but not limited to, the city's administrative costs. To recover its costs, the city will first draw on the security posted by the company and then recover the balance of the costs incurred from the company directly by written demand. This remedy is in addition to any other remedies available to the city.

(B) *Company initiated relocation.* The company must give the city written notice prior to the company initiated relocation of facilities. A company-initiated relocation must be at the company's expense and must be approved by the city, the approval not to be unreasonably withheld.

(C) *City required relocation.* The company must promptly and at its own expense, with due regard for seasonal working conditions, permanently relocate its facilities whenever the city requires the relocation.

(D) *Relocation where public ground vacated.* The vacation of public ground does not deprive the company of the right to operate and maintain its facilities in the city. If the company initiates the vacation proceedings, the company must pay the relocation costs. If the city or other persons initiate the vacation proceedings, the company must pay the relocation costs unless otherwise agreed to by the city, company and other persons.

**111.04 : COMPANY DEFAULT.**

(A) *Notice.* If the company is in default in the performance of the work authorized by the permit, including, but not limited to, restoration requirements, for more than 30 days after receiving written notice from the city of default, the city may terminate the rights of the company under the permit. The notice of default must be in writing and specify the provisions of the permit under which the default is claimed and state the grounds of the claim. The notice must be served on the company by personally delivering it to an officer thereof at its principal place of business in Minnesota or by certified mail to that address.

(B) *City action on default.* If the company is in default in the performance of the work authorized by the permit, the city may, after the above notice to the company and failure of the company to cure the default, take the action as may be reasonably necessary to abate the condition caused by the default. The company must reimburse the city for the city's reasonable costs, including costs of collection and attorney fees incurred as a result of the company default. The security posted under 111.02 (E) will be applied by the city first toward payment for the reimbursement.

**111.05 : INDEMNIFICATION.**

(A) *Scope.* The company will indemnify, keep and hold the city, its elected officials, officers, employees and agents free and harmless from any and all claims and actions on account of injury or death or persons or damage to property occasioned by the construction, installation, maintenance, repair, removal, relocation or operation of the facilities affecting public ground, unless the injury or damage is the result of the negligence of the city, its elected officials, employees, officers or agents. The city will notify the company of claims or actions and provide a reasonable opportunity for the company to accept and undertake the defense.

(B) *Claim defense.* If a claim or action is brought against the city under circumstances where indemnification applies, the company, at its sole expense, shall defend the city if written notice of the claim or action is given to the company within a period wherein the company is not prejudiced in the defense of the claim or action by lack of the notice. If the company undertakes the defense, the company shall have complete control of the claim or action, but it may not settle without the consent of the city, which shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the city. In defending any action on behalf of the city, the company is entitled to assert every defense or immunity that the city could assert on its own behalf.

**111.06 : CONDITIONS OF USE.**

(A) *Use of public ground.* Facilities must be located, constructed, installed, maintained or relocated so as not to endanger or unnecessarily interfere with the usual and customary traffic, travel and use of public ground. The facilities are subject to additional conditions of the permit as established by the Director including, but not limited to:

- (1) The right of inspection by the city at reasonable times and places;

(2) The obligation to relocate the facilities pursuant to § 111.03 (C) and (D); and

(3) Compliance with all applicable regulations imposed by the Minnesota Public Utilities Commission and other state and the federal law, including prompt compliance with the requirements of the Gopher State One Call program, M.S. Chapter 216D.

(B) *Location.* The facilities must be placed in a location agreed to by the city. The company shall give the city 45 days advanced written notice of the company's proposed location of facilities within the public ground. No later than 45 days after the city's receipt of the company's written notice the city will notify the company in writing of the city's acceptance or rejection of the proposed location. If the city rejects the company's proposed location, the city shall propose alternative locations. The city does not waive or forfeit its right to reject the location of facilities by failure to respond within 45 days.

(C) *Emergency work.* A company may open and disturb the surface of public ground without a permit where an emergency exists requiring the immediate repair of its facilities. In such event, the company must request a permit not later than the second working day thereafter and comply with the applicable conditions of the permit. In no event, may the company undertake an activity which will result in the closing of a street or alley without prior notification to the city.

(D) *Street improvements, paving or resurfacing.* The city will give the company written notice of plans for improvements where permanent paving or resurfacing is involved. The notice must contain:

(1) The nature and character of the improvements;

(2) The streets upon which the improvements are to be made;

(3) The extent of the improvements, the time when the city will start the work; and

(4) If more than one street is involved, the sequence in which the work is to proceed.

(E) *Company protection of facilities.* The company must take reasonable measures to prevent the facilities from causing damage to persons or property. The company must take reasonable measures to protect its facilities from damage that could be inflicted on the facilities by persons, property or the elements. The company must take protective measures when the city performs work near the facilities.

(F) *Prior service connections.* In cases where the city is undertaking the paving or resurfacing of streets and the facilities are located under the street, the company may be required to install service connections prior to the paving or resurfacing if it is apparent that service will be required during the five year period following the paving or resurfacing.

**111.07 :        APPLICABILITY TO EXISTING FACILITIES.**

Companies with facilities, in, on, over, under or along public ground on the effective date of this chapter must take prompt action to comply with this chapter and the permits authorized by this chapter. A company, however, is not required to reapply for a permit obtained from the city prior to the effective date of this chapter. A company is not required to pay the difference between the permit fee of a previously obtained permit and the equivalent newly obtained permit under this chapter. All other provisions of this chapter apply to existing facilities.

**111.08 :        COMPLIANCE; AUTHORITY.**

(A)    By receiving a permit pursuant to this chapter, the company accepts and agrees to comply with all of the requirements of this company.

(B)    Nothing in this chapter is intended to grant the company authority beyond that given by M.S. ' 222.37 for use of the public rights-of-way for construction and operation of facilities. If the city allows the company to use its non-right-of-way public ground, the terms of this chapter apply to the extent they are consistent with the contract, statutory and common law rights the city owns in the property.

**111.09 :        REGULATIONS; PERMIT SCHEDULES.**

The Director is authorized and directed to prepare suitable regulations and schedules for the administration of permits issued under this chapter.

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## CHAPTER 112: GAS FRANCHISE

### 112.01: DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

**City.** The City of Corcoran, County of Hennepin, State of Minnesota.

**City Utility System.** Facilities used for providing public utility service owned or operated by City or agency thereof, including sewer, storm sewer, water service, street lighting and traffic signals, but excluding facilities for providing heating, lighting, or other forms of energy.

**Commission.** The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all or part of the authority to regulate gas retail rates now vested in the Minnesota Public Utilities Commission.

**Company.** CenterPoint Energy Minnegasco, a Division of CenterPoint Energy Resources Corporation, its successors and assigns including all successors or assigns that own or operate any part or parts of the Gas Facilities subject to this franchise.

**Gas Facilities.** Gas transmission and distribution pipes, lines, ducts, fixtures, and all necessary equipment and appurtenances owned or operated by the Company for the purpose of providing gas energy for public or private use.

**Notice.** A writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to CenterPoint Energy Minnegasco, V.P. Regulatory and Supply Service, 800 LaSalle Avenue, Minneapolis, MN 55402. Notice to the City shall be mailed to City Administrator, City of Corcoran, 8200 County Road 116, Corcoran, MN 55340-2100. Any party may change its respective address for the purpose of this Ordinance by written notice to the other parties.

**Public Way.** Any street, alley or other public right-of-way within the City.

**Public Ground.** Land owned or otherwise controlled by the City for park, open space or similar public purpose, which is held for use in common by the public.

### 112.02 : ADOPTION OF FRANCHISE.

- A. **Grant of Franchise.** City hereby grants Company, for a period of 20 years from the date this Ordinance is passed and approved by the City, the right to import, manufacture, distribute and sell gas for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Gas Facilities in, on, over, under and across the Public Ways and Public Grounds, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these

purposes, subject however, to such reasonable regulations as may be imposed by the City pursuant to ordinance or permit requirements and to the further provisions of this franchise agreement.

- B. **Effective Date; Written Acceptance.** This franchise shall be in force and effect from and after its passage of this Ordinance and publication as required by law and its acceptance by Company. If Company does not file a written acceptance with the City within 60 days after the date the City Council adopts this Ordinance, or otherwise informs the City, at any time, that the Company does not accept this franchise, the City Council by resolution may revoke this franchise or seek its enforcement in a court of competent jurisdiction.
- C. **Service and Gas Rates.** The service to be provided and the rates to be charged by Company for gas service in City are subject to the jurisdiction of the Commission.
- D. **Publication Expense.** Company shall pay the expense of publication of this Ordinance.
- E. **Dispute Resolution.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity.
- F. **Continuation of Franchise.** If the City and the Company are unable to agree on the terms of a new franchise by the time this franchise expires, this franchise will remain in effect until a new franchise is agreed upon, or until 90 days after the City or the Company serves written Notice to the other party of its intention to allow the franchise to expire. However, in no event shall this franchise continue for more than one year after expiration of the 20-year term set forth in Section 2.1.

**112.03 : LOCATION, OTHER REGULATIONS.**

- A. **Location of Facilities.** Gas Facilities shall be located, constructed, and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System. Gas Facilities may be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance, location and relocation of Gas Facilities shall be subject to other reasonable regulations of the City consistent with authority granted the City to manage its Public Ways and Public Grounds under state law, to the extent not inconsistent with a specific term of this franchise.

- B. **Street Openings.** Company shall not open, disturb, interfere with or obstruct the surface of any Public Way or Public Ground for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb the surface of any Public Way or Public Ground without a permit if (i) an emergency exists requiring the immediate repair of Gas Facilities and (ii) Company gives telephone, email or similar notice to the City before commencement of the emergency repair, if reasonably possible. Within two business days after commencing the repair, Company shall apply for any required permits and pay any required fees.
- C. **Restoration.** After undertaking any work requiring the opening of any Public Way, the Company shall restore the Public Way in accordance with Minnesota Rules, part 7819.1100 and applicable City ordinances consistent with law. Company shall restore the Public Ground to as good a condition as formerly existed, and shall maintain the surface in good condition for six months thereafter. All work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration of the Public Ground at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.3. The Company shall also post a construction performance bond consistent with the provisions of Minnesota Rules parts 7819.3000 and 7819.0100, subpart 6.
- D. **Avoid Damage to Gas Facilities.** The Company must take reasonable measures to prevent the Gas Facilities from causing damage to persons or property. The Company must take reasonable measures to protect the Gas Facilities from damage that could be inflicted on the Facilities by persons, property, or the elements. The Company must take protective measures when the City performs work near the Gas Facilities, if given reasonable notice by the City of such work prior to its commencement.
- E. **Notice of Improvements to Streets.** The City will give Company reasonable written Notice of plans for improvements to Public Ways where the City has reason to believe that Gas Facilities may affect or be affected by the improvement. The notice will contain: (i) the nature and character of the improvements, (ii) the Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one-Public Way is involved, the order in, which the work is to proceed. The notice will be given to Company a sufficient length of time, considering seasonal working conditions, in advance of the actual commencement of the work to permit Company to make any additions, alterations or repairs to its Gas Facilities the Company deems necessary at Company expense.
- F. **Mapping Information.** The Company must promptly provide complete and accurate mapping information for any of its Gas Facilities in accordance with the

requirements of Minnesota Rules Parts 7819.4000 and 7819.4100.

**112.04 : RELOCATIONS.**

- A. **Relocation in Public Ways.** The Company shall comply with Minnesota Rules, part 7819.3100 and applicable City ordinances consistent with law.
- B. **Relocation in Public Grounds.** City may require Company at Company's expense to relocate or remove its Gas Facilities from Public Ground upon a finding by City that the Gas Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground. Relocation shall comply with applicable city ordinances consistent with law.
- C. **Projects with Federal Funding.** Relocation, removal, or rearrangement of any Company Gas Facilities made necessary because of the extension into or through City of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes Section 161.46.

**112.05 : INDEMNIFICATION.**

- A. **Indemnity of City.** Company shall indemnify and hold the City harmless from any and all liability, on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Gas Facilities located in the Public Ways and Public Grounds. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work.
- B. **Defense of City.** In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City. The Company, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf. This franchise agreement shall not be interpreted to constitute a waiver by the City of any of its defenses of immunity or limitations on liability under Minnesota Statutes, Chapter 466.

**112.06 : VACATION OF PUBLIC WAYS.**

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. The City and the Company shall comply with Minnesota Rules, 7819.3200 and applicable ordinances consistent with law.

**112.07 : CHANGE IN FORM OF GOVERNMENT.**

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

**112.08 : FRANCHISE FEE.**

- A. Form. During the term of the franchise hereby granted, and in addition to permit fees being imposed or that the City has a right to impose, the City may charge the Company a franchise fee. The fee may be (i) a percentage of gross revenues received by the Company for its operations within the City, or (ii) a flat fee per customer based on metered service to retail customers within the City or on some other similar basis, or (iii) a fee based on units of energy delivered to any class of retail customers within the corporate limits of the City. The method of imposing the franchise fee, the percentage of revenue rate, or the flat rate based on metered service may differ for each customer class or combine the methods described in (i) - (iii) above in assessing the fee. The City shall seek to use a formula that provides a stable and predictable amount of fees, without placing the Company at a competitive disadvantage. If the Company claims that the City required fee formula is discriminatory or otherwise places the Company at a competitive disadvantage, the Company shall provide a formula that will produce a substantially similar fee amount to the City and reimburse the City's reasonable fees and costs in reviewing and implementing the formula. The City will attempt to accommodate the Company but is under no franchise obligation to adopt the Company-proposed franchise fee formula and each review will not delay the implementation of the City-imposed fee.
- B. **Separate Ordinance.** The franchise fee shall be imposed by separate ordinance duly adopted by the City Council, which ordinance shall not be adopted until at least thirty (30) days after written notice enclosing such proposed ordinance has been served upon the Company. The fee shall become effective sixty (60) days after written notice enclosing such adopted ordinance has been served upon the Company by certified mail.
- C. **Condition of Fee.** The separate ordinance imposing the fee shall not be effective against the Company unless it lawfully imposes a fee of the same or substantially similar amount on the sale of gas energy within the City by any other gas energy supplier, provided that, as to such supplier, the City has the authority or contractual right to require a franchise fee or similar fee through a previously agreed upon franchise.
- D. **Collection of Fee.** The franchise fee shall be payable not less than quarterly during complete billing months of the period for which payment is to be made. The franchise fee formula may be changed from time to time, however, the change shall meet the same notice requirements and the fee may not be changed more often than annually. Such fee shall not exceed any amount that the Company may legally charge to its customers prior to payment to the City. Such fee is subject to subsequent reductions to account for uncollectibles and customer refunds incurred by the Company. The Company agrees to

make available for inspection by the City at reasonable times all records necessary to audit the Company's determination of the franchise fee payments.

- E. **Continuation of Franchise Fee.** If this franchise expires and the City and the Company are unable to agree upon terms of a new franchise, the franchise fee, if any being imposed by the City at the time this franchise expires, will remain in effect until a new franchise is agreed upon. However, in no event shall this franchise fee continue for more than one year after expiration of the 20-year term set forth in Section 112.20(A).

**112.09 : ABANDONED FACILITIES.**

The Company shall comply with City ordinances, Minnesota Statutes, Section 216D.01 et seq and Minnesota Rules Part 7819.3300, as they may be amended from time to time. The Company shall maintain records describing the exact location of all abandoned and retired Facilities within the City, produce such records at the City's request and comply with the location requirements of Section 216D.04 with respect to all Facilities, including abandoned and retired Facilities.

**112.10: PROVISIONS OF ORDINANCE.**

- A. **Severability.** Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part; and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.
- B. **Limitation on Applicability.** This Ordinance constitutes a franchise agreement between the City and Company as the only parties and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

**112.11: AMENDMENT PROCEDURE.**

Either party to this franchise agreement may at any time propose that the agreement be amended. This Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 60 days after the effective date of the amendatory ordinance.

*(Ord. 199, passed 05-27-04)*

## CHAPTER 113: ELECTRIC FRANCHISE

### 113.01: DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

**City.** The City of Corcoran, County of Hennepin, State of Minnesota.

**City Utility System.** Facilities used for providing public utility service owned or operated by City or agency thereof, including sewer, storm sewer, water service, but excluding facilities for providing heating, lighting, or other forms of energy.

**Commission.** The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all or part of the authority to regulate electric retail rates now vested in the Minnesota Public Utilities Commission.

**Company.** Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy, its successors and assigns, including all successors or assignees that own or operate any part or parts of the Electric Facilities subject to this franchise.

**Electric Facilities.** Electric transmission and distribution towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by Company for the purpose of providing electric energy for public use.

**Non-Betterment Costs.** Costs incurred by Company from relocation, removal or rearrangement of Electric Facilities that do not result in an improvement to the Electric Facilities, taking into consideration salvage value of Facilities removed.

**Notice.** A writing served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, Legal Services, Suite 3000, 800 Nicollet Mall, Minneapolis, MN 55402. Notice to the City shall be mailed to the City Administrator, 8200 County Road 116, Corcoran, MN, 55340. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.

**Public Ground.** Land owned or otherwise controlled by the City for park, open space or similar public purpose, which is held for use in common by the public.

**Public Way.** Public right-of-way within the City as defined in Minn. Stat. § 237.163, subd. 3.



**113.02 : ADOPTION OF FRANCHISE.**

**2.1 Grant of Franchise.** City hereby grants Company, for a period of twenty (20) years from the date this Ordinance is passed and approved by the City, the right to transmit and furnish electric energy for light, heat and power or similar electric energy purposes for public use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Ways and Public Grounds, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to the further provisions of this franchise agreement.

**2.2 Effective Date; Written Acceptance.** This franchise shall be in force and effect from and after the passage of this Ordinance and publication as required by law and its acceptance by Company. If Company does not file a written acceptance with the City within 90 days after the date the City Council adopts this Ordinance, or otherwise places the City on notice, before that time, that the Company does not accept all terms of this franchise, the City Council by resolution may revoke this Ordinance or seek its enforcement in a court of competent jurisdiction.

**2.3 Service Rates and Area.** The service to be provided and the rates to be charged by Company for electric service in City are subject to the jurisdiction of the Commission. The area within the City in which Company may provide electric service is subject to the provisions of Minnesota Statutes, Section 216B.40.

**2.4 Publication Expense.** The expense of publication of this Ordinance shall be paid by City and reimbursed to City by Company within 30 days.

**2.5 Dispute Resolution.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the date of written Notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity.

**2.6 Continuation of Franchise.** If the City and Company are unable to agree on the terms of a new franchise by the time this franchise expires, this franchise will remain in effect until a new franchise is agreed upon, or until 90 days after the City or Company serves written Notice to the other party of its intention to allow the franchise to expire, but in no event shall this franchise continue for more than one year after expiration of the 20-year term set forth in Section 2.1.

**113.03 : LOCATION, OTHER REGULATIONS.**

**3.1 Location of Facilities.** Electric Facilities shall be located, constructed, and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System or street lighting or traffic signal system of the City. Electric Facilities shall be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance, location and relocation of Electric Facilities shall be subject to any permit requirements authorized in a separate ordinance and other reasonable regulations of the City, consistent with authority granted the City to manage its Public Ways and Public Grounds under state law, to the extent not inconsistent with a specific term of this franchise agreement. Company may abandon underground Electric Facilities in place, provided at City's request, Company at its own expense, removes abandoned metal conduits or concrete encased conduit or other Facilities interfering with a City improvement project, but only to the extent such conduit is uncovered as part of the City's improvement project.

**3.2 Street Openings.** Company shall not open or disturb the surface of any Public Way or Public Ground for any purpose without first having obtained a permit from the City, if required by a separate ordinance for which the City may impose a reasonable fee, subject to the provisions of Section 9. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb the surface of any Public Way or Public Ground without a permit if (i) an emergency exists requiring the immediate repair of Electric Facilities and (ii) Company gives telephone, e- mail or similar notice to the City before, if reasonably possible, commencement of the emergency repair. Within two business days after commencing the repair, Company shall apply for any required permits and pay any required fees.

**3.3 Restoration.** After undertaking any work requiring the opening of any Public Way, Company shall restore the Public Way in accordance with Minnesota Rules, Part 7819.1100 and applicable City ordinances to the extent consistent with law. Company shall restore the Public Ground to as good a condition as formerly existed, and shall maintain the surface in good condition for six months thereafter, but shall have no obligation to water any grass or other vegetation thereon. All work shall be completed as promptly as weather permits and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground in the said condition the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration of the Public Ground at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section.

**3.4 Performance Security.** City hereby waives any requirement, in the normal course of Company operations, for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way or the Public Ground. Notwithstanding the foregoing, the City reserves the right to require a performance bond for new installation, replacement, or repairs, when the Company's completion of its work is required in order for the City to proceed with its work for constructing a public improvement to the Public Way.

**3.5 Shared Use of Poles.** Company shall make space available on its poles or towers for City fire, water utility, police or other City facilities whenever such use will not interfere with the use of such poles or towers by Company, by another electric utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by Company because of such use by City.

**3.6 Avoid Damage to Electric Facilities.** Nothing in this Ordinance relieves any person, including Company, from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities or other persons or property while performing any activity.

**3.7 Notice of Improvements to Streets.** The City must give Company reasonable written Notice of plans for improvements to Public Ways where the City has reason to believe that Electric Facilities may affect or be affected by the improvement. The Notice must contain: (i) the nature and character of the improvements, (ii) the Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Way is involved, the order in which the work is to proceed. The Notice must be given to Company a sufficient length of time, considering seasonal working conditions, in advance of the actual commencement of the work to permit Company to make any additions, alterations or repairs to its Electric Facilities Company deems necessary.

**3.8 Mapping Information.** Company must promptly provide mapping information for any of its underground Electric Facilities in accordance with Minnesota Rules Parts 7819.4000 and 7819.4100.

#### **113.04 : RELOCATIONS.**

**4.1 Relocation in Public Ways.** Company shall comply with the requirements of any applicable ordinance of the City relating to relocation of Electric Facilities in Public Ways to the extent consistent with Minnesota Rules, Part 7819.3100 and applicable law.

**4.2 Relocation in Public Grounds.** The City may require Company at Company's expense to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground. Such relocation shall comply with applicable city ordinances consistent with law.

**4.3 Projects with Federal Funding.** Relocation, removal, or rearrangement of any Electric Facilities made necessary because of the extension into or through City of a federally- aided highway project shall be governed by the provisions of Minnesota Statutes Section 161.46, as supplemented or amended. It is expressly understood that the right herein granted to Company is a valuable property right. City shall not order Company to remove or relocate its facilities without compensation when a Public Way is vacated, improved or re-aligned because of a renewal or a redevelopment plan which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable Non-betterment Costs of such relocation are paid to Company. The City is obligated to pay Company, however, only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company.

**4.4 No Waiver.** By entering this or any prior franchise agreement with the City, Company does not waive its rights under an easement or prescriptive right or State or County permit.

**113.05 : TREE TRIMMING.**

Unless otherwise provided in any permit or other reasonable regulation required by the City under separate ordinance, Company may trim all trees and shrubs in the Public Ways and Public Grounds of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that Company shall save the City harmless from any liability arising therefrom.

**113.06 : INDEMNIFICATION.**

**6.1 Indemnity of City.** Company shall indemnify and hold harmless the City from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the Public Ways and Public Grounds. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work.

**6.2 Defense of City.** In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City and Company, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf. This franchise agreement shall not be interpreted to constitute a waiver by the City of any of its defenses of immunity or limitations on liability under Minnesota Statutes, Chapter 466.

**113.07 : VACATION OF PUBLIC WAYS.**

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required solely for a City improvement project, the vacation of any Public Way, after the installation of Electric Facilities, shall not operate to deprive Company of its rights to operate and maintain such Electric Facilities, until the reasonable cost of relocating the same first paid to Company. In no case, however, shall the City be liable to Company for failure to specifically preserve a right-of-way, under Minnesota Statutes, Section 160.29. In accordance with Minnesota Rules, Part 7819.3200, if the City's order directing vacation of the Public Way does not require relocation of the Company's Electric Facilities to prevent interference with a current public improvement, the vacation proceedings shall not be deemed to deprive Company of its right to continue to use the right-of-way of the former Public Way for its Electric Facilities installed prior to such order of vacation.

**113.08 : CHANGE IN FORM OF GOVERNMENT.**

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

**113.09 : FRANCHISE FEE.**

The City at the time of adopting this franchise agreement does not desire to require that Company collect a franchise fee from its customers in the City. At a future date during the term of this franchise agreement, the City may determine that it desires Company to collect a franchise fee. If so, the City may give Company Notice to amend this franchise agreement to authorize collection of a franchise fee by separate ordinance in an amount and upon such terms and conditions as Company at that time is willing to incorporate in its electric franchise agreements with other cities of the second, third or fourth class in the seven-county metropolitan area. Upon receipt of such Notice Company shall negotiate in good faith with City to so amend this franchise agreement.

**113.10 : PROVISIONS OF ORDINANCE.**

**10.1 Severability.** Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part; and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part; provided, however, if any provision is held invalid, the parties agree to negotiate in good faith to substitute, to the extent reasonably possible, amended provisions that validly carry out the primary purpose of the invalid provisions. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

**10.2 Limitation On Applicability.** This Ordinance constitutes a franchise agreement between the City and Company as the only parties and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

**113.11 : AMENDMENT PROCEDURE.**

Either party to this franchise agreement may at any time propose that the agreement be amended. This Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk after City council adoption of the amendatory ordinance.

**113.12 : PREVIOUS FRANCHISES SUPERSEDED.**

This franchise supersedes and replaces previous franchises granted to the Company or its predecessors. Upon Company acceptance of this franchise under Section 2.2, the previous franchise shall terminate.

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## CHAPTER 114: TOBACCO REGULATIONS

### 114.01: PURPOSE

Because the City of Corcoran recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco-related devices, and such sales, possession, and use are violations of both State and Federal laws; and because studies, which are hereby accepted and adopted have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government, this Chapter shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco-related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco-related devices, and to further the official public policy of the Stat of Minnesota in regard to preventing young people from starting to smoke as stated in Minnesota Statute 144.391

### 114.02 : DEFINITIONS AND INTERPRETATIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term “shall” means mandatory and the term “may” means permissive. The following terms shall have the definitions given to them:

**COMPLIANCE CHECKS** shall mean the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products and tobacco-related devices are following and complying with the requirements of this Chapter of the Municipal Code. Compliance checks shall involve the use of minors as authorized by this Chapter. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco-related devices for educational, research and training purposes as authorized by State and Federal laws.

Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State or local laws and regulations relating to tobacco, tobacco products and tobacco-related devices.

**INDIVIDUALLY PACKAGED** shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this subdivision shall not be considered individually packaged.

**LOOSIES** shall mean the common term used to refer to a single or individually packaged cigarette.

**MINOR** shall mean any natural person who has not yet reached the age of eighteen (18) years of age.

**MOVEABLE PLACE OF BUSINESS** shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

**RETAIL ESTABLISHMENT** shall mean any place of business where tobacco, tobacco products, or tobacco-related devices are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

**SALE** shall mean any transfer of goods for money, trade, barter, or other consideration.

**SELF-SERVICE MERCHANDISING** shall mean open displays of tobacco, tobacco products, or tobacco-related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco-related devices, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, or tobacco-related device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

**TOBACCO OR TOBACCO PRODUCTS** shall mean any substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; pipe tobacco; snuff, fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff flowers; Cavendish; shorts, plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings, sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such a manner as to be suitable for chewing, sniffing, or smoking.

**TOBACCO-RELATED DEVICES** shall mean any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

**VENDING MACHINE** shall mean any mechanical, electric, electronic, or other type of device that dispenses tobacco, tobacco products, or tobacco-related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco-related device.

#### **114.03 : LICENSE**

No person shall sell or offer to sell any tobacco, tobacco products or tobacco-related device without first having obtained a license to do so from the City, according to the following process:

1. Application – An application for a license to sell tobacco, tobacco products, or tobacco-related devices shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary. Upon receipt, the Clerk/Treasurer shall forward the application to the Police Department for the purpose of conducting a background check on the applicant. The Police Department shall have ten (10) days complete the background check and upon its completion, shall forward the application and investigation results to the City Council for action at its next regularly scheduled council meeting. If the Clerk/Treasurer shall determine that the application is incomplete, he or she shall return the application to the applicant with notice of information necessary to make the application complete.
2. Action - The City Council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant, as it deems necessary. If the City Council shall approve the license, the Clerk/Treasurer shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant, along with a notice of the applicant's right to appeal the decision.
3. Term – All licenses issued under this Code shall expire on June 30 of each year.
4. Revocation or Suspension – Any license issued under this Code may be revoked or suspended as provided in the Violations and Penalties section of this Code.
5. Transfers – All licenses issued under this Code shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or persona shall be valid without the prior approval of the City Council.
6. Moveable Place of Business – No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this Code.
7. Display – All licenses shall be posted and displayed in plain view of the general public on the licensed premises.
8. Renewals – The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for renewal shall be made at least thirty days, but not more than sixty days before the expiration of the current license.

**114.04 : FEES**

No license shall be issued under this Code until the appropriate license fee shall be paid in full. The fee for a license under this Municipal Code shall be \$150.00 per year. Initial license

applications covering a period of less than one year shall be charged a fee calculated on a monthly pro-rata basis.

**114.05 : BASIS FOR DENIAL OF LICENSE**

The following shall be grounds for denying the issuance or renewal of a license under this Chapter; however, except as may otherwise be provided by law, the existence or any particular ground for denial does not mean that the City must deny the license. If the license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Chapter:

1. The applicant is under 18 years of age.
2. The applicant has been convicted within the last five (5) years of any violation of a Federal, State, or local law, ordinance provision, or other regulation relating to tobacco, tobacco products, or tobacco-related devices.
3. The applicant has had a license to sell tobacco, tobacco products, or tobacco-related devices revoked within the preceding twelve (12) months of the date of the application.
4. The applicant fails to provide any information required on the application, or provides false or misleading information.
5. The applicant is prohibited by Federal, State or other local law, ordinance, or other regulation, from holding such a license.

**114.06 : PROHIBITED SALES**

It shall be a violation of this Chapter for any person to sell or offer to sell any tobacco, tobacco product, or tobacco-related device:

1. To any person under the age of eighteen (18) years.
2. By means of any type of vending machine, except as may otherwise be provided in this Chapter.
3. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensee's premise in order to receive the tobacco, tobacco product, or tobacco-related device, and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco-related device, between the licensee or the licensee's employee, and the customer.
4. By means of loosies, as defined in Section 114.02 of this ordinance.
5. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
6. By any other means, to any other person, or in any other manner or form prohibited by Federal, State, or other local law, ordinance, provision or other regulation.

**114.07 : MACHINES**

It shall be unlawful for any person licensed under this Code to allow the sale of tobacco, tobacco products, or tobacco-related devices by the means of a self-service vending machine unless minors are at all times prohibited from entering the licensed establishment or unless the vending machine is equipped with a single sale device that must be pushed by a sales clerk before a sale can be made.

**114.08 : SERVICE MERCHANDISING**

It shall be unlawful for a licensee under this Code to allow the sale of tobacco, tobacco products, or tobacco-related devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco-related device between the licensee or his or her clerk and the customer. All tobacco, tobacco products, and tobacco-related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, or tobacco-related devices at the time this Code is adopted shall comply with this section within 90 days. This section shall not apply to retail stores which derive at least 90% of their revenue from tobacco, tobacco products, or tobacco-related devices and which cannot be entered at any time by persons younger than 18 years of age.

**114.09 : RESPONSIBILITY**

All licensees under this Code shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, or tobacco-related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this Section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Code, State or Federal law, or other applicable law or regulation.

**114.10 : COMPLIANCE CHECKS AND INSPECTIONS**

All licensed premises shall be open to inspection by the City Police Department or other authorized City Official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with written consent of their parents or guardians, minors over the age of fifteen (15) years but less than eighteen (18) years, to enter the licensed premise to attempt to purchase tobacco, tobacco products or tobacco-related devices. Minors used for the purpose of compliance checks shall be supervised by designated law enforcement officers or other designated City personnel. Minors used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase nor the unlawful possession of tobacco, tobacco products or tobacco-related devices when such items are obtained or attempted to be obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee.

and shall produce any identification, if it exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research or training purposes, or required for the enforcement of a particular State or Federal law.

#### **114.11 : OTHER ILLEGAL ACTS**

Unless otherwise provided, the following acts shall be a violation of this Code:

1. **Illegal Sales** – It shall be a violation of this Code for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco-related device to any minor.
2. **Illegal Possession** – It shall be a violation of this Code for any minor to have in his or her possession any tobacco, tobacco product, or tobacco-related device. This subdivision shall not apply to minors lawfully involved in compliance checks.
3. **Illegal Use** – It shall be a violation of this Code for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco-related device.
4. **Illegal procurement** – It shall be a violation of this Code for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product or tobacco-related device, and it shall be a violation of this Code for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco-related device. This subsection shall not apply to minors lawfully involved in a compliance check.
5. **Use of False Identification** – It shall be a violation of this Code for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

#### **114.12 : VIOLATIONS**

1. **Notice** – Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, an administrative offense citation provided for under Section 114.13 of this Code, setting forth the alleged violation and the alleged violator's right to be heard on the accusation.
2. **Hearing** -- The person accused of violating this Code may request a hearing, in writing, within 14 days of receipt of the Notice of Violation and a hearing shall be scheduled, time and place of which shall be provided to the accused violator.
3. **Hearing Officer** – The City Clerk/Treasurer, or his/her designee, shall serve as the hearing officer.
4. **Decision** – If the hearing officer determines that a violation of this Ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be

imposed under Section 114.13 of this Code, shall be recorded in writing. A copy of said decision shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred, or finds grounds for not imposing any penalty, such findings shall be recorded, and a copy provided to the acquitted accused violator.

5. Appeals – Appeals of any decision made by the hearing officer shall be made to the City Council, in writing, within seven (7) days of receipt of the hearing officer’s decision. The decision of the City Council shall be final.
6. Misdemeanor Prosecution – A violation of this Code shall be a misdemeanor.
7. Continued Violation – Each violation, and every day in which a violation occurs or continues, shall constitute a separate event.

#### **114.13 : PENALTIES**

1. Licensees – Any licensee found to have violated this Code, or whose employee shall have violated this Code, shall be charged an administrative fine of \$75.00 for the first violation of this Code; \$200.00 for a second offense at the same licensed premises within a twenty-four month period; and \$250.00 for a third or subsequent offense at the same location within a twenty-four month period. In addition, after the third offense, the license shall be suspended for the remainder of the license period or ninety days, whichever is greater.
2. Other individuals – Other individuals, other than minors regulated by subdivision 3 of this subsection (114.13), found to be in violation of this Code shall be charged an administrative fine of \$50.00.
3. Minors – Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco-related devices, shall be referred to the Hennepin County Attorney’s Office.
4. Misdemeanor – Any person found guilty by lawful authority of violating any provisions of this Section shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$700 and/or imprisonment for not longer than 90 days.

#### **114.14 : SEVERABILITY AND SAVINGS CLAUSE**

If any section or portion of this Code shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not service as an invalidation or effect the validity and enforceability of any other section or provision of this Code.



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## **CHAPTER 115: ADULT ENTERTAINMENT**

### **115.01: FINDINGS AND PURPOSE**

Studies conducted by the Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington, have studied the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have adverse impacts on the surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transience, neighborhood blight and potential health risks. Based on these studies and findings, the City Council concludes:

- a. Adult establishments have adverse secondary impacts of the types set forth above.
- b. The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing and health requirements.
- c. It is not the intent of the City Council to prohibit adult establishments from having a reasonable opportunity to locate in the City of Corcoran.
- d. Minnesota Statutes, Section 432.357 and Section 412.221 allow the City to adopt regulations to promote the public health, safety, morals and general welfare of residents.
- e. The public health, safety, morals, and general welfare will be promoted by the City adopting regulations governing adult establishments.

### **115.02: DEFINITIONS**

For the purpose of this article, the following terms shall have the meanings given them.

- a. **ADULT ESTABLISHMENT** means:
  1. Any business that is conducted exclusively for the patronage of adults and that excludes minors from patronage, either by operation of law, or by the owners of the business, except any business licensed under this ordinance.
  2. Any business that devotes 25% or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to or derives 25% or more of its revenue from items, merchandise, devices, or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, discussing, or relating to specified sexual activities or specified anatomical areas; or
  3. Any business that engages in an adult use as defined in paragraph (b) of the section.

b. An **ADULT USE** is any of the following activities or businesses:

1. **ADULT BODY PAINTING STUDIO** means an establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.
2. **ADULT BOOKSTORE** means an establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if:
  - a. The business is not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age; or
  - b. 25% or more of the floor area of the business, not excluding storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to, or 25% or more of the revenue of the business is derived from, items, merchandise, or other materials distinguished by an emphasis on material depicting, exposing, describing, discussion, or relating to specified sexual activities or specified anatomical areas.
3. **ADULT CABARET** means a business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on:
  - a. The depiction of Specified Sexual Activities or Specified Anatomical Areas; or
  - b. The presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.
4. **ADULT COMPANIONSHIP ESTABLISHMENT** means a business or establishment that excludes minors by reason of age, and that provides the service of engaging in or listening to conversation, talk or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
5. **ADULT CONVERSATION/RAP PARLOR** means a business or establishment that excludes minors by reason of age, and that provides the services of engaging in or listening to conversation, talk or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
6. **ADULT HEALTH/SPORT CLUB** means a health/sport club that excludes minors by reason of age, and is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
7. **ADULT HOTEL OR MOTEL** means a hotel or motel that excludes minors by reason of age, and that presents material distinguished or characterized by an emphasis on matter

depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.

8. **ADULT MASSAGE PARLOR/HEALTH CLUB** means a massage parlor or health club that excludes minors by reason of age, and that provides massage services distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
9. **ADULT MINI MOTION PICTURE THEATER** means a business or establishment with a capacity of less than 50 persons that presents material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
10. **ADULT MODELING STUDIO** means a business or establishment that provides figure models who, with the intent of providing sexual stimulation or sexual gratification, engage in Specified Sexual Activities or displays Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.
11. **ADULT MOTION PICTURE ARCADE** means any place to which the public is permitted or invited where coin or slug operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
12. **ADULT MOTION PICTURE THEATER** means a motion picture theater with a capacity of 50 or more persons that as a prevailing practice excludes minors by reason of age, or that as a prevailing practice presents material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
13. **ADULT NOVELTY BUSINESS** means an establishment or business that devotes 25% or more of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives 25% or more of its revenues from items, merchandise, or devices that either stimulate Specified Sexual Activities or Specified Anatomical Areas, or are designed for sexual stimulation.
14. **ADULT SAUNA** means a sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
15. **ADULT STEAMROOM/BATHHOUSE FACILITY** means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxing or reducing, if the building or portion of a building restricts minors by reason of age, and if the service provided by the steam room/bathhouse facility

is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

**c. NUDE or SPECIFIED ANATOMICAL AREAS**

1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**d. SPECIFIED SEXUAL ACTIVITIES**

1. Actual or simulated: sexual intercourse; oral copulation; anal intercourse; oral-anal copulation; bestiality; direct physical stimulation or unclothed genitals; flagellation or torture in the context of a sexual relationship; the use of excretory functions in the context of a sexual relationship; anilingus; buggery coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pederasty; pedophilia; piquerism; sapphism; or zooerastia;
2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
4. Fondling or touching of nude human genitals, pubic regions, buttocks or female breasts;
5. Situations involving a person or persons, any of whom are nude, who are clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding, or other physical restraint of any person.
6. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, or vaginal or anal irritation.

**115.03 : LOCATION**

An adult establishment may not be located within 1,000 feet of any public park, church, school, daycare or residentially-guided area. For purposes of this section, this distance is a horizontal measurement from the main public entrance of the Adult Establishment to the nearest point of any public park, church, school, daycare or residentially guided area.

*(Ord. 213, passed 12-21-04)*

**115.04 : HOURS OF OPERATION**

An adult establishment may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.

**115.05 : ADDITIONAL CONDITIONS FOR ADULT CABARETS**

The following additional conditions apply to adult cabarets;

- a. An owner, operator, or manager of an adult cabaret may not allow a dancer or other live entertainer to display Specified Anatomical Areas or to display or perform Specified Sexual Activities on the premises of the Adult Cabaret;
- b. A dancer, live entertainer, performer, patron, or any other person may not display Specified Anatomical Areas in an Adult Cabaret;
- c. The owner, operator, or manager of an Adult Cabaret must provide the following information to the City concerning any person who dances or performs live entertainment at the adult cabaret: the person's name, home address, home telephone number, date of birth, and any aliases;
- d. A dancer, live entertainer, or performer may not be under 18 years old;
- e. Dancing or live entertainment must occur on a platform intended for that purpose and that is raised at least two feet from the level of the floor;
- f. A dancer or performer may not perform a dance or live entertainment closer than 10 feet from any patron.
- g. A dancer or performer may not fondle or caress any patron and no patron may fondle or caress any dancer or performer;
- h. A patron may not pay or give any gratuity to any dancer or performer; and
- i. A dancer or performer may not solicit or accept any pay or gratuity from any patron.

**115.06 : LICENSE REQUIRED**

- A. A persona may not own or operate an Adult Establishment without having first secured a license as provided for in this section. Notwithstanding any other provision of this code to the contrary, the procedures set forth in this section establish the exclusive method for obtaining an adult establishment license.
- B. The application for an Adult Establishment license must be submitted on a form provided by the City and must include:

1. If the applicant is an individual, the name, residence, phone number and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birth dates all persons holding more than five percent of the issued and outstanding stock of the corporation;
  2. The name, address, phone number, and birth date of the operator and manager of the adult establishment, if different from the owner's;
  3. The address and legal description of the premises where the adult establishment is to be located;
  4. A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment or adult business by the applicant, operator, or manager, and whether or not the applicant, operator, or manager has ever applied for or held a license to operate a similar type of business in another community. In the case of a corporation, a statement detailing any felony convictions by the owners of more than five percent of the issued and outstanding stock in the corporation, and whether or not those owners have ever applied for or held a license to operate a similar type business in another community;
  5. The activities and type of business to be conducted;
  6. The hours of operation;
  7. The provisions made to restrict access by minors;
  8. A building plan of the premises detailing all internal operations and activities.
- C. The license fee provisions for Adult Establishments are as follows:
1. The annual license fee is set by Council resolution;
  2. An application for a license must be submitted to the City Clerk and accompanied by payment of the required license fee. Upon rejection of an application for a license, the City will refund the license fee.
  3. Licenses will expire on December 31 in each year. Each license will be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rated fee. In computing a pro rated fee, any unexpired fraction of a month will be counted as one month.



4. No part of the fee paid by any license will be refunded, except that a pro rata portion of the fee will be refunded in the following instances upon application to the City Council within 30 days from the happening of one of the following before the expiration of the license:

- a. Destruction or damage of the licensed premises by fire or other catastrophe;
- b. The licensee's illness, if such illness renders the licensee unable to continue operating the licensed establishment;
- c. The licensee's death;
- d. A change in the legal status, making it unlawful for the licensed business to continue.

5. An application must contain a provision in bold print indicating that withholding information or providing false or misleading information will be grounds for denial or revocation of a license. Changes in the information provided on the application or provided during the investigation must be brought to the attention of the City Council by the applicant or licensee. If such a change takes place during the investigation, it must be reported to the Police Chief or City Clerk in writing and they will report it to the City Council. A failure by an applicant or licensee to report such a change may result in a denial or revocation of a license.

D. The investigative fee for an adult establishment license if established by Council resolution.

E. The procedures for granting an adult establishment license are as follows:

- 1. The Chief of Police will conduct and complete an investigation within 30 days after the City Clerk receives a complete application and all license and investigative fees.
- 2. If the application is for a renewal, the applicant will be allowed to continue business until the City Council has determined whether to renew or refuse to renew a license.
- 3. If, after the investigation, it appears that the applicant and the place proposed for the business are eligible for a license, then the license will be issued by the City Council within 30 days after the investigation is completed. If the City Council fails to act within 30 days after the investigation is completed, the application will be deemed approved.
- 4. A license will be issued to the applicant only and is not transferable to another holder. Each license will be issued only for the premises described in the application. A license may not be transferred to another premise without the approval of the City Council. If the licensee is a partnership or a corporation, a change in the identity of any partner or holder of more than five percent of the issued and outstanding stock of the corporation will be deemed a

transfer of the license. Adult establishments existing at the time of the adoption of this section must obtain an annual license.

- F. A license will not be granted to or held by a person who:
  - 1. Is under 21 years of age;
  - 2. Who is overdue, or whose spouse is overdue in payments to the City, County, or State of Minnesota, of taxes, fees, fines, or penalties assessed against them or imposed upon them;
  - 3. Who has been convicted or whose spouse has been convicted of a gross misdemeanor or felony or of violating any law of this state or local ordinance relating to sex offenses, obscenity offenses, or adult establishments;
  - 4. Who is not the proprietor of the establishment for which the license is issued;
  - 5. Who is residing with a person who has been denied a license by the City or any other Minnesota municipal corporation to operate an adult establishment, or residing with a person whose license to operate an adult establishment has been suspended or revoked within the preceding twelve (12) months; or
  - 6. Who has not paid the license and investigative fees required by this section.
- G. An adult establishment license will not be granted for:
  - 1. An adult establishment on premises where the applicant or any of its officers, agents or employees has been convicted of a violation of this article, or where a license hereunder has been revoked for cause, until one (1) year has elapsed after the conviction or revocation;
  - 2. Any adult establishment that is not in full compliance with the City Code and all provisions of State and Federal law; or
  - 3. Any premises that are licensed under chapter four of this code.
- H. A license is subject to the provisions of this article, and of any applicable sections of the Municipal Code and all provisions of State and Federal law.
- I. Licensed premises must have the license posted in a conspicuous place at all times.
- J. A minor may not be permitted on the licensed premises.
- K. Any designated inspection officer of the City has the right to enter, inspect, and search the premises of a licensee during business hours.

- L. The licensee is responsible for the conduct of the licensed place of business and must maintain conditions of order.
- M. Adult goods or materials may not be offered, sold, transferred, conveyed, given, or bartered to a minor, or displayed in a fashion that allows them to be viewed by a minor, whether or not the minor is on the licensed premises.
- N. The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the complete purchase price or rental price, and a detailed description of the item or merchandise that is being purchased to rented. These written records must be provided to the City upon request.
- O. Suspensions, revocations, and non-renewals of adult establishment licenses are governed by the following provisions:
  - 1. A violation of this article is a basis for the suspension or revocation of a license granted hereunder. In the event that the City Council proposes to revoke or suspend the license, the licensee must be notified in writing of the basis for such proposed revocation or suspension. The Council will hold a hearing for the purpose of determining whether to revoke or suspend the license. The hearing must be within 30 days of the date of the notice. The City Council must determine whether to suspend or revoke a license within 30 days after the close of the hearing, or within 60 days of the date of the notice, whichever is sooner. The Council must notify the licensee of its decision within that period.
  - 2. If the Council determines to suspend or revoke a license, the suspension or revocation is not effective until 15 days after notification of the decision to the licensee. If, within those 15 days, the licensee files and serves an action in State or Federal court challenging the Council's action, then the suspension or revocation is stayed until the conclusion of such action.
  - 3. If the City Council determines not to renew a license, the licensee may continue its business for 15 days after receiving notice of such non-renewal. If the licensee files and serves an action in State or Federal court within that 15 days, for the purpose of determining whether the City acted properly, the licensee may continue its business until the conclusion of the action.
  - 3. If the City Council does not grant a license to an applicant, then the applicant may commence an action in State or Federal court within 15 days for the purpose of determining whether the City acted properly. The applicant may not commence doing business unless the action is concluded in its favor.

#### **115.07 : FINDINGS AND PURPOSE OF CONDUCT**

The City Council of the City of Corcoran makes the following findings regarding the need to regulate commercial premises, buildings, and structures that are conducive to the spread of communicable disease of danger to persons in order to further the substantial interest of public health:

- a. The experience of other cities establishes that certain commercial premises, buildings, and structures, or parts thereof, by reason of the design and use of such premises, buildings, or structures, are conducive to the spread of communicable disease of danger to persons frequenting such premises, buildings, or structures, as well as to the general public, and that the risk of spreading infectious and contagious diseases can be minimized by regulating such commercial premises, buildings, and structures.
- b. The experience of other cities where such commercial premises, buildings, and structures are present indicates that the risk of spreading the sexually transmitted disease of Acquired Immune Deficiency Syndrome (AIDS) is increased by the presence of such premises, buildings and structures, because the design or use of such premises, buildings, and structures, or parts thereof can facilitate high-risk sexual conduct.
- c. Medical publications of the Center for Disease Control of the United States Department of Health and Human Services indicate that the sexually transmitted disease of AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high-risk sexual conduct.
- d. Certain commercial premises, buildings, and structures, or parts thereof, by reason of their design and use, are conducive to high-risk sexual conduct, and hence the spread of communicable disease, and that the risk of spreading infectious and contagious diseases can be minimized by regulating these commercial premises, buildings and structures.
- e. The public health, safety, morals, and general welfare will be promoted by the City adopting regulations governing commercial premises, buildings and structures conducive to high-risk sexual conduct.
- f. The purpose of these regulations is to prescribe regulations governing commercial premises, buildings, and structures that are conducive, by virtue of design and use, to high-risk sexual conduct, which can result in the spread of sexually transmitted diseases to persons frequenting such premises, buildings and structures.

#### **115.08 : DEFINITIONS**

For the purpose of this article, the following terms have the meanings given them:

1. **BOOTHES, STALLS, OR PARTITIONED PORTIONS OF A ROOM OR INDIVIDUAL ROOM** means:

- a. Enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct, or
  - b. Enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee, but does not include enclosures that are private offices used by the owners, managers, or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any person other than employees.
2. **DOORS, CURTAINS, OR PORTAL PARTITIONS** means full, complete, non-transparent closure devices through which one cannot see or view activity taking place within the enclosure.
  3. **HAZARDOUS SITE** means any commercial premises, building or structure or any part thereof, which is a site of high-risk sexual conduct as defined herein.
  4. **HIGH-RISK SEXUAL CONDUCT** means fellatio, anal intercourse, or vaginal intercourse with persons who engage in sexual acts in exchange for money.
  5. **OPEN TO AN ADJACENT PUBLIC ROOM SO THAT THE AREA INSIDE IS VISIBLE TO PERSONS IN THE ADJACENT PUBLIC ROOM** means either the absence of any entire **DOOR, CURTAIN, OR PORTAL PARTITION** or a door or other device which is made of clear, transparent material such as glass, Plexiglas, or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.
  6. **PUBLIC HEALTH OFFICIAL** means an agent or employee of the City, County, or State charged with the endorsement of the state or local health laws.

**115.09 : PUBLIC HEALTH REGULATIONS**

- a. A commercial building, structure, premises, or part thereof, or facilities therein, may not be constructed, used, designed, or operated in the City for the purpose of engaging in, or permitting persons to engage in, sexual activities, which include high-risk sexual conduct.
- b. It is unlawful to own, operate, manage, rent, lease, or exercise control of a commercial building, structure, premises, or portion or part thereof in the City, that contains:
  1. Partitions between subdivisions of a room, portion or part of a building, structure, or premises having an aperture which is designed or constructed to facilitate sexual activity, including but not limited to vaginal intercourse, anal intercourse, or fellatio, between persons on either side of the partition.

2. Booths, stalls, or partitioned portions of a room or individual room as defined herein, which have doors, curtains or portal partitions, as defined herein, unless the booths, stalls, or partitioned portions of a room or individual room have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room as defined herein. Booths, stalls, or partitioned portions of a room or individual room that are so open to an adjacent public room must be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting need not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

#### **115.10 : EXCEPTIONS**

The regulations set forth in this section do not apply to premises, buildings, or structures that are operating and licensed as hotels, motels, apartment complexes, condominiums, town homes, or boarding houses, which are subject to other general health and sanitation requirements under state and local law.

#### **115.11 : HEALTH ENFORCEMENT POWERS**

- a. In exercising powers conferred by this or any other section of this code relating to communicable diseases, the Public Health Official is to be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services that relate to the spread of infectious disease.
- b. In order to ascertain the source of an infection and reduce its spread, the Public Health Official, and persons under the Public Health Official's direction and control, may inspect or cause to be inspected, and to issue orders regarding any commercial building, structure, or premises, or any part thereof, that may be a site of high-risk sexual conduct. If the Public Health Official determines that a hazardous site as defined herein exists, the Public Health Official will declare it to be a public health hazard and public health nuisance and will:
  1. Notify the manager, owner, or tenant of the hazardous site that the Public Health Official has reasonable belief that the premises, building or structure is a hazardous site as defined herein;
  2. Issue two written warning at least ten (10) days apart to the manager, owner, or tenant of the premises, stating the specific reasons for the Public Health Official's opinion that the premises, building, or structure is a hazardous site herein;
  3. Once such notices and warnings have been issued, the Public Health Official must proceed as follows:
    - a. After the manager, owner, or tenant of the premises has been notified in writing as to the basis of the Public Health Official's determination, the manager, owner

or tenant will have ten (10) days from the date of the last warning to request a hearing before the Public Health Official, or the Public Health Official's appointee for the determination as to the existence of such hazardous site. If the manager, owner, or tenant of the premises does not request a hearing within ten (10) days of the date of the last warning notice, the Public Health Official will then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site and the Public Health Official will cause orders to be issued to the manager, owner, or tenant of the premises constituting the hazardous site to take specified corrective measures to prevent high-risk sexual conduct from taking place within the premises.

b. If the manager, owner, or tenant of the premises requests a hearing, the hearing will be held before the Public Health Official or the Public Health Official's appointee at a date not more than 30 days after demand for a hearing. After considering all evidence, the Public Health Official or the Public Health Official's appointee will make a determination as to whether the premises constitute a hazardous site, as defined herein, and issue a decision based upon all hearing evidence presented. If the Public Health Official or the Public Health Official's appointee makes a determination that the premises constitute a hazardous site, the Public Health Official will then issue orders to the manager, owner, or tenant of the premises to take corrective measures to prevent high-risk sexual conduct from taking place within the premises and cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site.

c. If, within 30 days after issuance of the orders to the manager, owner, or tenant of the hazardous site, the Public Health Official determines that such corrective measures have not been undertaken, the Public Health Official:

1. May order the abatement of the hazardous site as a public nuisance, which may be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction; or
2. May secure a court order for the closure of the premises constituting the hazardous site until the premises, building, or structure is in compliance with all provisions of this code.

#### **115.12 : CRIMINAL PENALTIES**

Any person violating any provision of this ordinance, or any person who removes, destroys, or defaces warnings posted on premises by the Public Health Official pursuant to this ordinance shall be guilty of a misdemeanor and may be sentenced to payment of a fine of up to \$1,000.00 or 90 days in jail or both.



**115.13 :       SEPARABILITY**

Should any section, subsection, clause, or other provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the code as a whole or any part other than the part so declared invalid.

## **CHAPTER 116: LAWFUL GAMBLING**

### **116.01 : PURPOSE**

The City of Corcoran desires to regulate gambling within its jurisdiction, pursuant to its authority granted by Minnesota Statutes, Chapter 349, and exercise its right to impose additional restrictions on gambling within the City, in order to ensure integrity of operations, and to provide for the use of net profits only for lawful purposes.

### **116.02 : PROVISIONS OF STATE LAW ADOPTED**

The provisions of Minnesota Statutes, Chapter 349, as it shall be amended from time to time, are hereby adopted and made a part of this Ordinance as if set out in full.

### **116.03 : 116.03: PERMIT REQUIRED, ELIGIBILITY**

No person, otherwise exempt from licensing by the Gambling Control Board pursuant to Minnesota Statutes Section 349.166, shall conduct lawful gambling within the City without first obtaining a permit to do so under this Chapter of the City Code. Eligible applicant organizations for such a permit must meet all of the following requirements:

- A. An eligible organization must meet all of the qualifications of Minnesota Statute Section 349.16, subd. 2; and
- B. An applicant organization must be a religious, fraternal, veterans, or other non-profit organization which conducts the lawful gambling exclusively on the premises owned or leased by the organization; and
- C. All of the organization's owners, managers, employees, agents, or interested parties are free of felony convictions, convictions of a crime involving gambling, and other convictions for offenses which relate directly to such person's ability, capacity, or fitness to perform the duties and discharge the responsibilities of the gambling activities contemplated; and
- D. An organization, along with any of its owners, managers, employees, agents, or interested parties must not have been denied licensure or had a license revoked, cancelled, or suspended by the Gambling Control Board or any municipality within one year prior to making the application; and

- E. An organization's proposal must be consistent with the City's comprehensive development plan and must not have an unreasonably detrimental effect upon other persons or properties in the vicinity of the organization; and
- F. An eligible organization and all of the organization's owners, managers, employees, agents, or interested parties must not owe delinquent local, state, or federal taxes, and may not be delinquent on any other City bill; and
- G. An organization must have fully, truthfully, and accurately completed and submitted a valid application for a permit under this Chapter made on the forms provided by the city clerk and paid all applicable fees, as determined from time to time by separate resolution, to the City.

#### **116.04 : PREMISES PERMIT, CITY APPROVAL REQUIRED**

An applicant, not exempt under Minnesota Statute Section 349.166, seeking to conduct lawful gambling within the City must obtain a valid premises permit from the Gambling Control Board with a resolution from the City Council approving the premises permit. The owner of the premises for which a premises permit is sought must comply with all the requirements of Minnesota Statute Section 349.18 in renting or using the premises for lawful gambling.

#### **116.05 : PREMISES PERMIT, CONDITIONS DETERMINING APPROVAL OR DISAPPROVAL**

In determining whether to approve or disapprove a premises permit or renewal of the same, the City Council shall review all of the considerations outlined in Section 116.03 of this Chapter and any other relevant considerations. An eligible applicant for approval of a premises permit must also maintain its headquarters or business office within the City's trade area and have maintained the same in that location for at least two years prior to the date of the application. The City's trade area shall be defined as the City of Corcoran and each city contiguous to the City of Corcoran. An eligible applicant must also maintain at least 15 active members, as defined by Minnesota Statute Section 349.12, subd. 2, who are residents of the City's trade area each pending application for a premises permit or renewal of the same shall be approved or disapproved by resolution of the City Council within 60 days of receipt of a complete application.

#### **116.06 : LOCAL INVESTIGATION, FEE**

The City may conduct an investigation prior to making a decision whether to issue or renew or decline to issue or renew any permit pursuant to Sections 116.03 and 116.04. In the event of such an investigation, the City may collect an investigation fee in an amount determined and amended from time to time by separate ordinance. As a part of this investigation, an applicant for a permit pursuant to Sections 116.03 or 116.04 must cooperate fully with the City in

supplying all information required in this Chapter. Further, such an applicant and all of its owners, managers, employees, agents, and interested parties also must consent to a criminal history and driver's license check conducted by the chief of police or his/her designee. Failure of any applicant or listed interested party to so consent shall result in a denial of the license application.

#### **116.07 : CONTRIBUTION OF NET PROFITS**

Any organization that is granted a permit to conduct lawful gambling within the City pursuant to Sections 116.03 and 116.04 must contribute ten percent of the organization's net profits derived from lawful gambling conducted at the premises within the City's trade area to a fund administered and regulated by the City. This contribution shall be made without costs to such fund and shall be for disbursement by the City of the receipts for lawful purposes, or police, fire, and other emergency or public safety related services, equipment and training, excluding pension obligations. For purposes of this Section, net profits are gross profits less amounts expended for allowable expenses and paid in taxes assessed on lawful gambling. Payments to the fund shall be calculated annually following each fiscal year ending June 30. Annual payments shall be submitted together with verifiable supporting documentation, not later than the twentieth day of the month following the end of the annual period. Failure to comply with this Section shall be grounds for revocation of a permit or permission granted pursuant to Sections 116.03 and 116.04.

#### **116.08 : TRADE AREA EXPENDITURES**

Every organization conducting lawful gambling within the City shall expend a minimum of fifty percent of its lawful purpose expenditures on lawful purposes conducted or located within the trade area of the City, as defined in Section 116.05. This Section shall apply only to lawful purpose expenditures of gross profits derived from lawful gambling conducted at the premises within the City. Annually, every organization conducting lawful gambling within the City must file with the City a report documenting compliance with this Section. In addition, every organization must submit a report to the City each July listing all lawful purpose expenditures from July 1 through June 30 of the preceding year. Failure to comply with this Section shall be grounds for revocation of a permit or permission granted pursuant to Sections 116.03 and 116.04.

#### **116.09 : MULTIPLE GAMBLING OPERATIONS AT THE SAME LOCATION**

No more than one premises permit issued pursuant to Section 116.04 will be granted for each premises within the City. A permit issued pursuant to Section 116.03 may be issued to a qualifying organization to conduct simultaneous lawful gambling operations at a location on which a premises permit has previously been granted by the City provided the exempt permit applicant meets all of the following requirements:

- A. The applicant conducts lawful gambling on 4 or fewer days in calendar year.

- B. The applicant pays a permit fee, as identified in the City of Corcoran fee schedule.
- C. The applicant shall not conduct a lawful gambling operation which administers the same form of gambling as that conducted by the holder of the premises permit simultaneously on the same premises.
- D. The lawful gambling operation contemplated in the permit shall not be conducted simultaneously with any other operation permitted under Section 116.03 on the same premises, except for the operation conducted by the holder of the premises permit.
- E. The applicant shall comply with all other requirements of this Chapter.

#### **116.10 : PENALTIES, SUSPENSION AND REVOCATION PROCEDURE**

A violation of any of the provisions of this Chapter shall be a misdemeanor and grounds for denial, suspension, or revocation of a permit issued under this Chapter. Nothing in this Chapter shall preclude the City from enforcing this Ordinance by means of any appropriate legal action.

Prior to suspending or revoking a permit issued under this Chapter, the City shall hold a hearing pursuant to Minnesota Statutes Chapter 14 (Administrative Procedure). The City shall serve notice of the hearing on the permit holder either personally, on the person identified as the owner or responsible party in the application for a permit or via United States first class mail, postage prepaid or by United States registered or certified mail, postage prepaid, return receipt requested, addressed with the last known address of the permit holder to whom notice is intended to be given. After a hearing to take action on a permit, the City Council may suspend or revoke the permit if the Council finds that probable cause exists as to a violation of this Ordinance.

#### **116.11 : REPORTING REQUIREMENT**

Every organization permitted to conduct lawful gambling under this Ordinance or for which the City has granted approval of a premises permit shall file with the city clerk all records and reports which must be filed with the Gambling Control Board. The records and reports must be filed with the city clerk at the same time that they are filed with the Gambling Control Board. This reporting requirement remains an ongoing obligation for all organizations which conduct lawful gambling activities within the City.

#### **116.12 : SEVERABILITY**

Every section, provision, or part of this ordinance is declared severable from every other section, provision, or part to the extent that if any section, provision, or part of the Ordinance shall be held to be invalid, such holding(s) shall not invalidate any other section, provision, or part thereof.

#### **116.13 : EFFECTIVE DATE**

Upon proper ratification by the City Council, this ordinance shall become effective on August 23, 2018

*(Ord. 313, passed 01-14-16, Ord. 371, passed 08-23-18)*

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## **CHAPTER 117: SOLID WASTE COLLECTION**

### **117.01: PURPOSE**

The City Council finds that it is in the best interests of the health and safety of the residents of Corcoran to mandate that all residential and other generators of waste in the city provide for disposal thereof as set forth in this section. Disposal of waste in accordance with this section will help to ensure that waste is disposed of properly and promptly and will help to avoid the potential health and safety risks to residents and persons in the City caused by improper disposal or lack of disposal of waste.

### **117.02 : DEFINITIONS**

The terms “construction debris”, “hazardous waste”, “mixed municipal solid waste”, “solid waste” and “yard waste” shall have the meanings given to them in Minnesota Statutes, sections 115A.03 and 116.06, unless the context clearly indicates to the contrary.

### **117.03 : SOLID WASTE STORAGE AND DISPOSAL REQUIREMENTS**

*Subd. 1 Storage.* Each residential household is responsible for preventing the accumulation of solid waste on property occupied by the household. On the designated day of pickup, all solid waste must be set out in a designated container as described in Subd. 2 of this section for collection. Each household shall contain its solid waste in the designated container. Each container shall be placed as instructed by the collector along the street, sidewalk, or roadside for arranged collection.

Each commercial, industrial, or institutional generator of solid waste shall prevent the accumulation of solid waste on their property. Such storage shall be in containers similar to those used by residential households, except that dumpsters with closefitting covers may be substituted.

*Subd. 2 Container Required.* All solid waste shall be stored in containers which shall be watertight and shall have tight-fitting lids. All containers shall be maintained in a clean and sanitary manner. Any solid waste which by its size or bulk cannot be stored in a container shall be secured to the ground in such a manner to prevent the scattering of the waste by animals or wind.

### **117.04 : COLLECTION AND REMOVAL OF SOLID WASTE AND OTHER WASTE**

*Subd. 1 License Required.* No person shall act as a solid waste hauler in the City without first obtaining the appropriate license issued by the City. Any person desiring a license to collect solid waste in the City shall submit a completed license application form along with the license fee and certificate of insurance required in Section 117.05 hereof.

*Subd. 2 Contracted Provisions.* The city may enter into contracts for the collection of recyclable materials and to include organics recyclables and waste, from residential households or other generators.

#### **117.05 : REQUIREMENTS FOR LICENSE**

Subd 1. License Fee. Payment of the license fee as prescribed from time to time by the City Council shall be required prior to issuance of such license.

Subd 2. Insurance. Before a solid waste hauler license shall be issued, the applicant shall carry and file insurance certificates with the City showing proof of workers' compensation insurance (including employer's liability insurance), commercial general liability insurance, and automobile liability insurance in accordance with the minimum requirements set forth below. The City, including its elected and appointed officials, employees, and agents, shall be named as an additional insured in all such policies with the exception for workers' compensation insurance.

1. General Liability. The applicant agrees to maintain Commercial General Liability insurance in a minimum amount of \$2,000,000 per occurrence; \$4,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products-completed operations, limited pollution liability, personal injury, advertising injury, and contractually assumed liability.
2. Automobile Liability. The applicant shall maintain Business Automobile Liability Insurance, including owned, hired, and non-owned automobiles, with a minimum combined single liability limit of \$2,000,000 per occurrence.
3. Workers' Compensation. The applicant agrees to provide Workers' Compensation insurance for all its employees in accordance with the statutory requirements of the State of Minnesota. The applicant shall also carry Employers' Liability Coverage with minimum limits as follows:
  - \$500,000 – Bodily Injury by Disease per employee
  - \$500,000 – Bodily Injury by Disease aggregate
  - \$500,000 – Bodily Injury by Accident

The insurance requirements may be met through any combination of primary and umbrella/excess insurance.

The applicant's policies shall be primary insurance and non-contributory to any other valid and collectible insurance available to the City with respect to any claim arising out of the applicant's performance under its license with the City.

The applicant's policies and Certificate of Insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days' advanced written notice to the City, or ten (10) days' written notice for non-payment of premium.

Subd 3. Minimum Services. Before a solid waste hauler license may be issued, an applicant shall provide the following minimum services at a price indicated on the application form:

1. Residential Dwellings.
  - a. Weekly collection of garbage and other refuse to be disposed of at a proper waste disposal site.
  - b. Monthly collection of special waste to be disposed of according to law.
  - c. Walk-up service for those customers who request it.

2. Multiple Residential Dwellings and Commercial Establishments.

- a. Weekly collection of garbage and other refuse to be disposed of at a licensed waste disposal site.
- b. Monthly collection of special waste to be disposed of according to law.

Subd 4. Schedule of Rates. Before a solid waste hauler license shall be issued, the applicant shall file a schedule of rates to be charged during the licensing period for which the application is made. Every licensee shall provide written notification to the City and the licensee's customers at least sixty (60) days in advance of any change in rates to be implemented during the license period.

Subd. 5. Organics Collection. In lieu of requiring haulers to offer residential organics collection services, the City will establish a single organics collection site and make it available to residents to dispose of organics recyclables and waste. The City may, by amendment to this ordinance, require licensed haulers to provide organics collection services in the future.

**117.06 : EXPIRATION OF LICENSE**

All licenses shall expire annually on December 31.

**117.07 : REVOCATION**

A licensee's failure to comply with the provisions of this Section or any of the conditions attached to the license shall be grounds for license revocation without refund of the license fee. A city's action to revoke a license shall in no way limit the City's authority to enforce the terms of this ordinance or exercise any other remedy available to the City at law or in equity.

**117.08 : HAULER'S EQUIPMENT**

Licensees shall use equipment constructed so that the solid waste material shall not leak or spill during transport to the disposal site. The equipment shall be kept clean and as free from offensive odors as possible and shall not be allowed to stand in any street or in any public place longer than is necessary to collect the solid waste materials. The licensee shall also ensure that the collection site is left free of litter.

**117.09 : REPORT TO CITY**

Licensees shall submit to the City an annual report summarizing their business in the City on a form provided for such a purpose. Upon request, the licensee shall provide documentation supporting the data reported to the city.

**117.10 : COLLECTION REQUIRED**

Every single residential dwelling, multiple residential dwelling, commercial establishment, and any other establishment generating solid waste shall make arrangements for the collection and disposal of solid wastes with a hauler licensed to do business in the City. Exceptions may be approved by the City Council for environmentally sound alternatives.

#### **117.11 : RESIDENTIAL DWELLING ZONES**

The City shall be divided into zones by the City Council for solid waste collection from residential dwellings. The entire City may be declared by the Council to be a single zone. Solid waste from those residential dwellings within each zone shall be collected on the same day.

#### **117.12 : DATE AND TIME OF COLLECTION**

Licensees may only collect solid waste on Tuesdays unless the City Council specifically authorizes collection on another day. Council authorization for a different day of collection may be specific to a licensee(s), and the authorization shall not apply to other haulers, unless specifically permitted by the City Council. Collection of solid waste shall occur only during the following times: 7:00 a.m. -- 6:00 p.m.

#### **117.13 : NON-COMPLIANCE.**

*Subd. 1 Proper Disposal. No person shall deposit or allow the deposit of solid waste from any source in any place other than a sanitary landfill or other county-designated facility. The discarding of solid waste, construction debris, hazardous waste, yard waste, organics, or recyclable materials on any street, alley, drive, park, playground, or other public place or on any vacant lot shall constitute violation of this section whether it is discarded by the individual upon whose premises the material originates or by some other person or collector, licensed or unlicensed.*

*Subd. 2 Failure to Dispose. It shall be unlawful for any person, firm, or corporation to fail to dispose of solid waste or other waste which may be or which may accumulate upon property owned or occupied by the generator in a sanitary manner.*

#### **117.14 : ENFORCEMENT.**

Violations of the provisions of this ordinance shall be a misdemeanor. Further, any person or entity who performs or directs the performance of solid waste hauler activities within the City without obtaining and adhering to the terms of the license required by this Section shall be guilty of a misdemeanor. Every day in violation shall constitute a separate offense. The city may also seek enforcement of this ordinance through civil judicial remedy including, but not limited to, injunction and mandamus. Any costs incurred by the City in enforcing the provisions of this ordinance, including reasonable attorneys' fees, shall be the responsibility of the party in violation. Those such costs which are attributable to a specific property within the city, and which are invoiced and remain unpaid may be assessed against the property in the same manner as are other unpaid fees.

This Ordinance shall be in full force and effect beginning April 11, 2024.

**ADOPTED** by the City Council on the 11<sup>th</sup> day of April 2024.

*(Ord. 436, passed 10-14-21, Ord. 520, passed 04-11-24)z*

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## **CHAPTER 118: RENTAL DWELLING AND LICENSING**

### **118.01: PURPOSE**

It is the purpose of this chapter to protect the public health, safety, and welfare of residents of Corcoran who live in rental units by adopting a rental dwelling inspection and maintenance program that corrects substandard conditions and maintain a standard for existing and newly constructed rental dwellings in the City. The operation of rental properties is a business enterprise that includes certain responsibilities. Rental owners, operators, and managers are responsible to take such reasonable steps as are necessary to ensure that the citizens who occupy such rental units, as well as neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, and sanitary, free from noise, nuisances, and annoyances, and free from unreasonable fears about safety of persons or property.

### **118.02 : DEFINITIONS**

Words used in this chapter shall have the following meanings:

**ALTERNATIVE INSPECTION REPORT.** A rental dwelling inspection report that the applicant obtains from a building inspector for the purposes of receiving United States Department of Housing and Urban Development (“HUD”) rental approval.

**BLOCK.** An area of land enclosed within the perimeter of streets, watercourses, public parks, municipally owned lots, and City boundaries, unless otherwise depicted on the City’s Rental Density Map.

**CITY INSPECTOR’S REPORT or INSPECTION REPORT.** A rental dwelling inspection report prepared and signed by a city inspector.

**CITY ADMINISTRATOR.** The City of Corcoran City Administrator or his/her designee.

**COMPLEX.** The total number of buildings on the license application or contiguous rental properties under the same ownership.

**DWELLING.** A building or portion thereof, designated exclusively for residential occupancy, but not including hotels, motels, nursing homes, tents, seasonal cabins, or motor homes or travel trailers.

**DWELLING, MULTIPLE FAMILY (APARTMENT).** A building designed with three or more dwelling units exclusively for occupancy by three or more families living independently of each other.

**DWELLING, SINGLE-FAMILY (DETACHED).** A building entirely surrounded by open space and designed for and occupied exclusively by one family. A single-family dwelling can include no more than one accessory dwelling unit as defined in this Section.



**DWELLING, TOWNHOME.** A single-family dwelling unit constructed within a group of more than two attached units in which each unit extends from the foundation to the roof, has direct exterior access, and has open space on at least one side. A townhome is not considered an apartment or multiple-family dwelling.

**DWELLING, TWO-FAMILY (ATTACHED).** A building designed for occupancy by two families or housekeeping units with a physical separation between the two dwelling units.

1. *Duplex.* A two-family dwelling with one unit above the other and designed as a single structure on a single lot with each unit occupied as a separate residence for one family.

2. *Twin-home.* A two-family dwelling with two units side-by-side. Each unit is owned separately and located on their own lot. The two units are joined along a single lot line, each of the units are totally separated from the other by an unpierced wall extending from the ground to the roof. Also referred to as a “double bungalow”.

**DWELLING UNIT, ACCESSORY:** A separate, self-contained dwelling unit that is clearly incidental and subordinate to the principal use of a lot. The unit must have bathroom facilities and kitchen facilities that include a sink with piped water, a range, and a refrigerator. The unit may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

**LET FOR OCCUPANCY or to LET or to RENT.** To permit possession or occupancy of a dwelling or rental dwelling unit whether or not compensation is paid by a person who is not the legal owner of record thereof.

**MANUFACTURED HOME.** A structure, transportable in one 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.”

**OCCUPANT.** Any person living or sleeping in a dwelling unit or having possession of a space within a dwelling unit.

**OPERATOR or MANAGER.** Any person identified by Owner who has charge, care, or control of a structure or premises, and the maintenance and upkeep thereof, that is let or offered for occupancy and who is designated and empowered to receive service of notice of violations of this chapter on behalf of Owner.

**OWNER or LICENSEE.** Any person, agent, operator, firm, corporation, or other legal entity having a legal or equitable interest in the property or recorded in the official state, county, or city records as holding title to the property or otherwise having control of the property.

**PERSON.** May be an individual, corporation, firm, association, company, partnership, organization, or any other group acting as a unit.

**PROPERTIES, PROPERTY OR LOTS.** Lots of record.

**REINSPECTION.** A follow-up inspection that is:

1. Conducted to determine if a code violation has been corrected;
2. Necessary because a licensee, owner, or other responsible party fails to attend a scheduled inspection;
3. Necessary because a scheduled inspection of a property does not occur or is prevented from occurring due to an act of the licensee, owner, or agent; or
4. Any inspection following an initial inspection.

**RELATED.** Individuals legally related by blood, marriage, domestic partnership, foster care, guardianship, or adoption. For the purposes of this Chapter, individuals are considered related if they are immediately related as a parent, child, sibling, grandparent, grandchild, stepparent, stepchild, stepsibling, step-grandparent, or step-grandchild. The terms “related” and “relative” are used interchangeably in this Chapter.

**RENTAL DWELLING.** Any dwelling used for residential occupancy by one or more persons who are not the owner or related to the owner for continuous periods of more than 60 days.

**RENTAL DWELLING UNIT (RDU).** Any room or rooms, or space, in any rental dwelling designed or used for residential occupancy by one or more persons who are not the owner or related to the owner for continuous periods of more than 60 days.

### **118.03 : LICENSE REQUIRED.**

#### *A. Rental Dwelling License.*

1. No person, partnership, business entity, or corporation shall operate, let, or cause to be let, a rental dwelling or RDU without a license for each building.
2. No person, partnership, business entity, or corporation shall operate, let, or cause to be let a structure or portion of a structure as a rental dwelling or rental dwelling unit that is not designed for residential occupancy (e.g., a shed or garage).
3. No property owner shall be permitted to license more than five rental dwellings that qualify as a single-family residence, a twin-home, and/or townhome, unless the property owner:
  - a. Is a public housing agency; or
  - b. Operates State licensed residential facilities within the City;
  - c. Rented out more than five properties prior to July 1, 2023, and applied for rental licenses for all affected properties prior to January 1, 2024. Any excess rental licenses granted to an individual or entity under this paragraph cannot be transferred to other properties or property owners. The property owner is not entitled to excess rental licenses once an excess rental dwelling license is

no longer valid due to any reason including failure to renew, revocation, or sale of the property.

Principal owners or controllers of legal entities which own one or more rental dwellings shall be subject to this cap as individual principal owners or controllers. For illustration, but not limitation, no person or entity may circumvent this restriction by maintaining ownership interests in multiple separate owner entities and each such ownership interest shall be counted toward the cap set forth herein.

4. A rental dwelling license shall be valid for a 1-year cycle beginning on July 1st each year. A current licensee who intends to continue letting a rental dwelling shall apply for a license renewal at least thirty (30) days before the end of the then-current licensing term.
5. A residential rental property owner owning residential rental property at the time of the adoption of this chapter shall have 180 days to comply with the licensing requirements of this chapter. Rental property owners shall have 365 days to comply with the provisions of Chapter 87 (Property Maintenance Code) based on the dated notice identifying any violations confirmed at the initial license inspection. However, if the Code Compliance Official determines there is a life-threatening violation of the Property Maintenance Code (e.g., inoperable smoke alarms), the property owner and/or licensee shall address such violations within 30 days of the dated notice identifying such a violation.

#### *B. License Exemption*

1. The owner of a rental dwelling or RDU is exempt from the licensing requirements of this section if the property qualifies and is registered with Hennepin County as a relative homestead. In order to qualify for a relative homestead, the person living in the rental dwelling unit must be related to the property owner.
  - a. The property owner must notify the City in writing within 30 days of the property no longer qualifying as a relative homestead.
2. This chapter does not apply to hotels, motels, hospitals, and high school dormitories.
3. This chapter does not apply to single-family homes and townhomes in which the owner resides within the dwelling and lets a room or rooms within a dwelling exclusively to a relative as defined by this Chapter.
4. This chapter does not apply to single-family homes and townhomes in which the owner resides within the dwelling and lets a single room to up to two individuals who

are not related to the owner or lets multiple rooms to individuals related to each other but not related to the owner. However, a license shall be required in the event an owner lets more than one room to individual tenants unrelated to the owner and to each other.

5. In instances of single-family dwellings with an accessory dwelling unit or two-family dwellings in which both units are under the same ownership, only the dwelling unit in which the owner resides is exempt from rental licensing, and only to the extent such exemption is applicable, per this Chapter.

C. *Applications.* An application for license shall be made on a form provided by the City. The license application shall contain the following information:

1. Property Owner Information.

- a. The name, address, phone number, and complete information of the property owner if the owner is an individual.
- b. The name, address, phone number, and complete information of the at least one principal officer, manager, or director, if the property owner is a business entity.
  - i. Business entities seeking a license shall provide a list of all principal owners, officers, managers, and directors of the entity.

2. Designation of Property Manager, Contact Information. For all rental dwelling licenses, the license applicant must designate and provide a physical business hours address and 24-hour contact information for the Manager of the rental dwelling, as defined in this chapter. The Manager may be the owner of the rental dwelling or another person who has been provided authority and assigned the duty to exercise control over the rental dwelling and ensure compliance with the City Code. For all rental dwellings which are not single-family rental dwellings, the applicant must also identify and provide a physical business hours address and 24-hour contact information for a second Manager for such rental dwellings. All rental dwelling Managers must reside or have an office address within 90 miles of the rental dwelling unit. A P.O. box address for the property manager will not be accepted. The Owner of a rental dwelling must notify the City, in writing, immediately upon any change of Manager. Owner agrees that his/her Manager of record with the City shall be authorized to accept all notices, including formal service of documents, on behalf of the Licensee.

3. Number and Type of rental dwellings. The number of units and types of units (condominium, apartment, townhome, twin-home, single-family home, and the like) within the rental dwelling.
4. Principal Tenants. The name, telephone numbers, and addresses of principal tenants, if any, are required.

D. Changes.

1. The Code Compliance Official must be notified in writing of any changes to the name(s) and contact information provided on the application.
2. A license is non-transferable. If there is a change in the ownership of the rental dwelling, a new license is required.
3. If changes are made in the number or type of units, the owner shall apply to amend its license.

E. Fees.

1. The application fee shall be determined by the City Council from time to time and made a part of the City's fee schedule. The application fee shall be paid at the time of application.
2. Renewal license fees, as set forth within the City's fee schedule, shall be due at the time of renewal and prior to the license expiration date.
3. In the cases of new, unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy.
4. In the case of initial licensing, license fees shall be due prior to issuance of the respective license and are due within 30 days of the date of the invoice.
5. In the case of a licensing period of less than one (1) year, license fees may be prorated as set forth by City Council action, and in the City Council's sole discretion.
6. The license fee shall include the initial inspection and one (1) follow-up inspection. A fee, established by the City Council, shall be charged for any reinspection or attempted reinspection required, whether due to the failure of the reinspection, the Rental Housing Inspector's inability to gain access to the dwelling at the time of attempted reinspection, or otherwise, and must be paid before a license will be issued.

7. An owner of a rental dwelling or RDU who fails to obtain an operating license or approval of an affidavit certifying an applicable exemption, will be subject to an administrative service charge set by the City Council, in addition to any other penalties contemplated within this chapter.
  8. A license fee paid later than ten working days after the prescribed date is subject to an additional administrative service charge set by the City Council.
  9. Once issued, a license is nontransferable and the license is not entitled to a refund of any license fee upon revocation or suspension, or transfer of ownership.
- F. **Tenant Register.** As a condition of the license, the applicant must, as a continuing obligation, maintain a current register of tenants and other persons who have a lawful right to occupancy of a rental dwelling. In its application, the applicant must designate the name of the person or persons who will have possession of the register and must promptly notify the Code Compliance Official of any change in the identity, address, or telephone numbers of such person. The register must be available for inspection by city officials at all times.
- G. **Notification Requirements for Public Hearings.** The licensee must, as a continuing obligation of the license, provide written notice to tenants or in the alternative, post the written notice in the lobby or common area of the rental dwelling for any public hearing received by the owner that pertains to the rental dwelling or any adjacent right-of-way.
- H. **Display of License Certificate.** The license certificate must be exhibited in a conspicuous place at or near the entrance to the rental dwelling. For buildings containing more than three RDUs, the certificate must be displayed in the rental office or other common area accessible to all tenants of the licensed building.
- I. **Rental Density for Single-Family, Townhome, and Twin-Home Rental Dwellings.**
1. In a low-density residential zoning district (5 units or less per acre), no more than 15% of the lots on any block shall be eligible to obtain a rental license and the number of rental licenses shall be capped as set forth in the table below, unless an exemption is granted by the City Council as provided herein or the rental dwelling qualifies as a residential facility licensed by the state. Table 1 indicates how many lots per block are able to be licensed as a rental property based on the lots that exist on the block.

| <b>Table 1</b>    |                                 |
|-------------------|---------------------------------|
| <b>Lots/Block</b> | <b>Rental Dwellings Allowed</b> |

|       |    |
|-------|----|
| 1-14  | 2  |
| 15-24 | 4  |
| 25-34 | 5  |
| 35-44 | 7  |
| 45-54 | 8  |
| 55-64 | 10 |
| 65-74 | 11 |
| 75-84 | 13 |
| 85-94 | 14 |

2. The following guidelines shall apply to determine eligible blocks and lots.
  - a. If a block contains more than one type of zoning district, only the lots within the low-density residential zoning district shall be included in the calculation of the total number of lots per block.
  - b. Commercial or industrial uses located within or adjacent to a low-density residential zoning district shall not be included in the calculation of the total number of lots per block.
  - c. If the number of rental dwellings meets or exceeds the permitted number of rental dwellings per defined block on or after the effective date of this chapter, no additional rental licenses shall be approved for the block, unless an exemption is granted by the City Council due to a demonstrated financial hardship of a property owner who owns no more than one other residential property within the City or the rental dwelling qualifies as a State licensed residential facility. Bona fide existing rental licenses may be renewed, however, should a rental license not be renewed, or if the rental license is revoked or lapses, the rental license shall not be reinstated unless it is in conformance with this subchapter and other applicable sections of the City Code.
  - d. If the number of rental properties meets or exceeds the permitted number of rental properties per defined block on the effective date of this chapter, a property owner may request an exemption to allow an additional rental property for that block. The Council may grant or deny an exemption from the block density limit in its sole discretion. Persons requiring an exemption must make an annual application to the City Council.



J. Tenant background checks and lease agreements. Upon request, the applicant must provide a copy of third party or comparable background checks for tenants and a copy of the lease.

K. Contracts for deed. A property sold pursuant to a contract for deed must be recorded against the property or the property will be deemed a rental property and a license will be required.

L. Investigations.

1. For all new applications, a background investigation will be conducted on the property owner listed on the application. The City may request additional information from the license applicant regarding all property owners, if the property is owned by individuals or regarding all officers, managers, or directors, if the property is owned by a business entity, and may conduct additional background investigations as it deems necessary. The applicant shall pay a background investigation fee for each background investigation conducted.
2. For renewal applications, background investigations are not required, and no background investigation fee shall be required; however, the City may conduct a background investigation, at its sole discretion, at the City's cost. The results of a discretionary background check may be used to enforce the provisions of this Chapter the same as the results of mandatory background checks.

M. A license will not be granted to or held by a person who:

1. Is under 18 years of age.
2. Is not a citizen of the United States or a resident alien of the United States.
3. Is overdue, or whose spouse is overdue in payments to the City, County, or State of Minnesota, of taxes, fees, fines, or penalties assessed against them or imposed upon them.
4. Has been convicted, within the last 10 years of a gross misdemeanor or felony for which a jail sentence may be imposed; and:
  - a. The crime is directly related to the licensed activity, and may include property crimes, financial crimes, or offenses of a fraudulent, violent, or sexual nature; and
  - b. The granting of a license will contravene the purpose of this Chapter as set forth in Section 118.01 supra; and

- c. The applicant has not shown by competent evidence sufficient rehabilitation and present fitness to perform all obligations of a licensee pursuant to this Chapter.
- 5. Is not the property owner.
- 6. Has not paid the license and investigative fees required by this Section.
- 7. Is ineligible due to prior license revocations pursuant to Section 118.08(C)(1).

#### **118.04 : RESPONSIBILITY FOR ACTS OF MANAGER.**

Licensees are responsible for the acts or omissions of their Manager(s) as it pertains to the rental dwelling and compliance with this chapter and City Code.

#### **118.05 : MAINTENANCE STANDARDS.**

- A. It is the responsibility of the licensee to assure that every rental dwelling and RDU is maintained in compliance with all applicable city ordinances and state and federal laws including, but not limited to:
  - 1. MN State Building Code
  - 2. The Corcoran Property Maintenance Code
  - 3. MN State Fire Code
  - 4. Corcoran City Code
 (Collectively the “Maintenance Codes”)
- B. Inspections. No operating license may be issued or renewed unless the City determines, following an inspection conducted pursuant to this section, that the rental dwelling and its premises conform to the Maintenance Codes. As more specifically provided below, the Code Compliance Official and their designees may cause inspections, follow-up inspections, and re-inspections on rental dwellings or RDUs on all classes of property within the City on a scheduled basis, and on rental dwellings, RDUs, owner-occupied residential units on all classes of property when reason exists to believe that a violation of an applicable portion of the Maintenance Codes exists, has been, or is being committed.
  - 1. The Code Compliance Official and their designees are authorized to contact owners, tenants, and managers of rental dwellings to schedule inspections of rental dwellings at reasonable times. They are also authorized to conduct those inspections once scheduled. These scheduled inspections will be conducted to determine whether the rental dwelling and its premises conform to the Maintenance Codes so as to inform the City’s decision of whether to issue an operating license. The authority to schedule and to conduct these inspections is available even if the owner or owner’s agent holds

a temporary or provisional license, and without regard to whether the owner or owner's agent has filed an application for an operating license.

2. Upon receipt of a properly executed application for an operating license, the Code Compliance Official shall cause an inspection to be made of the premises to determine whether the structure is in compliance with the Maintenance Codes. Inspections performed pursuant to the authority in paragraph 1 and paragraph 2 of this subsection are hereinafter described as "Licensing Inspections."
3. The Code Compliance Official and their designees are authorized to conduct inspections on rental dwellings, RDUs, or owner-occupied residential units on all classes of property when reason exists to believe that a violation of an applicable portion of the Maintenance Codes exists, has been, or is being committed. A complaint or complaints from a tenant of a rental dwelling shall be an adequate basis for an inspection of a rental dwelling.
4. To increase the awareness by owners of the likely timing of requested inspections and to conserve public resources, the Code Compliance Official may schedule and conduct inspections pursuant to paragraph 1 according to the area of the City in which the unit is located, dividing the City into zones, and endeavoring to perform inspections pursuant to paragraph 1 in one zone before beginning them in a different zone.
5. If a structure or rental dwelling is not in compliance, one or more follow-up inspections or re-inspections may be conducted to verify that conditions and any corrections conform to the provisions to the Maintenance Codes.
6. When the basis for the inspection pursuant to this section is information observed or obtained during a Licensing Inspection, such reinspection or follow-up inspections shall be conducted on a scheduled basis, whenever possible.
7. When scheduling Licensing Inspections pursuant to this chapter, the Code Compliance Official or their designee will seek the consent of the owner of the property (if not already received) to inspect those areas outside of the RDUs that are not accessible to the general public (including any internal rooms that are inaccessible to the public, such as storage or mechanical rooms) and to unrented dwelling units, and the consent of the primary tenant of the RDU (if not already received) to inspect the Unit. If the property owner demonstrates to the satisfaction of the Code Compliance Official or their designee that one or more tenants have consented in writing to the inspection of their units, individual contact by the City with those tenants may be deemed unnecessary.

- a. For the purposes of satisfying paragraph 7, owners of RDUs shall report to the City the full names, telephone numbers, and addresses of the principal tenant of all RDUs under their ownership or control and update such information as needed to ensure that it is accurate and current. Licensees are responsible for the accuracy and completeness of this information and the City shall be permitted to rely on the same when determining appropriate notice.
8. If the City is unsuccessful in securing consent for an inspection pursuant to this chapter, the City may seek permission, from a judicial officer through an administrative warrant, for its Code Compliance Official, Building Official, Fire Marshal and their applicable designees to conduct an inspection. Nothing in this Code shall limit or constrain the authority of the judicial officer to condition or limit the scope of the administrative warrant.
9. The scope of a Licensing Inspection shall be limited to what is necessary to determine in accordance with this chapter whether the rental dwelling or applicable RDU and its premises conform to the Maintenance Codes. This shall not preclude the applicable inspector from relying upon observations made during a Licensing Inspection in seeking one or more of the remedies provided in this chapter.
10. A Licensing inspection must be scheduled during ordinary business hours or as otherwise arranged with the owner or tenant. Owners and their agents and tenants may at their option request that Licensing Inspections above take place only when they are present, so long as the request identifies a reasonable, feasible and expedient time(s) for such inspection following the date of the request when the requesting party agrees to be present.
11. Inspectors are not authorized to open containers, drawers, or medicine cabinets, unless the containers, drawer, or medicine cabinets are opened with the consent of the tenant (for areas inside the RDU) or the Owner (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit). For purposes of this paragraph, a medicine cabinet is a covered cabinet located above a sink in a dwelling unit's bathroom.
12. Inspectors are authorized to open cabinets (other than medicine cabinets) or closets only when because of their location, those closets or cabinets, when unopened, appear to contain one or more water or waste water pipes, or fuses, or exposed electrical wiring, and it is reasonably necessary in order to inspect for the existence of one or more conditions that violations the Maintenance Codes, or when the cabinets or closets are opened with the consent of the tenant (for areas inside the unit) or the Owner (for areas inside the building but outside a tenant's unit, and areas inside an unoccupied unit).

- C. Inspection Not Required. Inspection for the issuance or renewal of a license may be waived by the City, in its sole discretion, if the owner of a dwelling unit proves that within the previous 12 months the dwelling unit passed an inspection required by the City, State, or Federal regulations that is at least as stringent as the inspection required under this chapter and the City is not aware of any evidence of violations occurring or present subsequent to that alternative inspection. The City has sole discretion to determine when an inspection program is at least as stringent as the inspection required under this chapter. Inspections conducted as the result of a complaint made to the City may not be waived under this provision.

#### **118.06 : COMPLIANCE ORDERS.**

- A. Upon the identification of a violation of the Maintenance Codes, the City shall provide written notice of the violation to the Owner or Manager. Notice may be personally served on or otherwise directly provided to the Owner or Manager or delivered by U.S. mail to the Owner or Manager at the address on record with the City in the license. The notice shall articulate the violation and the time by which the violation must be corrected.
- B. Should the Licensee fail to correct the noticed violation within the time provided, the City may pursue any or multiple remedies contemplated in this chapter.
- C. The notice provisions herein shall not apply to, and nothing in this section shall prohibit the City from taking immediate action to address an emergency as contemplated in Section 118.09.
- D. If a fifth or subsequent violation of Corcoran's Maintenance Codes, involving the same property and licensee, occurs within 18 months of any four previous properly noticed violations pursuant to paragraph A, a revocation hearing will be required and the City Council may take action to deny, revoke, suspend, or not renew the license. Failure for a licensee or designated property manager to appear at the hearing will be grounds for automatic revocation of the rental license. The effective date of a license revocation or suspension will be determined by the City Council at the hearing unless the Official finds life threatening conditions at the property that create a public safety emergency. In such an instance, the rental license can be revoked or suspended prior to the hearing date, but the City Council can choose to reinstate the license if extenuating circumstances outside of the control of the licensee are shown at the hearing.

## **118.07 : LICENSEE RESPONSIBLE FOR CONDUCT OF OCCUPANTS OR GUESTS**

A. Conduct on the licensed premises. It shall be the responsibility of the licensee to take appropriate action following conduct by occupant(s) or guest(s) of the occupant(s) which is in violation of any of the following statutes or ordinances:

1. Minn. Stat. § 609.72 relating to disorderly conduct.
2. Minn. Stat. § 609.74 and Subd. 5 of Chapter 82.04 of the City Code related to public nuisances and noise nuisances.
3. Minn. Stat. § 340A.701-340A.703 relating to the sale of alcoholic beverages.
4. Minn. Stat. § 609.321, Subd. 9 relating to prostitution or acts related to prostitution.
5. Minn. Stat. § 609.221 et seq. relating to assaults as defined in Minn. Stat. § 609.224.
6. Minn. Stat. § 609.595 relating to criminal damage to property.
7. Minn. Stat. § 152.021-152.027 relating to controlled substances.

B. Enforcement and Administration

1. The Code Compliance Official in coordination with the Director of Public Safety or their designee(s) shall be responsible for enforcement and administration of this section.
2. Upon a determination by the Code Compliance Official or his/her designee (the "Official") that a licensed rental dwelling was involved in a violation of paragraph A above, the Official shall notify the licensee by U.S. mail of the violation and direct the licensee to take steps to prevent further violations. A copy of the notice shall also be sent to a tenant in violation of paragraph A.
3. Upon a second violation of the provisions of paragraph A within 18 months involving the same tenant or occupant or a guest of the same tenant or occupant, notice of the violation shall be provided as set forth in paragraph B2 above, and shall require the licensee to submit a written report of action taken to prevent further violations on the licensed premises. The written report shall be submitted to the Official within 10 business days of the request for the same and shall detail all actions taken by the licensee in response to all notices regarding violations to paragraph A occurring within the preceding 18 months. If the licensee fails to comply with the requirements of this paragraph, the City Council may take action on the license, after providing an opportunity for a hearing to contest the allegations of non-compliance with this paragraph.
4. If a third or subsequent violation of paragraph A, involving the same tenant or occupant or a guest of the same tenant or occupant, occurs within 18 months of any two previous properly noticed violations pursuant to paragraph A, a revocation hearing will be required and the City Council may take action to deny, revoke, suspend, or not renew the license. Failure of a licensee or designated property

manager to appear at the hearing will be grounds for automatic revocation of the rental license. The effective date of a license revocation or suspension will be determined by the City Council at the hearing unless the Official finds life threatening conditions at the property that create a public safety emergency. In such an instance, the rental license can be revoked or suspended prior to the hearing date, but the City Council can choose to reinstate the license if extenuating circumstances outside of the control of the licensee are shown at the hearing.

5. Bona fide calls for assistance made by occupants of a rental dwelling or RDU shall not, in and of themselves, count as a violation of paragraph A including, but not limited to, tenants calling the police for assistance with a gathering of people that has become a nuisance at a rental dwelling or RDU and instances of domestic assault. However, City representatives who observe separate violations when responding to a call for assistance may determine a violation exists which may be counted as a violation of this Section 118.07 or a violation of Section 118.06.
6. The City Council may stay or terminate any adverse licensing action if the triggering violation occurred during the pendency of an eviction proceeding to remove the offending tenant or occupant, and that proceeding is being diligently pursued by the licensee.
6. A determination that the licensed premises has been used in violation of paragraph A shall be made upon substantial evidence to support such determination. It shall not be necessary that criminal charges be filed or proven to support such a determination. Further, imposition of other enforcement actions, penalties, administrative offense tickets, criminal charges, or other actions on the license shall not act as a bar to any other action on the license pursuant to this chapter.

#### C. Appeal

1. Upon notice of a violation of paragraph A, or upon a notice of a failure to comply with paragraph B3, the licensee or tenant in violation may file a written appeal of such asserted violation with the City Clerk, within 10 days of the notice, after which any appeal shall be deemed to have been waived. Upon receipt of notice of such appeal, the City shall schedule and notice a hearing before the City Council to hear evidence to determine if substantial evidence exists to support such asserted violation.
2. Upon rendering a decision, the City Council shall provide notice to the appellant of the Council's decision. Should the Council uphold the appeal, the violation shall be removed from the property file and shall not be considered when determining the number of license violations at the rental dwelling.



## **118.08 : LICENSE DENIAL, SUSPENSION, OR REVOCATION, VIOLATIONS**

- A. Violations. A violation of this chapter is a misdemeanor. Each day a person fails to comply with a compliance order or other provision of this chapter shall constitute a separate offense. In addition to enforcement of criminal remedies, the City may issue administrative offense tickets, and/or take action on a license, or pursue any other remedy at law or in equity available to the City. The City's remedies shall be cumulative and may be pursued against multiple parties. The City's election to pursue any one remedy set forth herein shall not act as a bar to any other remedial action.
- B. Assessment of unpaid administrative penalties. Any unpaid administrative penalty for failure to comply with the rental licensing provisions in this Chapter may be assessed against the property in the manner set forth in City Code.
- C. Grounds for denial, suspension, or revocation. The City Council may deny, revoke, or suspend a license pursuant to this Section. During a suspension, the property for which the suspension occurred shall be included for purposes of calculating the number of eligible lots per block, unless found to be otherwise ineligible.
  - 1. A license issued pursuant to this chapter may be denied, revoked, or suspended upon a finding of noncompliance with the provisions of this chapter. Further, non-disclosure, misrepresentation, or misstatement of material fact in any application for a license shall be prima facie showing of cause for revocation, suspension, or other such action restricting the privileges of a licensee, as determined by the City Council. Reinstatement of a suspended or revoked license shall be accompanied by a fee in an amount set by the City Council. Issuance of a new license after suspension or revocation shall be made in the manner provided for obtaining an initial license. Any Owner or principal of an Owner entity who has an interest in two or more licenses revoked pursuant to this chapter shall be ineligible to hold or have an interest in a license for a period of at least five years.
  - 2. The City Council may, for cause, deny, revoke, or suspend a license or take other action restricting the privileges of a license subject to the following requirements:
    - a. The City shall provide written notice to the licensee containing a statement of reasons or causes for the proposed action together with a notice of a hearing.
    - b. The City Council shall conduct a hearing on the proposed action and hear relevant evidence the applicable City representatives and from the licensee or affected tenant, if any is offered. The City Council shall consider such evidence and provide findings of fact together with a

statement of action taken, along with any applicable conditions of any such action or other action restricting the privileges of the licensee.

- c. The City shall forward the findings and statement of action taken to the licensee by mailing the same to the address of record in the license.

- D. Notification of tenants. Upon suspension, revocation, or denial of a license, or if the RDU is not licensed, the City will make reasonable efforts to notify all affected tenants.

#### **118.09 : SUMMARY ACTION.**

- A. Emergency. When the conduct of any owner or owner's agent, representative, employee or lessee, or the condition of the rental dwelling or RDU, or the property in or on which it is located, is detrimental to the public health, sanitation, safety and general welfare of the community, or residents of the rental dwelling or RDU so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the Code Compliance Official or Building Official has the authority to summarily and immediately condemn or close rental dwellings or individual RDUs or areas of the rental dwelling as the Code Compliance Official or Building Official deem necessary.
- B. Notice. Notice of summary action will be posted at the units or areas affected and will describe the units or areas affected. No person shall remove the posted notice, other than the Code Compliance Official or Building Official or their designee.
- C. Appeal. Any personal aggrieved by a decision or action of the Code Compliance Official or their designee to condemn all or part of a rental dwelling shall be entitled to appeal to the Council by filing a notice of appeal with the City Administrator, within 10 days. The Administrator must schedule a date for hearing before the Council and notify the appellant of the date.

#### **118.10 : POSTED TO PREVENT OCCUPANCY**

Whenever any rental dwelling or RDU is found to be unfit for human habitation, it shall be posted by the Code Compliance Official or their designee on the door of the rental dwelling or RDU, whichever the case may be, to prevent further occupancy. No person, other than the Code Compliance Official or their designee, shall remove or alter any posting. The Code Compliance Office or their designee will post the date the rental dwelling or RDU shall be vacated, and no person shall reside in, occupy, or cause to be occupied that rental dwelling or RDU until the Code Compliance Official or Council permits it.

**118.11 : NO WARRANTY BY CITY.**

By enacting and undertaking to enforce this chapter, neither the City, nor its Council, agents, or employees warrant or guaranty the safety, fitness, or suitability of any rental dwelling or RDU in the City. Owners and occupants should take appropriate steps to protect their interests, health, safety, and welfare.

**118.12 : SEVERABILITY AND SAVINGS CLAUSE.**

If any section or portion of this chapter shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not service as an invalidation or effect the validity and enforceability of any other section or provision of this Code.

*(Ord. 488, passed 06-22-23)*

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## **CHAPTER 119: Cannabis and Cannabis Business Regulations**

### **119.01 : PURPOSE.**

The purpose of this ordinance is to implement the provisions of Minn. Stat. Ch. 342, and certain related regulations to protect the public health, safety and welfare of the residents of the city of Corcoran by regulating cannabis use and cannabis businesses within the legal limits of the city.

### **119.02 : DEFINITIONS.**

Unless otherwise noted or specifically defined in this section, words and phrases contained in M.S. § 342.01, as it may be amended from time to time, and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

**CANNABIS CULTIVATION.** A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

**CANNABIS RETAIL BUSINESSES.** A state-licensed retail location and the retail location(s) of a mezzobusiness(es) with a retail operations endorsement, microbusiness(es) with a retail operations endorsement, medical combination business(es) operating a retail location, excluding lower-potency hemp edible retailers.

**CANNABIS RETAILER.** Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

**CERTIFIED MEDICAL PROFESSIONAL.** An individual who holds a valid and active license to practice medicine or provide healthcare services within the State of Minnesota, as issued by the Minnesota Board of Medical Practice, or other relevant state licensing authorities. This includes, but is not limited to, licensed physicians, advanced practice registered nurses (APRNs), physician assistants (PAs) or other healthcare professionals recognized by the State of Minnesota as being authorized to conduct medical evaluations, provide medical advice and respond to medical emergencies.

**DAYCARE.** A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

**DRUG PARAPHERNALIA.** All equipment, products, and materials of any kind, except those used in conjunction with permitted uses of controlled substances pursuant to state law,

which are knowingly or intentionally used primarily in (1) manufacturing a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, (2) injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products, or (3) enhancing the effect of a controlled substance other than cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products. **DRUG PARAPHERNALIA** does not include the possession, manufacture, delivery, or sale of: (1) hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections; or (2) products that detect the presence of fentanyl or a fentanyl analog in a controlled substance.

**LOWER-POTENCY HEMP EDIBLE.** As defined under M.S. § 342.01, subd. 50, as it may be amended from time to time.

**LOWER-POTENCY HEMP EDIBLE RETAILER.** A business which sells Lower-Potency Hemp Edibles but which is not a Cannabis Retailer, as defined by this Chapter.

**OFFICE OF CANNABIS MANAGEMENT.** Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

**PLACE OF PUBLIC ACCOMMODATION.** A business, accommodation, refreshment, entertainment, recreation or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

**PRELIMINARY LICENSE APPROVAL.** OCM pre-approval for a cannabis business license for applicants who qualify under M.S. § 342.17, as it may be amended from time to time.

**PUBLIC PLACE.** A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants, bars, any other food or liquor establishment, hospitals, nursing homes, auditoriums, arenas, gyms, meeting rooms, common areas of rental apartment buildings and other places of public accommodation.

**RESIDENTIAL TREATMENT FACILITY.** A facility as defined under M.S. § 245.462, subd. 23, as it may be amended from time to time.

**RETAIL REGISTRATION.** An approved registration issued by the city to a state-licensed cannabis retail business, registering a single specified retail location within the city limits.

**SCHOOL.** A public school as defined under M.S. § 120A.05, as it may be amended from time to time, or a nonpublic school that must meet the reporting requirements under M.S. § 120A.24, as it may be amended from time to time.

**STATE LICENSE.** An approved license issued by the Office of Cannabis Management to a cannabis business.

### **119.03 : REGISTRATION OF CANNABIS BUSINESSES.**

- A. Consent to Registering of Cannabis Businesses. No individual or entity may operate a state-licensed cannabis retail business or lower-potency hemp edible retail business within the corporate limits of the city without first registering with the city. With the exception of the limitations set forth in §119.03 (G)(1), all requirements of this Section 119.03 shall apply to lower-potency hemp edible retailers the same as they do to cannabis retail businesses.
- B. Compliance Checks Prior to Retail Registration.
  - 1. The city may conduct a preliminary compliance check prior to issuance of a cannabis retail business registration to ensure compliance with local ordinances.
  - 2. Pursuant to M.S. Ch. 342, within 30 days of receiving a copy of a state license application from OCM, the city shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.
- C. Registration and Application Procedure.
  - 1. Fees.
    - a. The city shall not charge an application fee.
    - b. A registration fee, as established under the city's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
  - (1) An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under M.S. § 342.11, as it may be amended from time to time, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.



- (2) Any renewal retail registration fee imposed by the city shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under M.S. § 342.11, as it may be amended from time to time, whichever is less.
- (3) A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2. Application submittal.

- a. The city shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of M.S. § 342.22 and this Chapter, as they may be amended from time.
- b. An applicant for a retail registration shall fill out an application form, as provided by the city. Said form shall include, but is not limited to:
  - (1) Full name of property owner and applicant;
  - (2) Address, email address, and telephone number of the applicant;
  - (3) The address and parcel ID for the property which the retail registration is sought;
  - (4) Certification that the applicant complies with the requirements of local ordinances established pursuant to M.S. 342.13, as it may be amended from time to time.
- c. The applicant shall include with the form:
  - (1) The application fee as required in Paragraph C,1;
  - (2) A copy of the state license application form and materials submitted to OCM.
  - (3) A copy of a valid state license or written notice of OCM license preapproval.
- d. Once an application is considered complete, the city shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.
- e. The application fee shall be non-refundable once processed.

3. Application approval.

- a. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Paragraph G.
- b. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- c. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

4. Annual compliance checks.

- a. The city shall complete at least one unannounced compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under M.S. § 342.22, subd. 4(b) and M.S. § 342.24, as they may be amended from time to time, and these ordinances.
- b. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a person or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer.

5. Location change. A state-licensed cannabis retail business shall be required to submit a new application for registration under Paragraph C,2 if it seeks to relocate to a new location still within the legal boundaries of the city. That application for registration at the new location shall be subject to the provisions of paragraph G.

- D. Renewal of registration. The city shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license. A state-licensed cannabis retail business shall apply to renew registration on a form established by the city and pay the renewal fee for the registration as established in the city's fee schedule.

E. Transfer of registration. A cannabis retail registration issued under this ordinance shall not be transferred.

F. Suspension of registration.

1. When suspension is warranted. The city may suspend a cannabis retail business's registration if it violates the ordinance of the city or poses an immediate threat to the health or safety of the public. The city shall immediately notify the cannabis retail business in writing the grounds for the suspension.
2. Notification to OCM. The city shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the city and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
3. Length of suspension. The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The city may require receipt of a determination from OCM before reinstating a registration. The business may not make sales to customers if their registration is suspended. The city may reinstate a registration if it determines that the violations have been resolved. The city shall reinstate a registration if OCM determines that the violation(s) have been resolved.

G. Limitation on Number of Registrations.

1. The city shall limit the number of cannabis retail businesses to the lowest number of registrations permitted by M.S. § 342.13, as it may be amended from time to time, and this Chapter. The city shall allow no greater than one registration of a single retail location per 12,500 residents within the city limits which is not an operation owned by the city. In the event an application for registration seeks to locate within the corporate boundaries of the city and the County in which the proposed operations site is located has reached the threshold of one active registration for every 12,500 residents, the city shall not issue a registration to an operation which is not owned by the city. This limitation shall not apply to lower-potency hemp edible retailers, as defined in this Chapter.

2. The city shall limit the number of lower-potency hemp edible retailers to no more than one registration of single retail locations within the corporate boundaries of the city. However, the limit set forth in this Section 119.03 (G)(2) shall not apply to a cannabis retail business legally operating within the city which is also licensed to sell lower-potency hemp edibles.

H. Inspections. City officials and law enforcement have the right to inspect the premises at any time to ensure compliance with all regulations.

**119.04 :      RESTRICTIONS ON ISSUANCE.**

- A. No state-licensed cannabis business shall be granted within 1,000 feet of a school. The distance is to be measured from the closest side of the school to the closest side of the structure on the premises within which cannabis is to be sold.
- B. No state-licensed cannabis business shall be granted within 500 feet of a day care, a residential treatment facility and/or an attraction within a public park that is regularly used by minors, including a playground or athletic field. The distance is to be measured from the closest side of the day care, residential treatment facility or public park attraction regularly used by minors to the closest side of the structure on the premises within which cannabis is to be sold.
- C. Pursuant to M.S. § 462.367, subd. 14, as it may be amended from time to time, nothing in this Section 119.04 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility and/or an attraction within a public park that is regularly used by minors moves within the minimum buffer zone.
- D. In the event an applicant seeks registration for a business to be located within a zoning district which requires a conditional use permit to permit the business, the City shall deny the application as not compliant with local zoning if the applicant has not obtained a valid conditional use permit for the use, from the city.

**119.05 :      HOURS OF OPERATION.**

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products between the hours of 10:00 a.m. and 9:00 p.m.

**119.06 :      TEMPORARY CANNABIS EVENTS.**

- A. License required. A license or permit is required to be issued and approved by the city prior to holding a Temporary Cannabis Event.
- B. Registration and application procedure. A registration fee, as established in the city fee schedule, shall be charged to applicants for Temporary Cannabis Events.
- C. Application submittal and review. The city shall require an application for Temporary Cannabis Events.
  - 1. An applicant for a retail registration shall fill out an application form, as provided by the city. The form shall include, but is not limited to:
    - a. Full name of the property owner and applicant;
    - b. Address, email address and telephone number of applicant;
    - c. The address at which the event will be held; and
    - d. Other information required by the Administrator or designee.
  - 2. The applicant shall include with the form the application fee as required under Paragraph B and a copy of the OCM cannabis event license application, submitted pursuant to M.S. § 342.39, subd. 2, as it may be amended from time to time.
  - 3. The application shall be submitted to the Administrator or designee, for review. If the Administrator determines that a submitted application is incomplete, he/she shall return the application to the applicant with the notice of deficiencies.
  - 4. Once an application is considered complete, the Administrator shall inform the applicant of such, process the application fees and forward the application to the city council for approval or denial. The application fee shall be non-refundable once processed.
  - 5. The application for a license for a Temporary Cannabis Event shall meet the following standards:

- a. Comply with buffer standards applicable to a state-licensed cannabis business as set forth in Section 119.04 (A) and (B).
- b. Security requirements.
  - (1) A minimum of two licensed peace officers or licensed security guards per 100 attendees must be present at all times.
  - (2) The event area must be equipped with 24/7 video surveillance covering all entrances, exits, and key areas.
  - (3) Secure fencing and controlled entry points must be established to ensure only authorized individuals enter the event area.
- c. Operational standards.
  - (1) Noise levels must not exceed the limits set forth in City Code.
  - (2) Effective odor control measures must be in place to ensure no detectable odor extends beyond the event premises.
- d. Health and safety standards.
  - (1) At least one certified medical professional, as defined in this Chapter, must be present on-site at all times.
  - (2) Adequate sanitation facilities must be provided, including restrooms and handwashing stations, as determined by the city's Building Official.
  - (3) A comprehensive waste management plan must be implemented to handle all event-related waste.
- e. Inspections. City officials and law enforcement have the right to inspect the event at any time to ensure compliance with all regulations.
- f. Event Hours. A Temporary Cannabis Event shall only be held between the hours of 10:00 a.m. and 9:00 p.m.

- g. On-Site Consumption Prohibited. On-site consumption shall not be permitted at a Temporary Cannabis Event within the city.
- h. Location of Events. A Temporary Cannabis Event which includes cannabis retail may only be held at a location which is within a zoning district which permits cannabis retail operation and subject to the provisions of Section 10-604.

**119.07 : CIVIL PENALTIES.**

- A. Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.
- B. Subject to M.S. § 342.22, subd. 5(e), the city may impose a civil penalty of \$500 for the first violation of this chapter, \$1,000 for the second violation of this chapter within a 36 month period, and \$2,000 for the third and subsequent violations within a 36 month period.

**119.08 : PUBLIC USE OF CANNABIS AND LOWER-POTENCY HEMP EDIBLES PROHIBITED.**

It is unlawful for any person to use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products as each is defined by state law, in a public place within the City of Corcoran. For the purposes of this Section, "public place" shall not include:

- A. A private residence, including the curtilage or yard of the same;
- B. Private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
- C. The premises of an establishment licensed to permit on-site consumption, provided the use complies with the on-site consumption permitted and this Chapter. On-site consumption shall not be permitted at Temporary Cannabis Events within the city.

Any violation of this Section shall be a petty misdemeanor.



**119.09 :      POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.**

It is unlawful for any person knowingly or intentionally to use or possess drug paraphernalia as defined in this Chapter.

*(Ord. 541, passed 1-9-2025)*



## **CHAPTER 120: PEDDLERS, SOLICITORS, TRANSIENT MERCHANTS AND DOOR-TO-DOOR ADVOCATES**

### **120.01 : Purpose**

The purpose of this ordinance is to promote the public health, safety, and welfare by protecting the privacy of residents and their properties by discouraging fraudulent sale of or solicitation of goods or services or fraudulent solicitation on behalf of organizations or causes and by protecting against persons of criminal intent who travel from place to place in the city under a guise of legitimacy.

### **120.02 : Definitions**

For the purposes of this ordinance, the following terms shall have the meanings given to them:

**Subd. 1.** “Peddler” means any person who goes from house to house, place to place or street to street conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering immediately upon sale, goods, wares, merchandise or articles to purchasers.

**Subd. 2.** “Solicitor” means any person who goes from house to house, place to place or street to street soliciting or taking orders for the sale of goods, wares or merchandise of any nature for future delivery, or for services to be performed in the future, regardless of whether such individual has, carries or exposes for sale a sample of the subject of such order or whether advance payment on such orders is collected. Solicitation shall include any effort to obtain orders even though such may not initially purport to be the case.

**Subd. 3.** “Door-to-Door Advocate” means any person who goes door-to-door for the primary purpose of disseminating religious, political, social or other ideological materials or advocating such beliefs. For purposes of this ordinance, door-to-door advocacy includes door-to-door canvassing and pamphleting for non-commercial purposes.

**Subd. 4.** “Transient Merchant” means any person who engages in, does or transacts any temporary business in the city, out of a vehicle, building, structure, trailer, boxcar, tent, vacant lot or other portable shelter either in one locality or in traveling from place to place in the city selling or exhibiting for sale goods, wares or merchandise, and who, for the purpose of carrying on such business, does not remain in any one location for more than fourteen (14) consecutive days.

**Subd. 5.** “Person” means any individual, partnership, corporation, organization, society or association acting as a peddler, solicitor, transient merchant or door-to-door advocate.

**120.03 : License Required**

Except as listed in sections 120.08, no person shall engage in or follow the business of a peddler or transient merchant without first having obtained a license from the city.

**120.04 : Application**

Application for a peddler or transient merchant license shall be made to the city clerk on the forms provided by the city. The application shall contain at least the following information and shall be signed by the applicant. A photograph will be taken of the applicant and an identification badge will be distributed upon approval of the license application.

- (a) Name and any other names under which the applicant has or does conduct business;
- (b) A valid photo Identification (driver's license, passport, citizenship or green card);
- (c) Complete permanent home, local address and telephone numbers of the applicant and the cellular phone number at which the applicant may be reached while working;
- (d) The name and address of the employer and principal business, parent organization or supplier of the applicant;
- (e) A Minnesota Tax Identification Number or Federal Tax Identification Number for the employer and principal business, organization or supplier;
- (f) A brief description of the nature of the business and goods to be sold;
- (g) The source of supply of goods or property proposed to be sold, or orders taken for the sale thereof, the location of such goods or products at the time of the application, and the proposed method of delivery;
- (h) If applicant is offering building or home improvement services, a current contractor's license number as issued by the State of Minnesota;
- (i) The dates and hours of the day during which the business will be carried on;
- (j) A statement as to whether the applicant has been convicted of any misdemeanor, gross misdemeanor or felony within the past ten (10) years for violation of any statute, law, or ordinance, other than traffic violations, the date and nature of the offense and punishment of penalty assessed therefore;
- (k) The names of other municipalities, not to exceed five in number, where the applicant carried on similar business immediately preceding the date of application and the address from which such business was conducted in those municipalities.
- (l) If a transient merchant, written permission of the owner of the property from which sales will be conducted.

- (m) If a transient merchant, a copy of the license issued by Hennepin County;
- (n) If a vehicle is to be used, a description of the vehicle, together with state of registration and license number;
- (o) The required fee; and
- (p) Any other information reasonably required by the city in order to conduct an investigation of the applicant.

#### **120.05 : Application Fee**

The application fee for a peddler or transient merchant license shall be set by the ordinance in the city fee schedule. The fee shall be non-refundable regardless of whether the license is issued or denied and shall not be prorated even if the license is issued for less than the six-month period.

#### **120.06 : Issuance of License**

**Subd. 1.** Upon receipt of the completed application for a peddler or transient merchant license, including the required fee, the city clerk shall transmit a copy of the application to the police department who has the authority to conduct a criminal history and driver's license check on the applicant through the State of Minnesota, Bureau of Criminal Apprehension.

**Subd. 2.** Within five days of receipt of a report from the police and other public officials recommending approval of the license application the city clerk shall contact the applicant to complete the license process in person. The applicant's photo will be taken at that time and then be issued an identification badge which will serve as the permit. The Identification badge must be always displayed while soliciting and shall be exhibited by the applicant upon request by a police officer or any person in the city who may encounter the applicant in connection with the licensed activity. Licenses shall be valid for a period of time stated thereon but shall expire six months from the date of issuance. The city clerk shall maintain a record of all licenses issued hereunder.

**Subd. 3.** Within five days of receipt of a report from the police and other public officials recommending denial of a license application, the city clerk shall deny the application and notify the applicant in writing of the denial. Any person aggrieved by a decision of the city clerk to deny a license may appeal such denial to the city council by submitting a written request to the city clerk within 15 business days of receipt and notification of denial. The city council shall hear the applicant's appeal at its next regular meeting occurring not sooner than 10 days after receipt of the appeal by the city.

#### **120.07 : GROUNDS FOR DENIAL OF LICENSE**

The following shall be grounds for denial of an application for a peddler or transient merchant license:

- (a) Omission or misrepresentation of any material fact or information on the application;
- (b) Revocation or suspension within the previous five years of any peddler or transient merchant license in any jurisdiction;
- (c) Failure or refusal to consent to a background check;
- (d) Previous, repeated violations of the this ordinance or non-payment of the license fee or administrative fines;
- (e) Conviction within the previous ten years of any crime involving fraud, deceit or misrepresentation in any trade or business or of any crime which reflects adversely on the applicant's suitability to conduct business or of any crime involving any form of actual or threatened physical harm to another;
- (f) Intent to sell or take orders for the sale of any goods, wares, merchandise or services which are illegal or injurious to the public health, safety or welfare; or
- (g) Revocation or suspension by any jurisdiction of any other license or permit required to conduct business.

#### **120.08 : Exemptions**

This ordinance shall not apply to the following:

- (a) Sale of personal property at wholesale to dealer is such articles;
- (b) Sale or delivery of newspapers or making contact for the purpose of establishing a delivery route for newspapers;
- (c) Delivery by merchants for goods purchased in the regular course of business;
- (d) Sale or delivery of items of food or drink to households on a regular route;
- (e) Sale to dealers by commercial travelers or selling agents in the usual course of business;
- (f) Sale of the products of the farm or garden occupied or cultivated by the seller;
- (g) A sale required by statute or by order of any court, or a bona fide auction sale pursuant to law;
- (h) A garage, rummage or similar sale involving household or other items owned and used by the seller;

- (i) Solicitation by an organization that is religious, political, non-profit, or educational in nature solely of its own members;
- (j) Non-commercial door-to-door advocates not engaged in the sale of any goods or services; or
- (k) Distribution of materials door to door free of charge.

Exemption from the requirements of this ordinance does not include exemption from any other applicable provision of the code of ordinances unless an exemption under such other provision also applies.

#### **120.09 : DOOR-TO-DOOR ADVOCATE EXEMPTION**

No license shall be required under this ordinance for any person going door-to-door for the purpose of advocating any religious, political, social or other position or belief protected by federal and state constitution. This exemption does not apply, and such person is required to obtain a license if the exercise of a person's constitutional rights are merely incidental to a commercial activity.

#### **120.10 : PROHIBITED ACTIVITIES**

No peddler, solicitor, transient merchant or door-to-door advocate shall conduct business or activities in any of the following manners:

- (a) Calling attention to any goods or services by means of blowing a horn or whistle, ringing a bell, crying out, using amplified sound or any other noise in an unreasonably audible manner;
- (b) Obstruction of vehicular or pedestrian traffic on any street, sidewalk, alleyway or right-of way;
- (c) Alleging false or misleading statements about the goods or services being sold including untrue statements of endorsement by the city solely based on the city having issued a license to that person;
- (d) Conducting business or activities other than permitted hours;
- (e) Failing to produce a license and identification when applicable and requested by a police officer or any other person in the city when requested;
- (f) Using the license of another person or a false license;
- (g) Remaining on the property of another after being requested to leave;
- (h) Failing to heed any no solicitation or similar notice posted on the property;

- (i) Selling or taking orders for the sale of any goods or services which are illegal or injurious to the public health, safety or welfare; or
- (j) Conducting business or activities in any manner which a reasonable person would find threatening, intimidating or abusive.

#### **120.11 : LICENSES NOT TRANSFERABLE**

No license or certificate issued pursuant to this ordinance shall be transferable. Each individual shall be separately licensed or certified when more than one individual is involved in a sales or advocacy activity.

#### **120.12 : USE OF PROPERTY**

No person licensed or certified under this ordinance has an exclusive right to any specific location on public property, nor shall a stationary location thereon be permitted. No Person licensed or certified under this ordinance shall operate in a congested area so that such operation creates a public safety hazard or nuisance or where he or she may impede or interfere with traffic. Nothing in this ordinance shall be deemed to permit persons licensed or certified hereunder to use private property without the consent of the property owner.

#### **120.13 : EXCLUSION BY PLACARD**

Any person who wishes to exclude peddlers, solicitors and door-to-door advocates from premises he or she occupies may place upon or near the usual entrance to such premises a conspicuous printed placard or sign bearing a No Solicitation notice. No Soliciting shall be interpreted to include all peddlers, solicitors and door-to-door advocates. No peddler, solicitor or door-to-door advocate shall enter in or upon any premises or attempt to enter in or upon any premises where such a placard or sign is placed and maintained notwithstanding the fact that he or she may have obtained a license under the provisions of this ordinance. No person other than the occupant shall remove, damage or deface such placard or sign.

#### **120.14 : SUSPENSION OR REVOCATION**

Any license may be suspended or revoked by the City Clerk upon reasonable evidence the person is or has become ineligible for a license under section 120.07 or for any violation of section 120.10. The City Clerk shall notify the person of the suspension or revocation in writing at the person's permanent address or place of business at the addresses provided on their application. Any person aggrieved by the suspension or revocation of a license under this section may appeal the suspension or revocation to the city council in the manner specified in section 6 of this ordinance.

#### **120.15 : HOURS OF SOLICITATIONS**

Peddlers, solicitors and door-to-door advocates may engage in sales or activities daily between the hours of 9:00 a.m. and 7:00 p.m. or until sundown, whichever occurs first.

#### **120.16 : VIOLATIONS**

Any person violating any provision of this ordinance shall be guilty of a misdemeanor.



**120.17 : EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon its publication and passage.

*(Ord. 545, passed 4-10-2025)*



**TITLE XIII: RESERVED**

**TITLE XIV: GENERAL OFFENSES**

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## CHAPTER 130: GENERAL OFFENSES

### 130.01: CURFEW.

*Purpose.* The curfew for minors established by this section is maintained for four primary reasons:

1. To protect the public from illegal acts of minors committed during the curfew hours;
2. To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
3. To protect minors from criminal activity that occurs during the curfew hours; and
4. To help parents control their minor children.

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

**EMERGENCY ERRAND.** A task that if not completed promptly threatens the health, safety or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

**PLACES OF AMUSEMENT, ENTERTAINMENT OR REFRESHMENT.** Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants and pool halls.

**PRIMARY CARE or PRIMARY CUSTODY.** The person who is responsible for providing food, clothing, shelter and other basic necessities to the minor. The person providing **PRIMARY CARE OR CUSTODY** to the minor shall not be another minor.

**SCHOOL ACTIVITY.** An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

*Hours.*

1. *Minors under the age of 12 years.* No minor under the age of 12 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 9:00 p.m. and 5:00 a.m. the following day, Monday through Thursday, and between the hours of 10:00 p.m. and 5:00 a.m. the following day on Fridays and Saturdays.

2. *Minors ages 12, 13, and 14 years of age.* No minor of 12, 13 or 14 years of age shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 10:00 p.m. and 5:00 a.m. the following day, Monday through Thursday, and between the hours of 11:00 p.m. and 5:00 a.m. the following day on Fridays and Saturdays.
3. *Minors ages 15 years to 18 years.* No minor of the ages of 15, 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 11:00 p.m. and 5:00 a.m. the following day, Monday through Thursday, and between the hours of 12:00 a.m. and 5:00 a.m. on Fridays and Saturdays.

*Effect on control by adult responsible for minor.* Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

*Exceptions.* The provisions of this section shall not apply in the following situations:

1. To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;
2. To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;
3. To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession or occupation; or to a minor traveling directly to or from the location of such business trade, profession or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work;
4. To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian or other adult person having the primary care and custody of the minor;
5. To a minor who is passing through the city in the course of interstate travel during the hours of curfew;

6. To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly or freedom of religion;
7. To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence; and
8. To a minor who is married or has been married, or is otherwise legally emancipated.

*Duties of person legally responsible for minor.* No parent, guardian or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

*Duties of other persons.* No person operating or in charge of any place of amusement, entertainment or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian or other adult person having primary care or custody of the minor, or unless one of the exceptions to this section apply.

*Penalties.*

1. *Minors.* Any minor found to be in violation of this section may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. ' 260.185, as amended.
2. *Adults.* Any adult person found to be in violation of this section shall be guilty of a misdemeanor and may be sentenced up to the maximum penalty authorized by state law for a misdemeanor.

*Defense.* It shall be a defense to prosecution under this section that the owner, operator or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Penalty, see § 10.99

**130.02 : LITTERING.**

No person shall leave, place, throw or deposit or permit any other person to leave, place, throw or deposit in or upon any street or public place or in or upon any vacant or private lot or premises in the city, any ashes, rubbish, garbage, refuse or other like or similar substances or materials.

**130.03 : FIREARMS.**

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

**DEADLY WEAPON.** Includes, but is not limited to, the following:

**FIREARMS.** Any device from which may be fired or ejected, one or more solid projectiles by means of a cartridge or shell or by the action of an explosive substance; or for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas or vapor. **FIREARMS** include rifles, shotguns, muzzleloaders and pistols.

- a. Bows and arrows when arrows are tip pointed.
- b. All instruments used to propel a high-velocity pellet of any kind, including, but not limited to, air rifles and compressed air guns.
- c. Sling shots.
- d. Any similar type instrument, whether such instrument is called by any name set forth herein or any other name.

**HIGH POWERED FIREARM.** Any gun from which a shot or a projectile other than a shot shell or shotgun slug is discharged by the means of explosive gas or compressed air.

**HUNTING.** Taking birds or mammals, or stalking or being in possession of a firearm or deadly weapon for the purpose of taking birds and mammals.

**RURAL AREAS.** Portions of the city which are undeveloped or developed for low-density residential use (one parcel/per ten acres).

*Concealment, discharge and use prohibited.* Except as herein specifically authorized, the concealment, discharge or use of deadly weapons within the city is hereby prohibited.

*Aiming prohibited.* The aiming of any deadly weapon, whether loaded or not, at or toward any human being is hereby prohibited.

*Selling or furnishing a deadly weapon to a minor.* The selling, giving, loaning or furnishing in anyway of a deadly weapon to a minor under the age of 18 years without the written consent of his or her parent or guardian is hereby prohibited.

*Minors under the age of 14.* No minor under the age of 14 years shall handle or have any deadly weapon in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian.

*Exceptions; lawful defense and law enforcement.* Nothing in this section shall be construed to prohibit the use or discharge of a deadly weapon in the lawful defense of persons or property or in the enforcement of the law by peace officers and other law enforcement personnel.

*Hunting and shooting, permission by landowner.* Written permission from the landowner shall be required for hunting or shooting upon land within the city, except that no permission shall be required for members of the owner's immediate family or guests in the company of the owner of the land. On another person's private land, or a public right-of-way, a person may not shoot, hunt or discharge a deadly weapon or take a wild animal with a firearm within 500 feet of a building occupied by humans or livestock without written permission. Also, a person may not shoot, hunt or discharge a deadly weapon or take a wild animal with a firearm within 500 feet of a corral containing livestock without written permission.

*Special permits.* Special permits must be obtained from the Chief of Police to allow hunting on Goose Lake, the discharging of a high-powered firearm under certain conditions, and for permits required under division (L). The permits shall only be issued after first obtaining the written consent of the landowner of the land. A condition of the hunting permit shall be that the hunter has in his or her possession all required state and federal hunting licenses while hunting.

*Conditions.* The permit shall be subject to the conditions as are deemed necessary by the Chief of Police to protect the health, safety and welfare of residents of the city. Appeals may be taken from any determination of the Chief of Police to the City Council. No permit issued under this section shall be deemed valid unless the permit and the written consent of the landowner are in the possession of the person using the permit. The fee for the permit shall be determined by a resolution of the City Council.

*Terms.* Permits issued pursuant to this section shall be valid until March 1 of the following year, but shall be subject to revocation upon showing that the permittee has violated any conditions of the permit.

*Goose Lake.* All persons shooting or hunting on Goose Lake, or within 500 feet of the surface water, must obtain a permit from the Chief of Police. Guests of Goose Lake landowners must have written permission from the landowners and obtain a permit from the Chief. The owners of land shall not allow more than one hunting party (water craft) on Goose Lake at any one time. The Chief may restrict or reduce the number of permits issued to maintain safe hunting conditions.

*Firearms deer hunting.* Any person hunting deer with a firearm must hunt from an elevated stand of no less than six feet in height. Special permits may be obtained from Chief of Police if a person has physical limitations that restrict them from safely complying with hunting from an elevated stand. All firearms must be unloaded and cased to and from the stand. No deer driving is allowed. Archery deer hunting is exempt from this division.

*Discharge of high-powered firearm.* The discharge of a high-powered firearm is allowed only with the written permission from the landowner and a permit from the Chief of Police. A rural and safe area must be proven by the person before a permit is to be issued. A landowner or a member of a landowner's immediate family, however, may use a firearm or a high powered firearm up to a .22 caliber rim fire for the purpose of protecting livestock from an unprotected predator, destroying nuisance raccoons, when open season, and nuisance unprotected birds and animals within the rural areas of the city.



**130.04 : OBSTRUCTIONS.**

It shall be unlawful for any person to deposit snow, ice or other refuse, as defined in M.S. ' 169.42, upon the public roads, streets, alleys, highways, parks, public bodies of water or any other public property within the city. It shall further be unlawful for any person to interfere with or obstruct or render dangerous for use of passage the before mentioned public properties by any deposit. Penalty, see § 10.99

**130.05 : EXCESSIVE FALSE ALARMS**

**PURPOSE**

The City finds that the occurrence of false alarms is a threat to the public health and safety by causing the unnecessary mobilization of emergency personnel and their diversion from other locations or activities in which assistance may be needed. Many false alarms are caused by equipment that is improperly installed or inadequately maintained or by inadvertent activation of a system by a person legitimately on the premises. The City also recognizes that persons suspecting the existence of an emergency should seek assistance immediately. In order to balance these goals, the City seeks to encourage proper use and maintenance of alarm systems and the implementation of sound security practices.

**DEFINITIONS**

For the purpose of this section of the municipal code, certain words or terms are defined as follows:

**ALARM SYSTEM** means any equipment or device, designed or intended to signal the presence of an emergency, such as a fire, unauthorized intrusion, crime in progress, or medical emergency.

**ALARM USER** means the individual, firm, partnership, association, corporation, company or organization of any kind occupying the premises where an alarm system is maintained. If the occupant cannot be readily determined, the term “alarm user” means the owner of the premises as determined by the real estate records of Hennepin County.

**FALSE ALARM** means the activation of an alarm system when a condition requiring emergency fire, police, or ambulance response does not in fact exist and which is caused by mechanical failure or malfunction; improper installation or maintenance; negligent use or maintenance of the alarm system; or by the actions of a person or persons legitimately on the premises. Activations caused by utility mishaps, unusual or unforeseen weather or climatic conditions, or other circumstances reasonably beyond the control of the alarm user shall not constitute false alarms.

## **FALSE ALARM FEE**

Any alarm user who incurs more than three (3) false alarms for police/fire emergencies at a single address within any twelve (12) month period shall be required to pay a false alarm fee to the City. The fee schedule shall be established by the City Council. The responding fire or police department shall file a written report of each false alarm with the City Clerk/Treasurer. Upon receipt of a report prepared by the responding Fire or Police Chief at a particular address or premises, the City Clerk/Treasurer shall notify the alarm user of the provisions of this ordinance and any fees due. If the alarm user is a tenant, the City Clerk/Treasurer shall also send a copy of the notice to the property owner. The alarm user shall have ten days after receipt of the notice to pay the fee required by this ordinance.

## **ASSESSMENT**

On or about November 1 of each year, the City Clerk/Treasurer shall calculate the total of unpaid false alarm fees attributable to each lot or property. After notice and hearing, the City Council may levy unpaid fees against the properties as special assessments and administrative costs and the City Clerk/Treasurer shall certify the same to the County Auditor for collection along with taxes payable the following year.

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## **CHAPTER 131: RESERVED**

## **CHAPTER 132: ADMINISTRATIVE OFFENSES**

### **132.01: ADMINISTRATIVE OFFENSES**

The Corcoran City Council has determined to enforce certain offenses within the City of Corcoran as Administrative Offenses. Those offenses to be enforced as Administrative Offenses shall be determined by resolution of the City Council as recommended by the Chief of Police.

### **132.02 : VIOLATION/PENALTY**

Any person violating one of the Administrative Offenses within the City of Corcoran shall be subject to the scheduled administrative penalty. The City Council shall determine the administrative penalties and both the Administrative Offenses and the penalty amount may be amended, from time to time, by resolution of the City Council.

### **132.03 : ENFORCEMENT**

Any member of the police department or any other person employed by the city with authority to enforce the City Code may issue administrative violations under this Ordinance. Notice shall be given to the violator setting forth the nature of the offenses, the date, time of the violation, the name of the official issuing the citation and the amount of the scheduled penalty.

### **132.04 : PAYMENT**

Once notice of an administrative violation is given, the person responsible for the violation shall, within 7 calendar days of issuance of the notice, pay the stated violation penalty to the City Clerk.

### **132.05 : FAILURE TO PAY**

If a violator fails to pay the penalty imposed by this Ordinance, or if the violator wishes to contest the citation, then the matter shall be processed as a code violation or criminal offense through the Hennepin County District Court System.

### **132.06 : DISPOSITION OF PENALTIES**

All penalties collected shall be paid over to the City Treasurer and deposited in the general fund.

*(Ord. 240, passed 12-28-06)*

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