

## ORDINANCE NO. 931

### AN ORDINANCE OF THE CITY OF NORTHFIELD, MINNESOTA, AMENDING NORTHFIELD CODE, CHAPTER 34 – LAND DEVELOPMENT CODE, ARTICLE 2, ZONING DISTRICTS AND USE REGULATIONS, ARTICLE 3, DEVELOPMENT STANDARDS, ARTICLE 5, DEVELOPMENT PROCEDURES, AND ARTICLE 6, DEFINITIONS

#### THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT:

Northfield Code, Chapter 34 – Land Development Code, Article 2. – Zoning Districts and Use Regulations, Section 2.3, Base Zoning Districts; Section 2.5, Overlay Zoning Districts; Section 2.7, Permitted Principal Uses; Section 2.8, Use Definitions; Section 2.9, Use Specific Standards; Article 3. – Development Standards, Section 3.2, Site Development Standards; Section 3.5, Neighborhood Compatibility Standards; Section 3.10, Basic Subdivision Requirements; Section 3.11, Subdivision Design Standards; Section 3.12, Development Standards for the FP-O District; Article 5. – Development Procedures, Section 5.5, Specific Development Review Procedure Requirements; Article 6. – Definitions, Section 6.2, Definitions, are hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

#### Article 2: Zoning Districts and Use Regulations

#### 2.3 Base Zoning Districts

#### 2.3.9 Industrial District (I1-B) [DISCONTINUED DISTRICT]

##### (A) Purpose

- (2) The purpose of the Industrial (I1-B) district is to provide an area to accommodate ~~existing~~ manufacturing uses, general businesses, offices, service and repair businesses, warehousing and office showroom uses in existence prior to the effective date of this code and any additions to or redevelopment of those uses. Limited and incidental retailing shall be allowed in this district. Its overall character is intended to be compatible in scale and intensity with the adjacent highway commercial district. The portion of the district that abuts the Cannon River shall be developed in a manner that enhances, restores, augments and maintains the ecology and beauty of this natural corridor.

#### 2.5 Overlay Zoning Districts

#### 2.5.1 Floodplain Overlay District (FP-0)

**(D) Establishment of Subdistricts**

**(2) Compliance**

- (a) New manufactured homes, replacement manufactured homes, and certain travel trailers and travel vehicles are subject to the general provisions of this section and specifically Section 3.12.9, Manufactured Homes and Manufactured Home Parks and Placement of Recreational Vehicles.

**2.7 Permitted Principal Uses**

**2.7.2 Explanation of Table of Permitted Uses**

Table 2.7-1: Permitted Principal Uses																
Use Category and Use Type  * Discontinued Zoning District P = Permitted Use C = Conditional Use PE = Pre-Existing Use [#] Reference to Notes at Bottom of the Table	Base Zoning Districts									Special Base Zoning Districts				Floating Zoning Districts		Use-Specific Standards in Section:
	R1-B	R2-B [1]	R3-B [1]	R4-B	N1-B	N2-B	C1-B [3]	C2-B [4]	I1-B <sup>1</sup>	A-S	CD-S[2]	PB-S	PI-S	NC-F	ED-F	
<b>Agricultural Use Category</b>																
Agricultural Buildings	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
Crop Raising	--	--	--	--	--	C	--	--	--	P	P	--	P	--	P	
Stables and Raising of Livestock	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
Wholesale or Commercial Plant Nurseries	--	--	--	--	--	--	--	P	PE	P	P	--	--	--	--	
<b>Group Living Use Category</b>																
Dormitories/Residence Hall	PE	--	--	--	--	--	--	--	--	--	P	--	--	--	--	
Residential-Care, Licensed In-Home for six or Fewer Persons	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	
Residential-Care, Licensed for More than six Persons	C	P	P	--	P	P	P	C	--	--	--	--	--	--	--	
Specialized Care Facilities	--	P	P	--	--	P	--	P	--	--	--	--	P	--	--	
<b>Household Living Use Category</b>																
Bed & Breakfast Establishments	P	P	P	--	P	P	P	P	--	P	P	--	--	--	--	2.9.3
Dwelling, Multi-Family (Apartment Building with nine or more units)	PE	P	P	--	P	P	P	P	--	--	P	--	--	--	--	2.9.143(A)(2)
Dwelling, Multi-Family (Apartment House with four to eight units)	PE	P	P	--	P	P	P	P	--	--	P	--	--	--	--	2.9.143(A)(3)
Dwelling, Multi-Family (Rowhouse)	--	P	P	--	P	P	--	P	--	--	P	--	--	--	--	2.9.143(A)(4)
Dwelling, Single-Family, Two-Family, Three-Family	P	P	P	--	P	P	PE	--	--	P	P	--	--	--	--	
Live-Work	--	--	--	--	--	P	P	P	--	--	P	--	--	--	--	2.9.10
Live-Work /Rowhouse	--	--	--	--	--	P	P	P	--	--	P	--	--	--	--	2.9.10
Manufactured Home Park	--	C	C	P	C	C	C	C	--	--	--	--	--	--	--	2.9.12

**Table 2.7-1: Permitted Principal Uses**

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	R1-B	R2-B [1]	R3-B [1]	R4-B	N1-B	N2-B	C1-B [3]	C2-B [4]	I1-B <sup>1</sup>	A-S	CD-S[2]	PB-S	PI-S	NC-F	ED-F	
<u>Mixed Use Commercial/Residential</u>							P									<u>2.9.11</u>
<b>Commercial Use Category</b>																
Adult Uses	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	2.9.2
Animal Hospital/Veterinary Clinics	--	--	--	--	--	--	C	P	--	--	--	--	--	--	--	
Auto Service Stations	PE	--	--	--	--	--	PE	P	P	--	--	--	--	--	P	
Banks or Financial Institutions	--	--	--	--	--	--	P	P	P	--	--	--	--	--	P	
Bars, Taverns, Nightclubs, Banquet Halls	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	
Commercial Truck Storage and Parking	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	
Convenience Stores	--	--	--	--	C	--	P	P	--	--	--	--	--	C	C	
Day Care Facilities	--	P	P	P	P	P	P	P	P	--	--	--	--	C	C	2.9.5
Day Care Facilities, In-Home	P	P	P	--	P	P	P	--	--	P	--	--	--	--	--	
Drive-Through Establishments	--	--	--	--	--	--	C	P	--	--	--	--	--	--	--	2.9.6
Farm Implement Sales and Service	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	
Firearms Dealers	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	2.9.7
Funeral Homes	PE	--	--	--	--	P	P	P	P	--	--	--	--	--	--	
Gasoline Station (Fuel Sales)	PE	--	--	--	--	--	PE	P	P	--	--	--	--	--	--	2.9.8
Greenhouses, Garden, and Landscaping Sales and Service	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	
Hotel, Motel, Extended Stay Establishments	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	
Kennels	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	
Neighborhood-serving Commercial	--	--	--	--	P	P	--	--	--	--	--	--	--	--	--	2.9.154
Offices, Business	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	
Medical Clinic	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--	
Parking Lots or Ramps	--	--	--	--	--	--	C	P	P	--	--	--	P	--	P	
Personal Services	--	--	--	--	--	--	P	P	P	--	--	--	--	--	C	
Private Clubs	--	--	--	--	--	--	P	P	--	--	--	--	--	--	--	
Recreational Vehicle Parks	--	--	--	--	--	--	--	C	--	--	--	--	--	--	--	
Restaurant	--	--	--	--	--	--	P	P	P	--	--	--	--	--	C	
Restaurant, Drive-through	--	--	--	--	--	--	C	P	--	--	--	--	--	--	C	
Restaurant, Limited Service	PE	--	--	--	C	--	P	P	--	--	--	--	--	C	C	
Retail Sales and Service	--	--	--	--	--	--	P	P	P	--	--	--	P	C	P	2.9.176
Theaters	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	
Vehicle, Boat or Recreational Sales & Service	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	
Vehicle Rental	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	2.9.198
<b>Industrial, Manufacturing, Research, and Wholesale Use</b>																

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	R1-B	R2-B [1]	R3-B [1]	R4-B	N1-B	N2-B	C1-B [3]	C2-B [4]	I1-B <sup>1</sup>	A-S	CD-S[2]	PB-S	PI-S	NC-F	ED-F	
	Automobile or truck repair, including body work	--	--	--	--	--	--	PE	P	P	--	--	--	--	--	
Bulk Storage of Liquids	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	2.9.4
Distribution Facilities	--	--	--	--	--	--	--	P	P	--	--	--	--	--	P	
Industrial Uses (Indoors)	--	--	--	--	--	--	C	P	P	--	--	--	--	--	P	2.9.9
Industrial Uses with Outdoor/Open storage of Parts, Products, or Fuels	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	
Lumberyards and Construction Material Sales	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	
Mining, Extraction, and Aggregate Processing	--	--	--	--	--	--	--	--	C	C	--	--	--	--	C	2.9.132
Mini-Warehouses	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	
Recycling of Aggregate Material	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	
Warehouses and Yards	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	
Wholesale Commercial Uses	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	
<b>Public Facilities, Telecommunication, Utilities Use Category</b>																
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Telecommunication Facilities and Antennae	C	C	C	C	C	C	--	C	P	P	P	C	P	--	P	2.9.187
<b>Public, Institutional, or Recreational Use Category</b>																
Campgrounds	--	--	--	--	--	--	--	C	C	P	--	P	--	--	--	
Cemeteries	--	--	--	--	--	--	--	--	--	P	--	P	P	--	--	
College Related Offices	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	
Cultural Facilities	C	C	C	C	C	C	P	P	--	--	--	P	C	P	--	
Golf Courses	--	--	--	--	--	--	--	--	--	P	--	P	P	--	--	
Hospitals	--	--	--	--	--	--	--	P	P	--	--	--	P	--	P	
Open Space, Urban (Plazas), Conservation Areas	P	P	P	--	P	P	P	P	--	--	--	P	P	P	--	
Public Access to Rivers and Streams	--	--	--	--	--	--	P	P	P	--	--	P	--	--	--	
Public and Semipublic Buildings	C	C	C	C	C	C	C	P	P	C	--	P	P	--	P	
Recreational Facilities, Indoor	--	--	--	--	--	--	P	P	P	P	--	P	P	--	--	
Recreational Facilities, Outdoor [4]	C	C	C	--	C	C	C	--	C	C	--	P	P	--	--	2.9.165
Religious Institutions	C	C	C	C	C	C	C	C	--	--	--	--	--	--	--	
School (Elementary or Secondary)	C	C	C	--	C	C	C	PE	--	C	--	--		--	--	
School (Institutions of Higher Education – College, Seminary, or University)	PE [5]	--	--	--	--	--	C	C	--	P	P/C	--	--	--	--	
School (Nursery or Kindergarten)	C	C	C	--	C	C	C	C	C	C	--	C	--	--	--	
School (Trade, Business, or Other)	--	--	--	--	--	--	C	C	C	--	--	--	--	--	--	

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**NOTES:**

[1] Discontinued Zoning District

College-related uses are permitted uses in the IDA portion of the CD-S district and in parts of the PTA that adjoin all districts except residential and commercial districts. College-related uses are conditional uses in parts of the PTA adjacent to residential and commercial districts.

[3] Within the C1-B District commercial uses are required on the ground floor, and any residential uses shall be located behind or above the commercial use.

[4] Within the C2-B District, miniature golf facilities are allowed as a Permitted Use.

[5] The property at 320 3rd Street E. designated as PE may be used for any college-related use other than residential. Any college-related PE in the R1-B district that is subject to a conditional use permit must continue to meet the conditions of the conditional use permit unless otherwise approved by the City. Other college-related uses in existence in the R1-B district prior to the effective date of this code, unless designated as PE, are nonconforming uses in the R1-B district.

**2.8 Use Definitions**

**2.8.3 Household Living Use Category**

**(N) Mixed Use Commercial/Residential**

A structure in which commercial activity is located on the ground floor and residential living spaces are located above on the second or third floors, or behind the commercial unit on the first floor.

*Existing Section 2.8.3 (N) shall be renumbered accordingly.*

**2.8.4 Commercial Use Category**

**(A) Adult Uses**

**(7) Adult Establishment**

Any establishment in which an adult use comprises more than ten percent of the floor area of the establishment in which it is located or more than 20 percent of the gross receipts in any month for the entire business operation.

*Existing Sections 2.8.4 (A) (7-17) shall be renumbered accordingly.*

## **(1011) Adult Mini-Motion Picture Theater**

Any building or portion of a building with a capacity of fewer than 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors because of age and if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.

## **(1112) Adult Miscellaneous Adult Use**

### **2.9 Use-Specific Standards**

#### **2.9.2 Adult Uses**

##### **(A) Findings and Purpose**

- (1) ~~The state attorney general prepared a report entitled "Report of the Attorney General's Working Group on Regulation of Sexually Oriented Businesses," dated June 6, 1989. The report considered evidence from studies conducted in Minneapolis and St. Paul and in other cities throughout the country relating to sexually oriented businesses, also called adult establishments.~~
- (2) ~~The attorney general's report, based upon the studies referenced in paragraph (1) above and the testimony presented to it, concluded "that sexually oriented businesses are associated with high crime rates and depression of property values." In addition, the attorney general's working group "...heard testimony that the character of a neighborhood can dramatically change when there is a concentration of sexually oriented businesses adjacent to residential property." The report concluded that:~~
- (3) ~~The city council finds that the characteristics of the city are similar to those of the cities cited by the report when considering the effects of adult uses.~~
- (4) ~~The city council finds, based upon the report and the studies cited therein, that adult uses will have secondary effects upon certain pre-existing land uses within the city.~~
- (5) ~~The city council finds that adult uses could reasonably be allowed in an industrial district if separated from certain sensitive land uses, if those same sensitive land uses are not allowed in an industrial district, and if potential adult uses are separated from one another. The city council also finds that there are a reasonable number of distinct locations within the city's industrial districts where adult uses might locate and meet reasonable spacing standards from sensitive land uses and from one another.~~

Studies conducted by the Minnesota Attorney General, the American Planning Association, and the Texas City Attorneys' Association and cities such as St. Paul, Minnesota; Indianapolis, Indiana, Hopkins, Minnesota, Ramsey, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles California; Seattle, Washington; St. Croix County, Wisconsin; Adams County and the City of Denver, Colorado 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 transiency, neighborhood blight, and potential health risks. The adverse impacts which adult uses have on surrounding areas diminish as the distance from the adult establishments increases. Based on these studies and findings, the city council concludes:

- 
- (1) Adult establishments have adverse secondary impacts of the types set forth above on the neighborhoods surrounding them, which is distinct from the impact caused by other commercial uses.
  - (2) The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing, and health requirements.
  - (3) It is not the intent of the city council to prohibit adult establishments from having a reasonable opportunity to locate in the city.
  - (4) Many members of the public perceive areas within which adult establishments are located as less safe than other areas that do not have such uses.
  - (5) A reasonable licensing procedure is an appropriate mechanism to place the burden of reasonable regulation on the owners and the operators of the adult establishment. A licensing procedure will place an incentive on the operators to see that the adult establishment is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the residents of the city. It is appropriate to require reasonable assurances that the licensee is the actual operator of the adult establishment, fully in possession and control of the premises and activities occurring therein.
  - (6) The fact that an applicant for an adult establishment license has been convicted of a sexually-related crime is rationally related to the legitimate concern that the applicant may engage in similar criminal conduct in the future.
  - (7) The barring of individuals with sexually-related criminal convictions from the management of adult establishments for a period of time serves as a deterrent to future criminal conduct.

- (8) The general health, safety, and welfare of the community is promoted by prohibiting nudity in adult establishments. This prohibition is based on concerns of potential adverse effects such as prostitution, the transmission of sexually-transmitted diseases, exposure to minors, obscenity and unsanitary conditions in public places.
- (9) Smaller cities throughout Minnesota experience many of the same adverse impacts of adult establishments that are present in larger metropolitan communities.
- (10) The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing adult establishments.
- (11) The city council finds the characteristics of the city are substantially similar to those of the cities cited when considering the affects of adult establishments.
- (12) The city council finds, based upon the report and the studies cited, that adult uses may have adverse secondary effects upon certain preexisting land uses within the city, and that the public health, safety, and general welfare will be promoted if the city adopts regulations regarding adult uses.
- (13) The city council finds that the adverse secondary effects tend to diminish if adult uses in the city are regulated by locational and licensing requirements.

**(B) Permitted Location of Adult Uses**

Table 2.9-1 illustrates the minimum setbacks for adult uses from certain specified uses and districts. Measurements shall be made in a direct line from the nearest point on the property line of each premise where such use is located. Only one adult use establishment is allowed per free-standing building. Adult use establishments shall be located at least 500 feet as measured in a straight line, from the main public entrance of the adult establishment to the nearest boundary line of the following:

- (1) Any residential zoning district, existing residential use within or outside of city limits, or any PD-O district
- (2) Any daycare center;
- (3) Any school;
- (4) Any youth organization facility;

- (5) Any establishment with a liquor license;
- (6) Library;
- (7) Any public park;
- (8) Any religious institution;
- (9) Any public playground or other public recreational facility, not including trails or walkways;
- (10) Nearest lot line of any other adult use;
- (11) From the right of way of Highways #3 and #19 (See Table 2.7-1)

<b>Table 2.9-2: Adult Use Setback Requirements</b>	
<b>Setback Distance</b>	<b>From</b>
400 Feet	Nearest lot line of any residential zoning district, existing residential use, or PD-O district.
400 Feet	Day care center, school, youth organization facility, establishment with a liquor license, library, park, religious institution, playground or other public recreational facility, not including trails or walkways.
500 Feet	Nearest lot line of any other adult use.

**2.9.11 Mixed Use/Commercial Residential**

**(A) Purpose**

The purpose of mixed use commercial and residential in the commercial districts is to allow for residential opportunities in the second and third floors above, or on the first floor behind, commercial spaces throughout the downtown.

**(B) General Standards**

- (1) Residential units may be located in the floors above or in the space commercial spaces throughout the commercial districts. The residential portion, if located on the ground floor, shall be completely located behind the commercial portion of the building such that the ground floor street façade is a commercial use and commercial façade.
- (2) The residential portion of the mixed use shall have at least one entrance that exits to grade and is separate from any commercial entrance or commercial portion of the structure.

- (3) Signage regulations for mixed use units shall adhere to Section 3.7, Signage for commercial districts.

*Existing Sections 2.9.11 through 2.9.18 shall be renumbered accordingly.*

## **2.9.178 Telecommunication Facilities and Antennas**

### **(C) Towers in the R1-B, R2-B, R3-B, R4-B, A-S, or CD-S Districts**

- (1) Towers supporting commercial antennas and conforming to all applicable sections of this article shall be allowed as a conditional use, and only in the following locations:
- (b) Park sites, when compatible with the nature of the park, provided that the requirements of Section 2.9.178(F)(2) are met; and

### **(G) General Location Standards for Telecommunication Facilities**

All telecommunication facilities, except exempt facilities as identified in Section 2.9.178 (B), Exemptions, shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented for all telecommunication facilities, except exempt facilities as identified in Section 2.9.178 (B), Exemptions:

### **(H) Roads and Parking**

All telecommunication facilities, except exempt facilities as identified in Section 2.9.178 (B), Exemptions, shall be served by the minimum roads and parking areas necessary. To this end all of the following measures shall be implemented for all telecommunication facilities, except exempt facilities as identified in Section 2.9.178 (B), Exemptions:

### **(I) Landscaping and Screening**

All telecommunication facilities, except exempt facilities as identified in Section 2.9.178 (B), Exemptions, shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end all of the following measures shall be implemented for all telecommunication facilities, except exempt facilities as identified in Section 2.9.178 (B), Exemptions:

### **(J) Environmental Resource Protection**

All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end the following measures shall be

implemented for all telecommunication facilities, except exempt facilities as identified in Section 2.9.178 (B), Exemptions:

**(L) Visual Compatibility**

All telecommunication facilities, except exempt facilities as identified in Section 2.9.178 (B), Exemptions, shall be constructed and sited so as to minimize the visual effect of such facilities on the surrounding area. To that end the following measures shall be implemented for all telecommunication facilities, except exempt facilities as identified in Section 2.9.178 (B), Exemptions:

**Article 3: Development Standards**

**3.2 Site Development Standards**

**3.2.2 Residential Site Development Standards**

<b>Table 3.2-1: Residential District Site Development Standards</b>					
	<b>R1-B</b>	<b>R2-B</b>	<b>R3-B</b>	<b>R4-B</b>	<b>N1-B</b>
<b>Permitted Density</b>					
<b>Permitted Density</b>	Controlled by Lot Width and Lot Depth	8.1 to 15 units per acre (Gross)	15.1 to 25 units per acre (Gross)	See Section 2.9.12+(E)	Controlled by Lot Width and Lot Depth
<b>Build-to Line</b>					
Front Street	See Section 3.5.4	Not Applicable	Not Applicable	Not Applicable	See Section 3.5.4
Side Street	See Section 3.5.4	Not Applicable	Not Applicable	Not Applicable	See Section 3.5.4
<b>Building Area Ratio</b>					
Building Area Ratio	25%	Not Applicable	Not Applicable	Not Applicable	30%
<b>Building Setbacks</b>					
Front	See Section 3.5.4	See Note [1] Below	See Note [1] Below	See Section 2.9.12+(E)	See Section 3.5.4
Side	See Section 3.5.4	See Note [1] Below	See Note [1] Below		See Section 3.5.4
Rear	30 Feet	See Note [1] Below	See Note [1] Below		30 Feet
Between Buildings	Not Applicable	10 Feet	10 Feet		Not Applicable
<b>Lot Depth</b>					
Max. Lot Depth	150 Feet	Not Applicable	Not Applicable	Not Applicable	150 Feet
<b>Minimum and Maximum Lot Width</b>					

<b>Table 3.2-1: Residential District Site Development Standards</b>					
	<b>R1-B</b>	<b>R2-B</b>	<b>R3-B</b>	<b>R4-B</b>	<b>N1-B</b>
Single-Family Dwelling	50-75 Feet [2]	Not Applicable [2]	Not Applicable [2]	See Section. 2.9.12+(E)	50-75 Feet [3]
Two-Family Dwelling	60-85 Feet	Not Applicable [2]	Not Applicable [2]		60-85 Feet
Three-Family Dwelling	75-105 Feet	Not Applicable [2]	Not Applicable [2]		80-105 Feet
Multi-Family Dwellings	Not Applicable	Not Applicable [2]	Not Applicable [2]	Not Applicable	105 to 150 Feet
Other Forms	As determined by the planning commission in the CUP review	Not Applicable [2]	Not Applicable [2]	See Section. 2.9.12+(E)	As determined by the planning commission in the CUP review
<b>Building Height</b>					
Max. Building Height	See Section 3.5.4	See Note [4], below	See Note [4], below	See Section. 2.9.12+(E)	See Section 3.5.4
<b>Parking Lot Setbacks</b>					
Parking Lot Setbacks	Not Applicable	Ten feet along property lines and public rights of way	Ten feet along property lines and public rights of way	Not Applicable	Not Applicable
<p><b>NOTES:</b></p> <p>[1] Building placement requirements for one, two, and three unit residential structures are found in Section 3.5.4, Standards for Development in R1-B, R2-B, R3-B, N1-B. Building setback requirements for four or more unit residential structures are 30 feet from any property line.</p> <p>Minimum and maximum lot widths for lots zoned R2-B and R3-B shall be the lot widths as part of the official lot of record.</p> <p>[3] Lot widths of 40 feet shall be allowed on lots where access is provided by an alley as permitted in Section 3.11.3(B)(11), Alleys and Private Streets or for single family lots with shared driveways.</p> <p>[4] Building height requirements for one, two, and three unit residential structures are found in Section 3.5.4, Standards for Development in R1-B, R2-B, R3-B, N1-B. The building height requirement for four or more unit residential structures is 30 feet, but buildings may exceed 30 feet in height if for each additional ten feet of height, the building is set back an additional five feet from all adjacent buildings and lot lines.</p>					

The reference in Table 3.2-2, Note [5] shall be changed as follows: Section 2.9.134.

### 3.2.5 I1-B District Site Development Standards

- (A) The minimum lot size shall be ~~20,000~~ 10,000 square feet.
- (C) The minimum front yard setback shall be ~~20~~ 10 feet.
- (D) The minimum side yard setback shall be ~~45~~ 10 feet from a lot line or ~~20~~ 10 feet from a street unless a greater setback distance is required by the state building code or other regulation.

### 3.5 Neighborhood Compatibility Standards

#### 3.5.2 General Provisions

- (A) Except where exempted by **Section 3.5.3, Exemptions**, these standards shall apply to the development, expansion, or redevelopment of structures in the R1-B, R2-B, R3-B, N1-B, and NC-F districts. In the PTA subzone, these standards shall be used as guidelines and not absolute standards.

### 3.10 Basic Subdivision Requirements

#### 3.10.1 Purpose and Applicability

- (A) The city hereby adopts subdivision regulations, the authority of which is provided for in Minn. Stat. §462.358. The intent of these regulations 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:

- (13) To implement the policies and objectives found in adopted plans of the city including but not limited to:

The Comprehensive Sanitary Sewer Plan;

The Comprehensive Water Plan;

The Greater Northfield Area Greenway System Action Plan;

The Natural Resources Inventory;

The Parks, Open Space, and Trail System Plan; and

The Comprehensive Transportation Plan Update.

#### 3.10.2 Subdivision Approval Required

- (A) **Applicability**

Subdivision approval, in compliance with the provisions of this section shall occur as follows:

- (1) Minor Subdivision where a lot division or consolidation results in three or less parcels under certain conditions as described in Section 5.5.11, Minor Subdivision or Lot Consolidation.
- (2) Major Subdivisions where a lot division creates two or more parcels, lots, or tracts under single ownership where the division necessitates the creation of streets, roads, or alleys for residential, commercial, industrial, or other use or any combination thereof, or any change in the lot line or lines of a parcel, lot, or tract, or the establishment of the lot lines of a parcel, lot, or tract not previously platted as described in Section 5.5.12, Major Subdivisions.

~~Subdivision approval, in compliance with the provisions of this section, Section 5.5.11, Minor Subdivision or Lot Consolidation and Section 5.5.12, Major Subdivisions, shall be required for the separation of an area, parcel, or tract of land under single ownership into two or more parcels, lots, or tracts where the division necessitates the creation of streets, roads, or alleys for residential, commercial, industrial, or other use or any combination thereof, or any change in the lot line or lines of a parcel, lot, or tract, or the establishment of the lot lines of a parcel, lot, or tract not previously platted.~~

### **3.10.4 Development Agreement Required**

#### **(B) Required Improvements**

##### **(2) Other Improvements**

The subdivider shall arrange for the installation of private utilities including but not limited to ~~telecommunications cabling, telephone, cable-TV,~~ electrical and natural gas service following the backfilling of the curb and gutter.

#### **(C) Installation of Basic Improvements**

- (2) The city council reserves the right to, in its sole discretion, elect to install all or any part of the basic improvements required under the provisions of this section and assess the costs to the benefiting property owners pursuant to Minn. Stat., Chapter 429, as may be amended.
- (3) Unless separate written approval has been given by the city as provided for in Section 5.5.12(B)(3)(a), within the plat or land to be platted, the subdivider may not grade or otherwise disturb the earth, remove trees, construct sewer lines, water lines, streets, utilities, public or private improvements, or any buildings within the plat or land to be platted until all the following conditions have been satisfied:

#### **(H) Warranty/Maintenance Guarantee**

- (4) The required warranty period for erosion control will be ~~for five years-~~ ~~from acceptance of the improvements~~ as established in the development agreement.

### 3.11 Subdivision Design Standards

#### 3.11.1 General Standards

##### (H) Open Space and Natural Features

- (1) Natural ~~amenities~~-features (including views, protected trees, creeks, riparian corridors, rocky outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.

#### 3.11.2 Lot and Block Design

##### (A) ~~Minimum~~ Lot Dimensions

- (1) All lot dimensions shall comply with the ~~minimum~~-standards of the applicable zoning district in this LDC. 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 this LDC. (See Tables 3.2-1, 3.2-2 and 3.2-3)

##### (B) Lots Designed for Affordable Housing

The city encourages the development of affordable housing. In an effort to encourage the distribution of lots for affordable housing across the city, as an alternative to clustering affordable housing in a single area of the city, no more than 20 percent of any lots on a single block may include deed restrictions or other covenants that are tied to the provision of affordable housing (e.g., limiting housing costs or establishing maximum income levels)(See Table 3.2-2, Note [4]).

##### (D) Street Frontage Required

Each proposed parcel shall have frontage on a public street. The frontage width shall be ~~at least the minimum~~ the lot width required by the applicable zoning district.

**(G) Double Frontage Lots**

- (3) Corner lots shall be of sufficient width and depth to comply with the minimum building setback or build-to line requirement from both streets and to comply with the minimum driveway setback from the intersection, as established in this LDC. See the provisions related to corner lots in Section 3.11.2(F)(1).

**(J) Lots Abutting Water**

- (1) 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 shoreline 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 shoreline of the water body is so placed that it will not become a city responsibility.

**(K) 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 plan for future lots and~~ for the opening of major streets and the ultimate extension of adjacent streets and utilities.

**3.11.3 Streets**

**(A) Purpose**

Northfield views the street system as an integral element of the public realm that is designed in coordination with the Land Use Principles found in the Northfield Comprehensive Plan. A well designed street system creates a lasting image of the City. Therefore, these regulations are proposed to insure:

- (1) a high degree of connectivity,
- (2) provide for a pleasant experience while moving throughout the city,
- (3) linkage to the various residential and commercial neighborhoods,
- (4) an accessible multi-modal system, and

- (5) a system with a high degree of safety and convenience for the movement of people, goods and services.

**(AB) General Requirements**

**(1) Gated Communities Prohibited**

“Gated communities” and ~~other similar~~ residential developments ~~(where developments that contain a gate or other barrier is placed across an access road, that is or that are designed to appear or that function as walled-off areas disconnected and isolated from the rest of the community);~~ are prohibited.

**(4) Topography and Arrangement**

- (b) Streets proposed within a new subdivision shall be interconnected and shall connect with adjacent streets external to the subdivision, to provide multiple routes for multi-modal pedestrian circulation, emergency access, and ~~vehicle~~ trips from, to, and within the subdivision, ~~as appropriate.~~ Where street connections cannot occur due to topography, design constraints or some other feature beyond the control of the developer, sidewalks and/or trails shall be extended to connect with other pedestrian access improvements.

**(7) Access**

- (d) Driveway access shall comply with Table 3.11-1.

<b>Table 3.11-3: Driveway Access Standards</b>		
<b>Driveway Dimensions</b>	<b>Residential</b>	<b>Nonresidential</b>
Driveway Access Width	11 to 22 feet (16 feet is desired)	16 feet to 32 feet (32 feet is desired)
<del>Minimum Distance Between Driveways</del>	<del>20 feet</del>	<del>20 feet</del>
Minimum Corner Clearance from a Collector street	60 feet	80 feet [1]
NOTE: [1] At the discretion of the city engineer <del>80 feet shall be the minimum</del> this standard may be modified.		

**(8) Signs, Traffic Signs and Lights, and Street Lights**

- (b) Traffic control signs pursuant to Minn. Stat. §169.06 and the Comprehensive Transportation Plan Update, where applicable,

shall be installed at locations within the subdivision as designated by the city engineer.

- (d) Street lights shall be installed at all intersections and at other locations, as required by the city engineer. All street lights within new subdivisions shall be on street light poles meeting the standards of the city and shall be equipped with underground electrical service, and shall conform to city lighting standards. The developer shall pay to the city the energy cost for the first two years of operation, or until the dwellings on all lots within the subdivision have been completed, whichever time period is less.

**(9) Sidewalks and Trails**

Sidewalks and trails required by Section 3.9, Pedestrian Access and Circulation and Section 3.11.6, Parks, Trails, and Open Space Dedication, shall be installed at the time a street is constructed.

**(10) Dead-End Streets, Stub Streets, and Cul-de-Sac Streets (Permanent and Temporary)**

- (c) Permanent cul-de-sac streets are prohibited except as may be installed where absolutely necessary due to topography, configuration of land, existing road layouts or other special circumstances. The closed end of the cul-de-sac shall have a pavement width of 80 feet in diameter and the overall length of the road shall not exceed 600 feet in length as measured from the centerline of the nearest intersection to the ~~center point~~ closed end of the cul-de-sac.
- (d) In those instances where a street is terminated pending future extension in conjunction with future platting and its terminus is located 150 feet or more from the nearest intersection, a temporary cul-de-sac with a pavement width of 70 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 at least ten feet beyond the curb line of the temporary cul-de-sac in all directions. No building permit shall be issued for any properties containing or adjacent to a temporary cul-de-sac or roadway easement.

**(11) Alleys and Private Streets**

- (a) Alleys may be established in the city under the following conditions:
  - (ii) The alleys ~~shall be~~ are made of concrete, asphalt, pervious pavers, or other similar non-graveled surfaces;

**(BC) Street Design Standards**

**(3) Street Surfacing and Improvements**

After the subdivider has installed sewer and water, the subdivider shall construct poured-in-place concrete sidewalks, curbs and gutters and shall surface streets to the width prescribed in this section. Curbs and gutters shall only be installed to the degree where necessary to accommodate the street design standard. The designer is encouraged to include techniques that will direct surface water drainage to off-street areas. Types of pavement shall be as prescribed in the city’s engineering standard specifications. Adequate provision shall be made for culverts, drains and bridges. The portion of the right-of-way outside the area surfaced shall be sodded or planted with other acceptable materials as approved by the city engineer. 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 standard specifications and shall be incorporated into the construction plans required to be submitted by the subdivider for final plat approval.

**(4) Grading**

- (a) Streets shall be graded with at least 0.5 percent slope from the centerline to the curb to maintain drainage.
- (b) Arterial and collector streets shall have a maximum running grade of five percent.
- (c) All other streets shall have a maximum running slope of seven percent, or as determined by the city engineer.

**3.11.4 Sewer, Water, and Other Utilities**

- (A) The subdivider shall install adequate sanitary sewer and water facilities (including fire hydrants) subject to the specifications in the city’s engineering standard specifications, and the Recommended Standards for Water Works and the Recommended Standards for Wastewater Facilities (known collectively as the “ten-state standards”).

- (D) All utility facilities, including but not limited to ~~telephone, category 5-cable~~ telecommunications cabling, 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.

### 3.11.5 Surface Water, Drainage, Water Quality, and Erosion Control

(A) **Purpose**

These regulations are intended to result in the effective management of surface water run-off by ensuring compliance with the adopted Surface Water Management Plan of the City of Northfield and also the requirements found in Chapter 22, Article VI of the Northfield Municipal Code.

The City of Northfield supports a regional approach to surface water management or any similar innovative approach to managing surface water that protects and improves surface water quality, promotes ground water recharge, enhances wildlife through proper management of surface water, and minimizes public expenditures needed to protect water quality problems.

~~The subdivider shall demonstrate that the runoff generated by the proposed subdivision is properly treated on or off site for phosphorus, total suspended solid levels, and other potential contaminants consistent with the requirements of the city's surface water management plan and chapter 22, article VI of Northfield Municipal Code.~~

(B) **Subdivider Responsibilities**

The subdivider is responsible for compliance with the overall objectives and expectations as stated in the Surface Water Management Plan and shall install needed improvements or pay to the City fees and or charges that have been established to ensure compliance with surface water management requirements as established by the City. If the city's surface water management plan designates a regional pond within the boundaries of the proposed subdivision, the subdivider shall provide the city with drainage and utility easements for the regional pond. The subdivider shall construct the pond in conjunction with development of the subdivision.

~~**If the city's surface water management plan designates a regional pond within the boundaries of the proposed subdivision, the subdivider shall provide the city with drainage and utility easements for the regional pond. The subdivider shall construct the pond in conjunction with development of the subdivision.**~~

### 3.11.6 Parks, Trails, and Open Space Dedication

(A) **Purpose, Nexus, and Proportionality**

**(1) Purpose**

These requirements are established for the purpose of assisting with the implementation of the Parks, Open Space and Trail System Plan of the City of Northfield by providing for the orderly development of recreation areas and the conservation of natural resources and scenic beauty in the city. The Parks, Open Space and Trail System Plan promotes a balanced and systematic approach to acquiring park and open space resources that include active park facilities, an interconnected trail system, areas of natural and ecological significance emphasizing the Cannon River corridor that is available to residents of the city and the broader region. As a means to accomplish these goals, each developer shall be required to dedicate land, or at the discretion of the city, pay an equivalent cash payment in lieu of land dedication for parks and open space acquisition and development. The policy of the city is to acquire and manage larger parcels of park and open space land resources; therefore, as a result of this policy, it is likely that a cash payment in lieu of land dedication will be the method by which this requirement will be accomplished in most instances, although not to the complete exclusion of a land dedication requirement.

**(2) Nexus**

The city council finds that there is a rational nexus between the demands created by the subdivision and related development of land and the need for parks, trails, open space areas, public art, and facilities.

**(3) Proportionality**

Further, the city council herein establishes requirements for the dedication and/or development of park land, trail improvements, and open space land that is roughly proportionate to the demands created by the subdivision and development of land resulting from such subdivision approval.

~~These requirements are established for the purpose of providing for the recreation, health, safety and welfare of the public through the orderly development of recreation areas and the conservation of natural resources and scenic beauty in the city. The city council finds that there is a rationale nexus between the demands created by the subdivision and related development of land and the need for parks, trails, and open space facilities. Further, the city council herein establishes requirements for the dedication and or development of park land, trail improvements, and open space land that is roughly proportionate to the demands created by the subdivision and development of land resulting from such subdivision approval.~~

**(C) Waiver Requirements**

Upon a request by the developer, the city council, ~~in its discretion,~~ may waive or reduce the requirements of this section for development in the C1-B (downtown), ~~C2-B (corridor development) or~~ ED-F (economic development) or N2-B (neighborhood general) districts where the city council finds:

- (3) That development in areas zoned ~~N1-B~~N2-B district which allows for the construction of affordable housing units of a type, price, or amount that is determined to be of greater benefit to the city in comparison to parks, trail, or open space improvements; or
- (4) That city-assisted development or redevelopment projects that achieve public objectives.

**(D) Land Dedication Required**

- (2) Pursuant to Minn. Stat. §462.358, subd. 2b., it is reasonable to require a portion of buildable land to be dedicated to the public for parks, recreational facilities, playgrounds, trails, wetlands or open space purposes. The land to be used for the purposes previously stated shall be determined to be suitable ~~in at~~ the sole discretion of the city and the city shall not be required to accept land that is not usable for the stated purposes.
- (3) The land required to be dedicated by the applicant for parks, recreational facilities, playgrounds, public art, trails, wetlands or open space ~~purposes~~ is a recreational and open space resource available for the benefit of the public. The amount and type of park and open space resource dedicated is intended to be proportionate to the users of the park and open space resource that primarily for the users that result from the subdivision of the land.
- (4) The amount of land required to be dedicated by the applicant for stated purposes in (1) above shall be based upon the net area (gross area minus area required for public streets, trails, and stormwater ponding) of the land to be subdivided which could be developed for residential, commercial, industrial or other purposes. The area shall be determined at the time of the preliminary plat and shall be calculated as follows:
- (6) Such dedication shall be in an amount based on the schedule of dedication requirements adopted by city council and maintained outside of this LDC.

**(E) Land Suitability Requirement**

- (1) Land dedicated for parks, trails, and open space shall be reasonably suitable as advised by the parks and recreation advisory board for its intended use and shall be at a location convenient to the people to be served.
- (2) Factors used in evaluating the adequacy of a proposed park, trail, or open space dedication shall include:
  - (b) Size (that is consistent with the city's policy of wanting more large parks and fewer small parks);

**(F) Conformance with Comprehensive Plan**

Land dedicated under this division shall ~~reasonably~~ conform to the city's comprehensive plan and Parks, Open Space, and Trail System Plan, wherever possible. If the comprehensive plan or Parks, Open Space and Trail System Plan for the parcel of land to be subdivided calls for public property in excess of that required by Section 3.11.6(D), Land Dedication Required, the city council shall, before approval or disapproval of the plat, determine whether to take the necessary steps to acquire, by purchase or condemnation, all or part of the additional public property.

**(G) More Dedication of Excess Land**

If the city requires parks, trails or open space dedication in excess of the amount of land required by Section 3.11.6(D), Land Dedication Required, the city shall pay to the developer the fair market value of the land in excess of the percentage of land required to be dedicated, which payment shall be due at the time of final plat approval. ~~Such amount shall be due at the time of final plat approval that would otherwise be dedicated for parks, trails and open space under this section.~~

**(I) Trail Construction**

When the city's comprehensive plan or ~~parks system master plan~~ Parks, Open Space, and Trail System Plan identifies a trail to be constructed in the land to be subdivided, this trail segment shall be interpreted by the city as basic infrastructure and, therefore, the developer shall be required to pay for the construction of the trail improvements. This trail construction requirement shall be in addition to the required land dedication as set forth in Section 3.11.6(D), Land Dedication Required, or set forth in Section 3.11.6(K) Dedication or Cash Payment in Lieu of Requirements. The construction specifications of trails shall be determined by the city engineer and whenever possible, trails shall connect with existing trails and/or sidewalks.

**(J) Credit for Private Open Space, Recreational Areas and Trails**

- (4) Credit for private trail improvements shall be given by the city only when the private trail system connects to a public trail or walkway system.

*Existing Sections 3.11.6 (J) (4-5) shall be renumbered accordingly.*

**(K) Dedication or Cash-in-Lieu of Requirements**

The city may elect to accept a cash payment in lieu of land dedication for parks, recreational facilities, playgrounds, trails, wetlands or open space purposes. In such cases the applicant shall be required to make such payment to the city's dedicated park fund based on the estimated fair market value as indicated in the records of the county assessor that is equivalent to a land dedication requirement as follows:

- (3) Industrial Development

Two percent of the gross area for the purpose of the trail system only.

**(M) Park Tree Requirements**

The subdivider or developer shall preserve ~~all~~ existing trees on any land to be dedicated under this section in accordance with Section 3.6.6, Tree and Woodland Preservation.

**(N) Other Conditions Prior to Deeding**

- (2) Rocks that are four inches or greater in diameter shall have been removed from the land. If possible, any boulders or glacial erratic should remain and be incorporated for landscaping interest in parks and open spaces.
- (3) A minimum of four inches of ~~black top~~soil shall have been provided by the developer dependent on subsoil material as determined by the city engineer.
- (4) The surface should be planted with low maintenance vegetation to ensure the immediate stabilization of the exposed soils. The park and recreation advisory board should be consulted to determine which areas should become turf and which should be planted with non-turf vegetation. Areas of turf shall be seeded in ~~Grass shall have been seeded in~~ the amount of 50-75 percent Kentucky bluegrass and 25-50 percent perennial ryegrass, or other quick establishing crop to prevent soil erosion.

**3.12 Development Standards for the FP-O District**

**3.12.6 Development Standards for the General Flood Plain Subdistrict**

**(B) Procedures for Floodway and Flood Fringe Determinations within the General Flood Plain District**

- (2) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe subdistrict and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000--6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' area hydrologist prior to commencing the analysis. The designated engineer or expert shall:
- (3) The city planner shall present the technical evaluation and findings of the designated engineer or expert to the council, who must formally accept the technical evaluation and the recommended floodway and/or flood fringe subdistrict boundary or deny the flood development permit application. The city council, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency (FEMA), the Department of Natural Resources (DNR) or the planning commission for review and comment. Once the floodway and flood fringe subdistrict boundaries have been determined, the city council shall refer the matter back to the city planner who shall process the flood development permit application consistent with the applicable provisions of Section 3.12.4, Development Standards for the Floodway Subdistrict (FW) and Section 3.12.5, Development Standards for the Flood Fringe Subdistrict (FF) of this LDC.

**3.12.10 Administration**

- (A) The city planner shall administer and enforce the provisions of this section. If the city planner finds a violation of the provisions of this section, the city planner shall notify the person responsible for such violation in accordance with the procedures stated in Section 3.12.13, Penalties for Violation of These Standards.

**3.12.11 Nonconforming Uses**

- (F) If a substantial improvement occurs (See definition in Article 6: Definitions) from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition (as required by paragraph (B) above) and the existing nonconforming building must meet the requirements of Section 3.12.4, Development Standards for the Floodway Subdistrict (FW), or Section 3.12.5, Development Standards for the Flood Fringe Subdistrict (FF), for new structures,

depending upon whether the structure is in the floodway or flood fringe district, respectively.

## **Article 5: Development Procedures**

### **5.5 Specific Development Review Procedure Requirements**

#### **5.5.9 Conditional Use Permit**

##### **(D) Approval Criteria**

(2) Criterion (a) below must be met and criteria (b) through (n) shall be considered in the review of conditional use permit applications:

- (1) In the Perimeter Transition Area (PTA) within the college development district (CD-S) that abut residential and commercial districts, the uses of a height, building orientation, massing, setback and scale shall be considered in building renovation and/or new construction in order to maintain compatibility has to be compatible with surrounding areas as described in guided by Section 3.5, Neighborhood Compatibility Standards. These neighborhood compatibility standards are to be administered in order to maintain a harmonious neighborhood environment as guidelines and absolute compliance with these standards is not intended.

#### **5.5.12 Major Subdivision**

##### **(D) Final Plat**

##### **(1) Approval Procedure**

- (b) The application and staff report to be considered by the city council for final approval shall be shared with the planning commission.

*Existing Sections 5.5.12 (D) (1) (c-d) shall be renumbered accordingly.*

#### **5.5.16 Variance**

##### **(A) Applicability**

(4) A variance is a modification or variation of the provisions of this LDC as applied to a specific piece of property. Pursuant to Minnesota Statutes, use variances are prohibited.

## Article 6: Definitions

### 6.2 Definitions

#### Adult Use

Any use as defined in Section 2.8.4(A).

- Any business that:
  - (i) devotes a substantial or significant portion of its inventory, stock-in-trade or publicly displayed merchandise to; or
  - (ii) devotes a substantial or significant portion of its floor area of the business (not including store rooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to; or
  - (iii) derives a substantial or significant portion of its gross revenue from sales of, materials or devices that stimulate human genitals, are designed for sexual stimulation, or that depict or that relate to “specified anatomical areas” or “specified sexual activities.”

Activities and matters classified as obscene as defined by Minn.Stat. § 617.241 are not adult uses and are prohibited in the City.

#### Nude or Specified Anatomical Areas

- The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola; or
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities**

- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast(s); or
- Excretory functions as part of or in connection with any of the activities set forth in (1) and (2) above.

Passed by the City Council of the City of Northfield this \_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

Deb Little

Mary Rossing

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Mayor

VOTE:        Y ROSSING   Y BUCKHEIT   Y GANEY   Y NAKASIAN  
              Y POWNELL   Y IMM        Y ZWEIFEL

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