



**OFFICE OF ADMINISTRATIVE HEARINGS
Municipal Boundary Adjustment Unit
Factual Information Form**

MBA Unit Docket Number: D-497 Winnebago/Verona Twp

This form is being completed by:
Name: Austin Bleess
Representing: City of Winnebago

The term "subject area" refers to the area proposed for boundary adjustment.

1. Population and Households:

	Subject Area	City	Township/Other City
2000 Population		1,487	
2010 Population		1,437	
Current Population		1,435	
Current Households		609	
Projected in 5 Years		610	
Source of Data		MN State Demographer	

2. Geographic Features:

A.

	Subject Area	City	Township	Adjacent Unit of Gov't
Total Acreage		1408		

B. Describe any waterways within or adjacent to the subject area (rivers, streams, shore lands, protected water or wetlands, watershed districts):

C. Are the waterways subject to any State or Federal regulations? If yes, please describe:

D. Describe the soils in the subject area:

E. Describe the natural terrain in the subject area:

3. The perimeter of the subject area is bordered approximately:

60% by the city
40 % by the Township
 % by other unit of government

4. Present pattern of physical development, planning, and intended land use(s):

A. Fill in the approximate acreage for each land use type.

	Subject Area	City	Township
Residential		782	
Institutional		5	
Commercial/Retail		281	
Industrial		140	
Agricultural		200	
Vacant Land			

B. What type of development/zoning is proposed for the subject area?

Commercial

C. What are the current land use(s)/zoning in the adjacent area(s)?

Commercial and Industrial

5. Existing Transportation Network:

A.

	Subject Area	City	Township
How many miles of highways, streets, and roads?			

B. Are there any transportation changes planned:

In the subject area? Yes No
 In the city? Yes No
 In the adjacent area(s)? Yes No

C. What are the road/highways that serve the subject area?

MN Highway 109. This road is currently being redone.

6. Land Use Controls and Planning:

A. Comprehensive Plan (Attach a copy of the portion that applies to the subject area):

	City	Township	County	Region
Adoption Date				
Status of Plan	In Progress			
No Existing Plan				

B. If any area planning authorities (planning commissions, Met Council, Regional Development Commissions, etc.) have adopted an official position on the proposed boundary adjustment, please describe and attach a copy of the position:

The minutes of the Planning Commission meeting are attached as well as the resolution adopted by the City Council of Winnebago.

C. Please note where the following exists and provide any necessary explanations on how it relates to the proposed boundary adjustment. (Since it may be possible to have two or more ordinances attempt to regulate the same area, please indicate whose ordinance presently applies to the subject area.) **Attach copies of maps and portions of ordinances that apply to the subject area.**

	City Adoption Date	Township Adoption Date	County Adoption Date	Which Applies to Subject Area?
Zoning Regulations	1996, with some changes since			City
Subdivision Regulations	1978			City
Official Map	2007			City
Capital Improvements/Budget	Annually in December			City
Fire Code				
Shoreland Ordinance	N/A			
Floodplain Ordinance	N/A			
Wild and Scenic Rivers Ordinance	N/A			
Sanitation Ordinance	1972			City

D. Is the subject area, or any portion thereof, eligible for "Green Acres" (Minn. Stat. § 273.111)? If yes, please describe:
No

E. Has the city established separate "Urban and Rural Taxing Districts" (Minn. Stat. § 272.67) in the subject or adjacent area(s)? If yes, please describe:
No.

7. Government services being provided:
Please place check marks where appropriate:

	City provides to the city	City provides to the subject area	City will provide to the subject area	Township provides to the township	Township provides to the subject area
Water	X		X		
Sanitary Sewer/Wastewater Treatment	X		X		
Storm Sewer	X				
Solid Waste Collection & Disposal	X	X			
Fire Protection	X	X			
Law Enforcement	X	X			
Street Improvements	X				
Street Maintenance	X				
Administrative Services	X	X			
Recreational Services	X	X			
Other					

A. Please provide any additional relevant information regarding the above mentioned government services:

Water and sanitary sewer service is within 500 feet of the property and available to be connected.

The city will continue to service the subject area with law enforcement and fire protection.

B. Are new services necessary for the subject area?

All services are currently being provided to the subject area. Water and Wastewater treatment services could easily be added.

C. What is the current capacity of the sewer and water systems? How much is being used and by whom?

Currently our wastewater system has a capacity of 1.3 MGD and we are averaging about .4MGD. Approximately 60% of our usage is from Significant Industrial Users, with the remainder from commercial and residential properties.

Our water system capacity is 480,000 per day and averages 181,000 per day. This is mainly residential with a small portion being industrial.

D. Can necessary government services best be provided by the proposed boundary adjustment or would another type of boundary adjustment be more appropriate?

The proposed boundary adjustment would not be appropriate. It would essentially leave a homestead property as an island surrounded by the township.

8. Describe any existing or potential environmental problems and whether the proposed boundary adjustment is likely to improve or resolve these problems: (Example: ground or surface water, sewage treatment, air pollutants, noise and/or odors; effect on fish and/or wildlife; effect on historical, archaeological, and/or aesthetic resources; impairment of park lands, prime farmlands, wild or scenic rivers, and/or critical habitat; dump and/or disposal sites, etc.):

There are no existing issues of this nature.

9. Will the proposed boundary adjustment generate a need for an Environmental Assessment Worksheet (EAW) or an Environmental Impact Statement (EIS) If so, please explain why:

Not to the knowledge of City Staff.

10. Describe the plan of the receiving unit of government for providing governmental services to the subject area as well as the impact on those services:

11. Describe the relationship and the effect of the proposed boundary adjustment on affected and adjacent school districts and communities:

As the property is in the same school district that would not be affected. The substantial relationship between the city and the township would not change.

12. Fiscal Impact:

	Subject Area	City	Township	Trend over last 3 years
Net Tax Capacity		565,188		-\$58,037

Tax Rates	Subject Area	City	Township	Trend over Last 3 years
County		39.963%		
Local Unit of Gov't		92.0970%		+28%
School District		5.6770%		
Special Tax District		.1830%		
Insurance Rating (Fire)				
Levy Limit				
Actual Current Levy		\$516,097.85		
Total Bonded Indebtedness		\$8,481,141		

13. If the proposed boundary adjustment were approved:

A. Would the city/township suffer any undue hardship? If yes, please describe:

There is currently very limited open space in the B-1 Commercial district zone in our community. By removing this parcel from city limits the city would face a greater hardship in having space and locations available for any business owner that would want to locate a large building in our community.

B. Would the symmetry of the city/township be affected? If yes, please describe:

The proposed detachment would leave a parcel of land essentially a peninsula into the township. It would be bordered on three sides by the township. It would make that corner of town

C. Should the subject area be increased or decreased? If yes, please describe and attach a revised area map:

The city maintains the detachment as a whole should be denied.

14. Has the city/township provided any improvements to the subject area? If so, what improvements were provided and when:

No. MN/DOT has just completed a resurfacing of the street in front of the subject area as that is on MN Highway 109.

15. Has the city/township assessed the subject area for the improvements? If yes, please describe:

No

16. Will the subject area be assuming any city/township indebtedness? If yes, please describe:

No

17. Has there ever been a previous boundary adjustment filed for this property or substantially the same property? If yes, when and what was the outcome?:

No.

18. Attach any additional information which you believe is important. If you have not supplied some information, please explain why:

SUBMITTED BY:

City of Winnebago, this 11th day of September, 2012



Randy Nowak
Mayor



Austin Bleess
City Clerk

Rev. 2/2012



REC'D BY
MBA

SEP 12 2012

COMMITTEE PROCEEDINGS

CITY OF WINNEBAGO, MINNESOTA

MINUTES OF THE WINNEBAGO PLANNING COMMISSION

August 28, 2012

A meeting of the Winnebago Planning Commission was held on Tuesday, August 28, 2012 at 7:00 p.m. in the Winnebago Municipal Center. Committee Members Present: Chairman Larry Stauffer, Cliff Marx, Darold Nienhaus, Chris Ziegler. Members Absent: Vice-Chairman Bret Osborn, Shannon Hammond, Randy Nowak. Staff members present: Austin Bless, City Administrator.

AGENDA

Motion by Ziegler, seconded by Nienhaus, to approve the agenda with the addition of New Member. Motion carried.

MINUTES

Motion by Nienhaus, seconded by Ziegler, to approve the Minutes of the May 30, 2012 meeting. Motion carried.

GENERAL BUSINESS

Detachment Request Bless presented a petition for detachment from city limits from Doug Meyer. The Commission discussed the requested. They found the following reasons the city should oppose the petition: There are utilities within 500 feet. Highway 109 has just been reconstructed. The property is zoned B-1 which there is very little open B-1 property in the city. The new boundaries would leave a property jutting out. Motion by Marx, seconded by Ziegler, to recommend Council adopt a resolution opposing the detachment petition. Chair Stauffer called for a vote with the following voting in favor: Marx, Nienhaus, Zeigler, Stauffer. Motion carried.

Rebuilding home in a Commercial Zone The city was approached by a person interested in buying a house with acreage in a B-1 district. They wanted to buy the property but tear down the house on it and build a new one. They were wondering if the Planning Commission would allow this. It was noted the Planning Commission would look favorable upon rebuilding a home if it were damaged or destroyed by fire, nature, or an act of God. Discussion held. Motion by Nienhaus to table the issue until next month, seconded by Marx. Chair Stauffer called for a vote with the following voting in favor: Marx, Nienhaus, Zeigler, Stauffer. Motion carried.

OTHER BUSINESS

New Member Since Shannon Hammond has moved out of town her seat will be vacant soon. Bless will try to contact her about a resignation letter. Some names were discussed about who to approach to fill the looming open seat.

Darold Nienhaus updated the commission on the building permits that have been issued this year.

ADJOURNMENT

The meeting was adjourned.

Minutes submitted by Austin Bless, City Administrator.

Larry Stauffer, Chair

Austin Bless, City Administrator

**COUNCIL PROCEEDINGS**

CITY OF WINNEBAGO, MINNESOTA

Council Member Scasied introduced the following resolution and moved for its adoption:

CITY OF WINNEBAGO**RESOLUTION 536-2012****A RESOLUTION OPPOSING THE PROPOSED DETACHMENT OF REAL PROPERTY FROM THE CITY OF WINNEBAGO, MINNESOTA**

WHEREAS, **Minnesota Statutes, Chapter 414**, as amended (the "Act"), and specifically Section 414.06 of the Act, **allows for a process in which property situated within a city and abutting the municipal boundary, rural in character and not developed for urban residential, commercial, or industrial purposes, may be detached from such city; and**

WHEREAS, the detachment proceeding is initiated by submitting to the Minnesota Office of Administrative Hearings, Municipal Boundary Adjustment Unit ("OAH"), either (i) a resolution of the city to which the land is attached **consenting to the detachment**, or (ii) a petition of all of the property owners of the land to be detached **if the area is less than 40 acres; and**

WHEREAS, Section 414.06, Subdivision 2 of the Act **requires a contested case hearing to be held under Section 414.09 of the Act if the affected city does not consent to the detachment; and**

WHEREAS, Section 414.06, Subdivision 3 of the Act provides **that upon completion of the contested case hearing, the OAH Chief Administrative Law Judge may order the detachment after making the following factual findings:**

- I. The requisite number of property owners have signed the detachment **petition**, if initiated by the property owners;
- II. The property is rural in character and not developed for urban residential, commercial or industrial purposes;
- III. The property is within the boundaries of the city and abuts a **boundary**;
- IV. The detachment would not unreasonably the symmetry of the **detaching city**; and
- V. The land to be detached is not needed for reasonably anticipated future **development**; and

WHEREAS, the Chief Administrative Law Judge may additionally **deny the detachment on finding that the remainder of the city cannot continue to carry on the functions of government without undue hardship; and**

WHEREAS, the City of Winnebago, Minnesota (the "City") **has received a "Property Owner Petition for Detachment of Property from a City," dated June 18, 2012 (the "Petition"), executed by Douglas K. Meyer (the "Petitioner") proposing the detachment of the property with Parcel ID R31.102.0290 from the City; and**

WHEREAS, as required by Section 414.06, Subdivision 1 of the Act, the Petition states that the property to be detached (the "Property") is approximately 38.61 acres in size, is owned by the Petitioner, is situated within the City and abuts the City's south and east boundary, is mainly agriculture land, and is not serviced by public improvements; and

WHEREAS, the Petition requests detachment of the Property from the City to the Township of Verona, Minnesota (the "Township"); and

WHEREAS, the City makes the following factual findings relating to the Petition and the Property, following Section 414.06, Subdivision 3 of the Act:

- I. As the Property is less than 40 acres in total size, the requisite number of Property owners (100% of owners) has signed the Petition.
- II. The Property is rural in character. Pursuant to Section 152.016 of the City Code, the Property is zoned as B-1, which is reserved Service Business and Limited Industrial Districts. B-1 districts are intended for commercial activities which might be incompatible with uses in the other business districts by reason of traffic considerations, marketing characteristics, area requirements and other characteristics inherent in these uses and also is intended for limited industrial activities,
- III. The Property is located within the boundaries of the City and abuts the City's southeastern.
- IV. Detachment of the Property would unreasonably affect the symmetry of the City. The Property is located at the southeastern boundary of the City. If the property as petitioned were to be detached it would leave a parcel of land approximately 3.26 acres in size bordered on three sides by Verona Township.
- V. The Property may be needed for reasonably anticipated future development. The City consists of only 2.2 square miles of land, is hemmed in by current municipal boundaries. In short, there is very little buildable land available commercial and industrial purposes within the City, especially within the B-1 Zoning District. The City anticipates that the Property and surrounding properties will be eligible for future development consistent with the requirements of the City's zoning ordinance.
- VI. The City has agreed to a Memorandum of Understanding with Faribault County to develop a Comprehensive Plan for the City, and the Property listed in the Petition will continue to serve as a main possible location for Service Businesses and Industries.
- VII. City Utilities of water and sewer are within 500 feet of the property and could be extended to the property.
- VIII. The property is located on MN Highway 109 and is 0.40 miles from US Highway 169 making this a prime setting for businesses or industries to locate.
- IX. The Petitioner purchased the property on December 29, 2011 and was fully aware the property was located within the city limits.
- X. The Petitioner has discussed with the City his frustration of the current tax rate due to the date of purchase and the inability of the petitioner to homestead the property for the 2012 property tax year. The Petitioner is eligible to homestead the property for the 2013 property tax year.

XI. The City's property tax levy applicable to the Property in 2012 was \$1,618.14. The City's property tax levy applicable to the Property in 2011 was \$1,209.24. Loss of this tax revenue would significantly impair the City's ability to provide comprehensive municipal services to the Property and the remainder of the City.

WHEREAS, the Petitioner has verbally stated to the city the desire of detachment is due to the current higher tax rate due to the inability to secure homestead rates for 2012. As a matter of public policy, it is not in the interest of the State of Minnesota to allow property owners to be transferred into alternate political subdivisions purely for property tax relief. If the Property is detached, the City's boundary would be rearranged accordingly, potentially allowing the next abutting property owners to request detachment. Such an arrangement may begin a cycle of detachment proceedings that was not contemplated by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINNEBAGO, MINNESOTA, AS FOLLOWS:

1. The City hereby officially opposes the Petition and requests the OAH deny the Petition.

2. Upon execution of this Resolution, City staff is authorized and directed to distribute this Resolution to applicable OAH and officials, the Petitioners, and the Township Board.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member Johnson and upon a vote being taken the following voted in favor there of:

Johnson Robertson Scofield

And the following voted against the same:

None

Passed and duly adopted by the City Council of the City of Winnebago this 11th day of September, 2012.

Randy Mowak

Randy Mowak
Mayor

Attest:

Austin Bless

Austin Bless
City Administrator-Clerk-Treasurer

CHAPTER 151: SUBDIVISIONS

Section

General Provisions

- 151.01 Short title
- 151.02 Purpose
- 151.03 Jurisdiction
- 151.04 Application
- 151.05 Approvals necessary for acceptance of subdivision plats
- 151.06 Definitions
- 151.07 Plats; submission and approval
- 151.08 Variances and exceptions
- 151.09 Registered land surveys and conveyance by metes and bounds
- 151.10 Compliance

Minimum Design Standards

- 151.25 Blocks
- 151.26 Streets and alleys
- 151.27 Lots
- 151.28 Easements
- 151.29 Public sites and open spaces

Basic Improvements Required

- 151.40 General
- 151.41 Street improvements
- 151.42 Sewers
- 151.43 Water supply improvements
- 151.44 Public utilities

- 151.98 Violations

GENERAL PROVISIONS

§151.01 SHORT TITLE.

This chapter shall be known as the "Subdivision Ordinance of the City of Winnebago" and will be referred to herein as "this chapter."
(Ord. 156, passed 1-18-78)

§151.02 PURPOSE.

In order to safeguard the best interests of the city and to assist the subdivider in harmonizing his or her interests with those of the city at large, the following chapter is adopted in order that adherence to same will bring results beneficial to both parties. Because each new subdivision becomes a permanent unit in the basic unit structure of the expanding community, and to which the community will be forced to adhere, and because piecemeal planning of subdivisions will bring an undesirable disconnected patchwork of pattern and poor circulation of traffic unless its design and arrangement is correlated to a Comprehensive Plan of the city aiming at a unified scheme of community interests, all subdivision of land hereafter submitted for approval to the Planning Commission shall in all respects fully comply with the regulations hereinafter set forth in this chapter. It is the purpose of this chapter to make certain regulations and requirements for the platting of land within the city which the City Council deems necessary for the health, safety and general welfare of this community.
(Ord. 156, passed 1-18-78)

§151.03 JURISDICTION.

The regulations herein governing plats and subdivision of lands shall apply within the corporate limits of the city.
(Ord. 156, passed 1-18-78)

§151.04 APPLICATION.

Any plat hereafter made for each subdivision or each part thereof lying within the jurisdiction of this chapter shall be prepared, presented for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Division of land in tracts larger than 22 in area and 150 feet in width shall be exempt from the requirements of this chapter.

(Ord. 156, passed 1-18-78)

§151.05 APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS.

Before any plat shall be recorded or be of any vitality it shall have been reviewed by the City Planning Commission and approved by the City Council as having fulfilled the requirements of this chapter.

(Ord. 156, passed 1-18-78)

§151.06 DEFINITIONS.

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

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

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

COMPREHENSIVE PLAN. The groups of maps, charts and texts that make up the comprehensive long-range plan of the city.

DESIGN STANDARDS. The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements and lots.

EASEMENT. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

FINAL PLAT. A drawing or map of a subdivision, meeting all the requirements of the city and in such form as required by the county for purposes of recording.

LOT. A portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

OWNER. A natural person, partnership, firm, association, public or quasi-public corporation, private corporation or a combination of any of them.

PARKS and PLAYGROUNDS. Public lands and open spaces in the city dedicated or reserved for and usable for recreation purposes.

PEDESTRIAN WAY. A public or private right-of-way across a block or within a block to provide access to be used by pedestrians and which may be used for the installation of utility lines.

PERCENTAGE OF GRADE. On a street center line means the distance vertically (up or down) from

the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

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

PRELIMINARY PLAT. A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.

PROTECTIVE COVENANTS. Contracts made between private parties as to the manner in which land may be used with the view to protecting and preserving the physical and economic integrity of any given area.

STREET. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

(1) **COLLECTOR STREETS.** Those that carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of residential neighborhoods.

(2) **CUL-DE-SAC.** A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

(3) **MARGINAL ACCESS STREETS.** Minor streets which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

(4) **MINOR STREETS.** Those which are used primarily for access to abutting properties.

(5) **THOROUGHFARES** or **ARTERIAL STREETS.** Those used primarily for heavy traffic and serving as an arterial trafficway between the various districts of the community as shown on the Comprehensive Plan.

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

SUBDIVISION. A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than 22 acres in area for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.

TANGENT. A straight line projected from the ends of two curves, which is perpendicular to a line in each curve drawn from the radii point to the end of the curve.

VERTICAL CURVE. The surface curvature on a street center line located between lines of different percentage of grade.

(Ord. 156, passed 1-18-78)

§151.07 PLATS; SUBMISSION AND APPROVAL.

(A) *Preliminary plat.* The owner or subdivider shall prepare and submit a preliminary plat, together with any necessary supplementary information.

(1) *Filing.* Three copies of a preliminary plat of any proposed subdivision shall be filed with the City Planning Commission at least ten days prior to a meeting of the Commission at which consideration is requested.

(2) *Contents.* The preliminary plat shall contain the following information:

(a) Proposed name of subdivision. Names shall not duplicate or too closely resemble the names of existing subdivisions;

(b) Location of boundary lines in relation to section, quarter section or quarter-quarter section lines and any adjacent corporate boundaries, comprising a legal description of the property;

(c) Names and addresses of the developer and the designer making the plat;

(d) Scale of plat, not less than 1 inch to 100 feet;

(e) Date and north point;

(f) Existing conditions:

1. Location, width and name of each existing or platted street or other public way, railroad, utility right-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision;

2. All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed subdivision or immediately adjacent thereto with pipe size, grades and locations shown;

3. Names of adjacent subdivisions and owners of adjacent parcels of unsubdivided land;

4. Topography with contour intervals of not more than two feet related to U.S.G.S. datum; also the location of water courses, ravines, bridges, lakes, wooded areas, approximate acreage and other such features as may be pertinent to subdivision;

(g) Proposed development:

1. The location and width of proposed streets, roadways, alleys, pedestrian ways and easements;

2. The location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines;
3. Layout, numbers and approximate dimensions of lots and the number or letter of each block;
4. Location and size of proposed parks, playgrounds, churches or school sites or other conditional uses of land to be considered for dedication to public use;
5. Building setback lines with dimensions;
6. Indication of any lots on which use other than residential is proposed by the subdivider;
7. The zoning districts, if any, on and adjacent to the tract.

(h) Two copies of profiles shall be furnished for each proposed street, showing existing grades and proposed approximate grades and gradients on the center line of the street. The location of proposed culverts and bridges shall also be shown.

(3) *Submission to Planning Commission.* The preliminary plat shall be submitted to the Planning Commission at least 10 days prior to a Commission meeting at which consideration is requested. The Planning Commission shall take action on the preliminary plat within 60 days of date of submission. The recommendations of the Commission shall be forwarded to the Council within ten days after action is taken, unless the subdivider agrees to an extension of the statutory 120 days after submission of the preliminary plat within which the Council must either approve or disapprove of the preliminary plat.

(4) *Council approval.* Approval or disapproval of the preliminary plat shall be made by the Council and be conveyed to the subdivider in writing within 120 days after the preliminary plat was submitted, unless an extension of time is agreed to by the subdivider. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements will be necessary to meet the approval of the Council. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. This approval of the preliminary plat shall be effective for a period of one year, unless an extension is granted by the City Council. If the final plat has not been submitted for approval within this period, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval.

(B) *Final plat.*

(1) *Filing.* After approval of the preliminary plat, the subdivider shall prepare and submit to the Commission a final plat for recording purposes, together with other supplementary information and certificates. The final plat shall be submitted to the Planning Commission at least ten days prior to a regular meeting of the Commission. Three copies of the final plat shall be furnished which shall bear the original signature of the owner or owners and be duly acknowledged, along with additional copies as

required for approval by county authorities.

(2) *Contents.*

(a) The final plat prepared for recording purposes shall be prepared in accordance with provisions of state statutes and county regulations.

(b) Name of subdivision (not to duplicate or too closely approximate the name of any existing subdivision).

(c) Location by section, township, range, county and state and including descriptive boundaries of the subdivision based on an accurate traverse giving angular and linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be 1 foot in 5,000.

(d) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, 2-inch or larger in diameter extending at least three feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, off-set markers will be permitted. The exact location of all markers shall be shown on the final plat, together with accurate interior angles, bearings and distances. Permanent monuments shall be placed at all quarter section points within the subdivision or on its perimeter.

(e) Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.

(f) Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.

(g) The exact locations, widths and names of all streets to be dedicated.

(h) Location and width of all easements to be dedicated.

(i) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.

(j) Building setback lines on front and side streets with dimensions.

(k) Name and address of developer and surveyor making the plat.

(l) Scale of plat (the scale to be shown graphically and in feet per inch), date and north point.

(m) Statement dedicating all easements as follows: easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked Autility easements.@

(n) Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are so dedicated.

(o) Statement establishing building setback lines as follows: building setback lines are established as shown on the accompanying plat, and no building or portion thereof shall be built between this line and the street line.

(C) *Filing fee.* Unless specifically waived by the City Council, the final plat shall be accompanied by a required fee in the amount of \$35, plus \$1 for each lot of the subdivision. The foregoing fees are to be used for the expense of the city in connection with the review, inspection, approval or disapproval of the plat which may thereafter be submitted.

(D) *Certifications required on final plats.*

(1) Notarized certification by owner and by any mortgage holder of record of the adoption of the plat and the dedication of streets and other public areas.

(2) Notarized certification by a registered land surveyor to the effect that the plat represents a survey made by him or her and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.

(3) Certification showing that all taxes and special assessments due on the property have been paid in full.

(4) Space for certificates of approval to be filled in by the signatures of the Chairperson of the City Planning Commission and the Mayor and City Council.

(a) The form of approval by the Planning Commission is as follows:

Approved by the Planning Commission of the City of Winnebago this ____ day of _____, 20__ .

Signed: _____
Chairperson

Attest: _____
Secretary

(b) The form of approval by the City Council is as follows:

Approved by the City of Winnebago, Minnesota this _____ day of _____, 20____.

Signed: _____
Mayor

Attest: _____
City Administrator-Clerk-Treasurer

(E) *Supplementary documents and information.*

- (1) A complete set of street profiles showing grade lines as constructed.
- (2) Copies of any private restrictions affecting the subdivision or any part thereof.

(F) *Approval or disapproval.* Approval or disapproval of the final plat by the City Council shall be made within 60 days of submission. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Commission. (Ord. 156, passed 1-18-78)

§151.08 VARIANCES AND EXCEPTIONS.

(A) *General.* Whenever it is found that the land included in a subdivision plat presented for approval is of such size and shape or is subject to, is affected by such topographical location or conditions or is to be devoted to such usage that full conformity to the provisions of this chapter is impossible or impractical, the City Planning Commission may recommend to the City Council by letter of transmittal that the Council authorize variations or conditional exceptions in the final plat so that substantial justice may be done and the public interest secured.

(B) *Conditions.* In recommending such variations or conditional exceptions, the Commission shall find that all of the following are met:

- (1) That there are special circumstances or conditions affecting the property;
- (2) That the variation or exception is necessary for reasonable and acceptable development of the property in question;
- (3) That the granting of the variation or conditional exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which the particular property is situated;
- (4) The variation or exception does not adversely affect the Comprehensive Plan;
- (5) Where an unusual hardship on the land exists as provided by M.S. §462.358, Subd. 7, as it may be amended from time to time.
(Ord. 156, passed 1-18-78)

§151.09 REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS.

(A) *Registered land surveys.* It is the intention of this chapter that all registered land surveys in the city should be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this chapter for preliminary plats and that the Planning Commission shall first approve the arrangement, sizes and relationship of proposed tracts in such registered land surveys and that tracts to be used as easements or roads should be so dedicated. Unless such Planning Commission approval and City Council approval in accordance with the standards set forth in this chapter have been obtained, building permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys, and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless so approved.

(B) *Conveyance by metes and bounds.* No conveyance of two or more parcels in which the land conveyed is described by metes and bounds shall be made or recorded if the parcels described in the conveyance are less than 22 acres in area and 150 feet in width unless such parcel was a separate parcel of record at the effective date of the chapter. Building permits will be withheld for buildings on tracts which have been subdivided and conveyed by this method, and the city may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts.

(Ord. 156, passed 1-18-78)

§151.10 COMPLIANCE.

(A) *Conditions for recording.* No plat of any subdivision shall be entitled to record in the County Register of Deeds office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this chapter.

(B) *Building permits.* No building permits will be issued by the city for the construction of any building, structure or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this chapter have been fully complied with.

(Ord. 156, passed 1-18-78)

MINIMUM DESIGN STANDARDS**§151.25 BLOCKS.**

(A) *Block length.* In general, intersecting streets determining block lengths shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivisions shall normally not exceed 1,320 feet in length, except where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Blocks

for business or industrial use should normally not exceed 600 feet in length.

(B) *Block width.* The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries. (Ord. 156, passed 1-18-78)

§151.26 STREETS AND ALLEYS.

(A) The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the Winnebago Comprehensive Plan. Except for culs-de-sac, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public convenience and safety and in their appropriate relation to the proposed uses of the area to be served.

(B) Minor streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but culs-de-sac will be permitted where topography or other conditions justify their use. Cul-de-sac shall normally not be longer than 500 feet, including a turnaround which shall be provided at the closed end with an outside curb radius of at least 50 feet and a right-of-way radius of not less than 60 feet.

(C) Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

(D) When a tract is subdivided into larger than normal building lots or parcels, the lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision.

(E) Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets shall be 80 degrees. Street intersection jogs with an off-set of less than 125 feet shall be avoided.

(F) Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or the right-of-way of a limited access highway or thoroughfare, provisions should be made for a marginal access street approximately parallel and adjacent to the boundary of such rights-of-way or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. The distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations or for lot depths.

(G) Alleys shall be provided in commercial and industrial districts, except that this requirement may be waived where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Except where justified by special conditions, such as the continuation of an existing alley in the same blocks, alleys will not be approved in residential districts. Alleys, where provided, shall not be less than 20 feet wide. Dead-end alleys shall be avoided wherever possible, but if unavoidable, such dead-end alleys may be approved if adequate turn-around facilities are provided at the closed end.

(H) Dedication of half-streets will not be approved, except where it is essential to the reasonable development of the subdivision and in conformity with the other requirements of these regulations, where it is found that it will be practical to require the dedication of the other half when the adjoining property is subdivided or where it becomes necessary to acquire the remaining half by condemnation so it may be improved in the public interest.

(I) (1) For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets and thoroughfares shall be as shown in the Comprehensive Plan for Winnebago, and where not shown therein, the minimum right-of-way width for streets, thoroughfares, alleys or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

Thoroughfare	80 feet
Collector street	70 feet
Minor street	60 feet
Marginal access street	50 feet
Alley	20 feet
Pedestrian way	10 feet

(2) Where existing or anticipated traffic on primary and secondary thoroughfares warrants greater widths of rights-of-way, these shall be required.

(J) Street grades, wherever feasible, shall not exceed 7% and in no case shall be less than 1%. Different connecting street gradients shall be connected with vertical parabolic curves. The minimum length of these curves in feet shall be 15 times the algebraic difference in the percent of grades of the two adjacent slopes for collector streets. For minor streets, the minimum length shall be 72 times the algebraic difference in the percent of grade of the two adjacent slopes.

(K) Where street center lines within a block have a deflection angle of more than ten degrees, there shall be a connecting curve with a radius adequate to insure a sight distance of not less than 200 feet for minor and collector streets and of such greater radii as the Planning Commission may determine for special cases. There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

(L) All proposed streets shall be offered for dedication as public streets. No private streets will be allowed.

(Ord. 156, passed 1-18-78)

§151.27 LOTS.

(A) The minimum lot width, depth and area shall conform to the requirements as set forth in the zoning regulations, set forth in Chapter 152 of this code.

(B) Corner lots for residential use shall have additional width to permit appropriate building setback from both streets.

(C) Side lines of lots shall be approximately at right angles to street lines or radial to curved street lines.

(D) Double frontage lots shall be avoided except where lots back on a thoroughfare or other arterial streets or where topographic or other conditions render subdividing otherwise unreasonable. The double frontage lots shall have an additional depth of at least 20 feet in order to allow space for screen planting along the back lot line.

(E) Every lot must have at least the minimum required frontage on a public dedicated street other than an alley.

(F) Setback or building lines shall be shown on all lots intended for residential use and shall not be less than the setback required by the zoning regulations set forth in Chapter 152 of this code. On those lots which are intended for business use, the setback shall be at least that required by the zoning regulations. (Ord. 156, passed 1-18-78)

§151.28 EASEMENTS.

(A) An easement for utilities, at least 6 feet wide, shall be provided along each side of the rear line of lots and/or the side line of lots where necessary to form a continuous right-of-way at least 12 feet in width. If necessary for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

(B) Utility easements shall connect with easements established in adjoining properties. These easements, when approved, shall not thereafter be changed without the approval of the City Council, by ordinance, upon the recommendation of the Planning Commission.

(C) Additional easements for pole guys should be provided at the outside of turns. Where possible, lot lines shall be arranged to bisect the exterior angle so that pole guys will fall along the side lot lines.

(D) Where a subdivision is traversed by a water course, drainage way, channel or stream, a storm water easement, drainage right-of-way or park dedication, whichever the Planning Commission may deem

the most adequate, conforming substantially with the lines of such water courses shall be provided, together with such further width or instruction, or both, as will be adequate for the storm water drainage of the area. The size and location of such easements shall be recommended by the Planning Commission for action by the Council.

(Ord. 156, passed 1-18-78)

§151.29 PUBLIC SITES AND OPEN SPACES.

In subdividing land or resubdividing an existing plat, due consideration shall be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds or other public or semi-public recreational areas or open spaces, as contained in the Winnebago Comprehensive Plan. The areas so dedicated or reserved shall conform as nearly as possible to the Winnebago Comprehensive Plan. All areas to be reserved for or dedicated to public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

(Ord. 156, passed 1-18-78)

BASIC IMPROVEMENTS REQUIRED

§151.40 GENERAL.

Except as provided elsewhere in this chapter, all improvements required shall be paid for by the developer or owner.

(Ord. 156, passed 1-18-78)

§151.41 STREET IMPROVEMENTS.

The following street improvements shall be made by the owner or subdivider in accordance with standards and specifications as approved by the City Council:

(A) The full width of the right-of-way shall be graded, including the sub-grade of the areas to be paved;

(B) All streets shall be of an overall width in accordance with the Comprehensive Plan;

(C) Curb and gutter will be required before streets will be paved; and

(D) Storm sewers, culverts, storm water inlets and other drainage facilities will be required where, in the opinion of the City Planning Commission, they are necessary to insure adequate storm water drainage for the subdivision.

(Ord. 156, passed 1-18-78)

§151.42 SEWERS.

(A) Sanitary sewers shall be installed to serve all properties in the subdivision where a connection to

the city sewer system is available at or reasonably near the boundary of the subdivision.

(B) Storm sewers shall be constructed to serve all properties in the subdivision where a natural outlet is available or where a connection to the city storm sewer system is available at or near the boundary of the subdivision.

(C) If approved by the City Council, both storm and sanitary sewers may be installed under contract by the city after petition for the same by the owner. The cost shall be assessed against all lots in the subdivision over a period of not to exceed ten years.

(D) All sewer construction must conform to standards and specifications by the city for such work.
(Ord. 156, passed 1-18-78)

§151.43 WATER SUPPLY IMPROVEMENTS.

(A) Water distribution mains, including fire hydrants, shall be installed to serve all properties in the subdivision where a connection is available at or reasonably near the boundary of the subdivision.

(B) If approved by the City Council, water mains may be installed under contract by the city after petition for the same by the owner. The cost shall be assessed against all lots in the subdivision over a period not to exceed ten years.
(Ord. 156, passed 1-18-78)

§151.44 PUBLIC UTILITIES.

(A) All utility lines for telephone and electric service shall be placed in rear line easements when carried on overhead poles.

(B) Where telephone, electric and/or gas service lines are to be placed underground entirely, conduits or cables shall be placed within easements or dedicated public ways in such a manner so as not to conflict with other underground services. All drainage and other underground utility installations which traverse privately-owned property shall be protected by easements.
(Ord. 156, passed 1-18-78)

§151.98 VIOLATIONS.

(A) *Sale of lots from unrecorded plat.* It shall be unlawful to sell, trade or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision or portion of the city unless the plan, plat or replat shall have first been recorded in the office of the Register of Deeds of the County.

(B) *Endorsement of Planning Commission and Council.* It shall be unlawful to receive or record in any public office any plans, plats or replats of land laid out in building lots and streets, alleys or other portions of the same intended to be dedicated to public or private use or for the use of purchasers or owners of lots fronting on or adjacent thereto and located within the jurisdiction of this chapter, unless the same shall bear thereon, by endorsement or otherwise, the approval of the City Planning Commission and the City Council.

REC'D BY
M.P.

SEP 12 2012

22

(Ord. 156, passed 1-18-78) Penalty, see §10.99

B-1 SERVICE BUSINESS LIMITED INDUSTRIAL DISTRICT**§ 152.085 PURPOSE.**

The B-1 District is intended for commercial activities which might be incompatible with uses in the other business districts by reason of traffic considerations, marketing characteristics, area requirements and other characteristics inherent in these uses and also is intended for limited industrial activities, including wholesaling, manufacturing and related uses which can maintain high standards of appearance and limits external effects, such as noise, odors, smoke, vibrations and the like.

(Ord. 151, passed 1-10-96)

§ 152.086 PERMITTED USES.

Within a B-1 District, unless otherwise provided by this chapter, no building or land shall be used except for the following:

- (A) Armories, convention halls or exhibition halls;
- (B) New or used automobile or automobile laundries or car washes, automobile service stations or repair shops, provided the parking lot surface shall be dust-free and artificial lighting shall be directed away from any public right-of-way and any residential district;
- (C) Banks and savings and loan institutions;
- (D) Bowling alleys, billiard or pool halls;
- (E) Bakeries employing not more than four persons in the baking process;
- (F) Bottling establishments;
- (G) Bus station;
- (H) Cabinet, carpenter, upholstering or furniture repair shops employing not more than four persons in the construction or repair process;
- (I) Dry cleaning establishments, laundries, laundromats, self-servicing or employing not more than four persons in the laundering, cleaning and pressing processes;
- (J) Electrical and electronic manufacturing establishments, electric service shops;
- (K) Frozen food lockers for individual or family;
- (L) Grocery, fruit, vegetable and meat stores;

- (M) Greenhouses, nurseries and garden stores;
- (N) Laboratories, medical and dental;
- (O) Lumber yards, building materials, sales and storage establishments;
- (P) Marine and boat sales and servicing establishments;
- (Q) Miniature golf courses, par three golf courses or archery or golf driving ranges operated for commercial purposes;
- (R) Monument sales, not including processing;
- (S) Mortuaries or funeral homes;
- (T) Motels, hotels or apartment hotels;
- (U) Municipal and government buildings;
- (V) Newspaper distribution agencies;
- (W) Orthopedic and medical appliance stores;
- (X) Pet and animal hospitals;
- (Y) Plumbing, heating and air conditioning shops and showrooms;
- (Z) Photographic, camera and jewelry manufacturing establishments;
- (AA) Printing and publishing shops;
- (BB) Public utility structures;
- (CC) Radio and television service and repair shops;
- (DD) Recording studios;
- (EE) Restaurants;
- (FF) Skating rinks;
- (GG) Storage and warehousing facilities, wholesale business and office establishments;
- (HH) Taverns (enclosed);

(II) Telephone booths (outside);

(JJ) Theaters;

(KK) Vending machines for ice and milk sales;

(LL) Accessory uses, other than signs, customarily incidental to the uses permitted in this section and § 152.087;

(MM) Signs as follows:

(1) The total surface area of all business signs on a lot shall not exceed 2 square feet per lineal foot of lot frontage or 10% of the building frontage area or 75 square feet in area, whichever is greater; for corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street but one equivalent sign area shall be allowed facing the intersecting street. Such signs may be illuminated;

(2) Advertising sign structures shall be limited to one for a lot of 100-foot frontage or less and to only one for each additional 100 feet of additional lot frontage; such structure may not contain more than two signs per facing, nor exceed 55 feet in total length. No advertising sign may be erected within 100 feet of an adjoining residential district. The signs may be illuminated;

(3) No sign shall project higher than 6 feet above the height of the building or 32 feet above average grade at the building line, whichever is greater;

(4) Rotating signs shall not be permitted;

(5) Signs painted on a building shall be governed by the square footage limitations specified above. The signs shall be maintained in good condition and shall be repainted, removed or painted out when, in the opinion of the City Council, they are not so maintained;

(6) No sign shall be placed that resembles any official marker erected by a governmental agency or displaying such words as Astop@ or Adanger;@

(7) No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building;

(8) Political signs may be permitted for a period of not more than 30 days before and ten days after an election;

(9) Upon notification by the Zoning Administrator that a sign is rotted, unsafe or unsightly, no longer being used by the business or business has closed, the owner of the sign or owner of property thereunder shall remove or repair same; and

(10) Where a sign is illuminated, the source of light shall not be visible from any public right-of-way and such light shall be directed away from any residential district.

(11) Signs that are not posted by authorized government officials are prohibited within the public right-of-way, easements or publicly owned land including but not limited to parking lots, streets, or alleys.

(12) Signs shall not be attached to trees, utility poles, governmental signs, public benches, streetlights, or other public infrastructure.

(13) All signs, with the exception of temporary, portable, and freestanding signs, must be securely attached to the building.

14. All signs shall complement and not compete with, the character of the downtown.

15. Portable signs shall be constructed of wood, plastic or metal, and shall have a professional appearance.

16. Portable Signs.

A. Portable signs shall be allowed in all zoning districts within the City except that in residential districts, sandwich board signs will be permitted only for non-residential uses and uses by conditional use permit.

B. There shall be only one portable sign allowed for each entity.

C. Portable signs shall not exceed eight square feet in size per surface area.

D. If placed on a sidewalk, a portable sign shall not take up more than three feet of sidewalk width and shall not be placed in the middle of the sidewalk.

E. Portable signs may be removed by the City if they interfere with any City activities (i.e. snow removal, maintenance of the surrounding area, etc.).

F. Portable signs shall be displayed only during the times that the entity is open. No portable sign shall be displayed overnight or when there has been any snow accumulation. Portable signs that do not comply with this requirement may be removed and disposed of by the City.

G. Portable signs must either be weighted down or removed when there are wind gusts of 20 m.p.h. or greater.

H. Under no circumstances shall a portable sign be used instead of permanent building signage.

I. Signs shall be located no closer than ten (10) feet from any street corner or alley corner.

(Ord. 151, passed 1-10-96; Section 4, 9, 11-16 passed March 21, 2012)

§ 152.087 USES BY SPECIAL PERMIT.

Within a B-1 District, building or land may be used for one or more of the following uses if granted a special use permit:

(A) Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products similar to those listed in § 152.086 which comply with the performance standards of this district;

(B) New or used farm implement sales or storage lots, provided:

(1) The parking lot shall be surfaced with a dust-free material, and plans for the arrangement of entrances, exits, and parking stalls shall accompany the request for a special use permit; and

(2) Artificial lighting shall be directed away from any public right-of-way and any residential district.

(C) Drive-in restaurants, drive-in theaters or similar uses that provide goods and services to patrons in automobiles, provided:

(1) A screen of acceptable design shall be constructed along the property line when said use is abutting any residential district;

(2) The parking area shall be surfaced with a dust-free material and plans for the arrangement of entrances, exits and parking stalls shall accompany the request for a special use permit; and

(3) Lighting shall be directed away from any public right-of-way and any residential district.

(D) Parking in required yards;

(E) Other business activities of the same general character as listed in § 152.086; and

(F) Apartment buildings from 5-12 units. In addition, first class mailed notice of the special use permit hearing must be sent to all property owners within 350 feet of the proposed project, at least 10 days prior to the hearing.

(Ord. 151, passed 1-10-96)

§ 152.088 HEIGHT, YARD AND AREA REGULATIONS.

(A) *Height regulations.*

(1) Structures shall not exceed 4 stories or 45 feet in height, except that church spires, belfries, domes which do not contain usable space, water towers, chimneys or smoke stacks, cooling towers and elevated penthouses may be erected with no height limitations except airport requirements.

(2) On any lot abutting a residential district, the height regulation of the residential district shall be observed.

(B) *Front yard regulations, measured from lot line.*

(1) There shall be a front yard having a depth of not less than 20 feet; except as set forth in division (B)(2) below.

(2) On every lot located across the street from any residential district, the front yard requirement of that residential district shall be observed.

(C) *Side yard regulations.*

(1) There shall be a side yard on each side of the building, each yard having a width of not less than 15 feet; except as set forth in division (C)(2) below.

(2) Where the district abuts a residential district, the side yard shall have a width of not less than 25 feet.

(D) *Rear yard regulations.*

(1) There shall be a rear yard having a depth of not less than 20 feet; except as set forth in division (D)(2) below.

(2) On any lot which abuts any other district in which a rear yard of less than 20 feet is allowed, the rear yard regulations of that district shall be used.

(E) *Lot coverage regulations.* Not more than 50% of a lot shall be occupied by buildings. (Ord. 151, passed 1-10-96; Am. Ord. 3, 2007 Series, passed 7-10-07) Penalty, see §10.99

§ 152.089 PARKING REGULATIONS.

(A) The required parking and loading spaces shall be provided on the premises of each use. No parking shall be allowed in any required yard except as provided in § 152.087. Each parking space shall contain a minimum area of not less than 300 square feet including access drives and a width of not less than 9 feet and depth of not less than 20 feet.

(B) The minimum number of required off-street parking spaces for various uses shall be as follows:

(1) Automobile service stations: four parking spaces, plus two parking spaces for each service stall. Such parking spaces shall be in addition to gas pump service areas;

(2) Sales establishments for autos, trailers, boats and marine equipment, farm implements, garden supplies, building materials and auto repair services: six parking spaces, plus one parking space for each

500 square feet of floor area over 1,000 square feet;

- (3) Bowling alley: five parking spaces for each bowling lane;
 - (4) Drive-in restaurant: 20 parking spaces or 1 space for each 20 square feet of floor area, whichever is greater;
 - (5) Motel: one parking space for each rental room or suite;
 - (6) Miniature golf course, archery range or golf driving range: ten parking spaces;
 - (7) Assembly or exhibition hall, auditorium, theater or sports arena: one parking space for each four seats, based on design capacity;
 - (8) Restaurant, café, night club, tavern or bar: one parking space for each 100 square feet of floor area;
 - (9) Skating rink or dance hall: one parking space for each 200 square feet of floor area;
 - (10) Other retail stores and service establishments: one parking space for each 100 square feet of floor area, plus one space for each employee on the major shift or one space for each 350 feet of gross floor area within the building, whichever is greater;
 - (11) Professional offices, medical and dental clinics and animal hospitals: four parking spaces, plus one parking space for each 500 square feet of floor area over 1,000 square feet;
 - (12) Wholesale business establishments and storage or warehouse establishments: one parking space for each employee on the major shift or one space for each 2,000 square feet of gross floor area, whichever is greater, plus one off-street parking space for each company motor vehicle when customarily kept on the premises; and
 - (13) Manufacturing or processing plant: one off-street parking space for each employee on the major shift or one off-street parking space for each 350 square feet of gross floor area within the building, whichever is greater, plus one space for each company motor vehicle when customarily kept on the premises.
- (Ord. 151, passed 1-10-96) Penalty, see §10.99

§ 152.090 PERFORMANCE STANDARDS.

(A) In order to ensure compliance with the performance standards set forth in division (B) of this section, the City Council may require the owner or operator of any permitted use to have made such investigations or tests as may be required to show adherence to the performance standards. The investigation or tests as are required shall be carried out by an independent testing organization selected by the city. The investigations or testing shall be ordered by the owner or operator.

(B) The cost of same shall be shared equally by the owner or operator and the city, unless the investigations or tests disclose noncompliance with the performance standards, in which situation the entire costs shall be paid by the owner or operator.

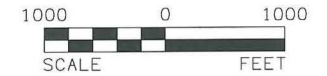
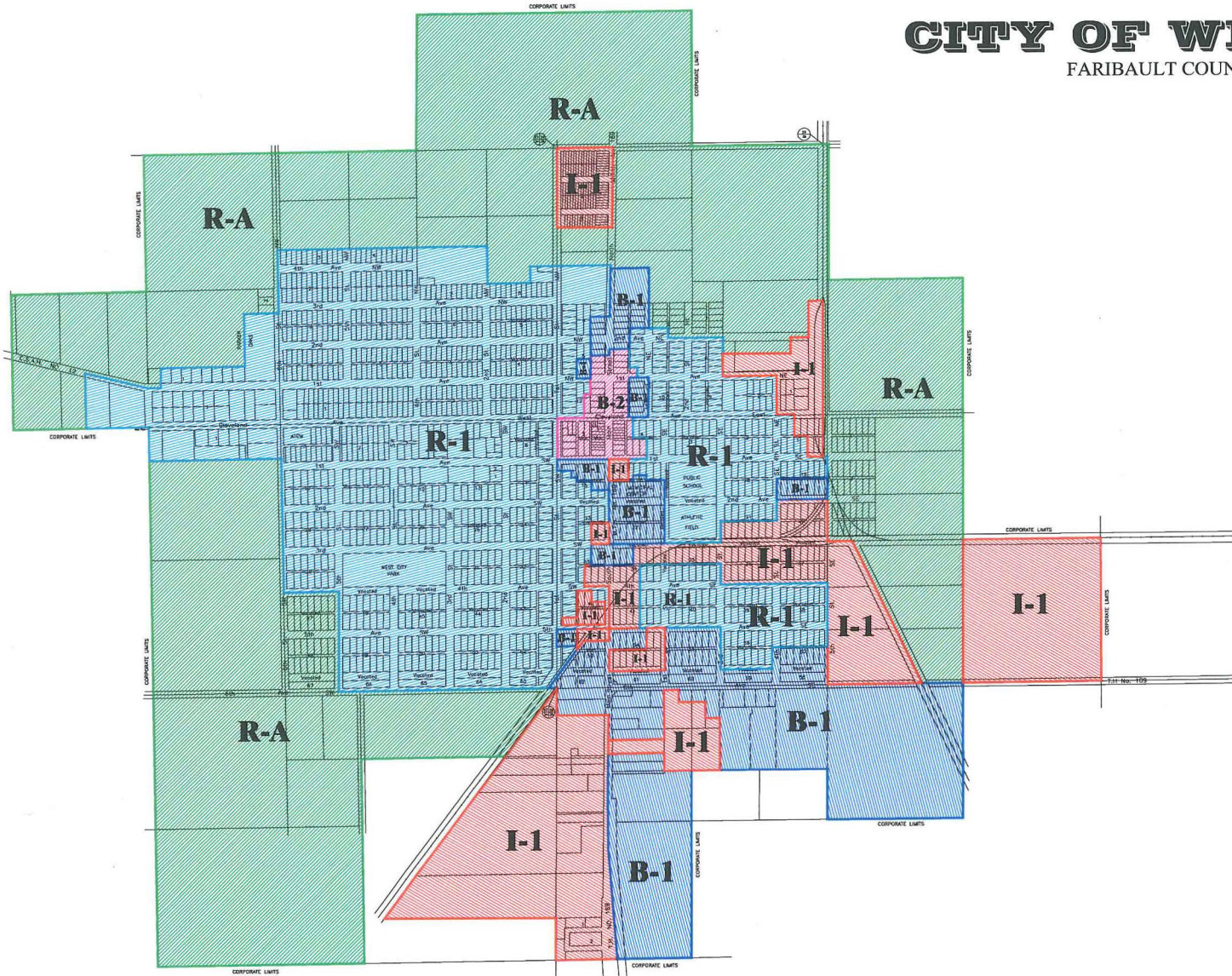
(1) Emission of or creation of noise, odors, vibration, smoke, dust, fumes and gases shall all conform to standards as set forth by the Minnesota Pollution Control Agency.

(2) Any lights used for exterior illumination shall direct light away from adjoining districts. Glare, whether direct or reflected, such as from floodlights, spotlights or high-temperature processing and as differentiated from general illumination, shall not be visible beyond the limits of the district.

(3) The design and construction of water supply facilities and treatment of all industrial sewage and waste shall comply with city and state health standards and requirements.
(Ord. 151, passed 1-10-96)

CITY OF WINNEBAGO

FARIBAULT COUNTY, MINNESOTA



ZONING MAP

JANUARY 2007

LEGEND

RESIDENTIAL DISTRICTS:	
R-A	RESIDENTIAL AGRICULTURAL
R-1	RESIDENTIAL LOW DENSITY
BUSINESS DISTRICTS:	
B-1	SERVICE BUSINESS - LIMITED INDUSTRIAL
B-2	GENERAL BUSINESS
INDUSTRIAL DISTRICTS:	
I-1	GENERAL INDUSTRIAL



BOLTON & MENK, INC.
CONSULTING ENGINEERS & SURVEYORS
MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN
BURNSVILLE, MN CHASKA, MN AMES, IA

MINNESOTA STATE DEMOGRAPHER
2011 POPULATION AND HOUSEHOLD ESTIMATES

FARIBAULT COUNTY	POPULATION	HOUSEHOLDS
Winnebago, City	1,435	609
Verona, Township	363	156