

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2015-39

An Ordinance Amending the Grant Code of Ordinances
Adding Section 32-7 Incorporation by Reference, and Amending Sections 32-32 Violations; 32-35
Certificate of Compliance; 32-143 Application; 32-181 Building permit and compliance with
building code requirements; 32-185 Grading permit required, exceptions; and 32-341 Drainage

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. ADDITIONS TO CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-7, “Incorporation by Reference” is hereby ADDED identified with the following underline:

Sec. 32-7. Incorporation by reference.

- (a) The following are incorporated into this chapter by reference:
 - (1) The Grant comprehensive plan.
 - (2) The National Pollutant Discharge Elimination System, MN R100001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, August 1, 2013, as amended.
 - (3) The Grant Engineering and Design Guidelines manual.
 - (4) The Rules of the Valley Branch Watershed District, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.
 - (5) The Rules of the Rice Creek Watershed District, pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103 D, and 103G, and Minnesota Rules 8410 and 8420.

SECTION 2. AMENDMENTS TO CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Division 1 Article II, *Section 32-32 Violations* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-32. Violations.

In the event of a violation or the threatened violation of any provision of this chapter, or any provision or condition of a permit issued pursuant to this chapter, the city in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.

(Ord. No. 50, § 801.04, 12-7-1982)

(a) Violations to this chapter which involve any land alteration that would cause a building permit, grading permit, or any other land altering permit to be required are also subject to the provisions contained within Article I Chapter 30 Subdivisions.

That City Code Chapter 32, Article II Division 1, *Section 32-35 Certificate of Compliance* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-35 Certificate of compliance.

- (a) No change
- (b) No change
- (c) No change
- (d) No change

(e) *Information to be submitted.* The application shall be accompanied by development plans of the proposed use showing such information as may be reasonably required by the zoning administrator, including but not limited to those listed below. These plans shall contain adequate information upon which the zoning administrator can determine that the proposed development will meet all development standards if the project proceeds in accordance with such plans, including:

- (1) Site plan drawn to scale showing parcel and building dimensions.
- (2) Location of all buildings and their square footage.
- (3) Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
- (4) Landscaping and screening plans.

- (5) Finished grading and drainage plans sufficient to drain and dispose of all surface water accumulated in the area.
- (6) Sanitary and storm sewer plans with estimated use.
- (7) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating soil conservation practices to be used to overcome said limitation shall be made prior to the certificate application.
- (8) Location of well on applicant's property and adjacent properties.
- (9) Erosion and sedimentation control plans in compliance with Section 30-172.
- (10) Stormwater management plans in compliance with Section 30-173.
- (11) Permanent stormwater treatment inspection and maintenance plan, and maintenance agreement as defined in Chapter 30, sections 30-103, 30-172 and 30-173.
- (12) Any additional data reasonably requested by the zoning administrator.

SECTION 3. AMENDMENTS TO CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Article II Division 5 Conditional Use Permits *Section 32-143 Application* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-143. Application.

(a) *Fees and plans.* Application for a conditional use permit shall be filed with the city. In addition to required fees, the application shall be accompanied by development plans for the proposed use showing such information as may be reasonably required by the city, including but not limited to those items listed below. Such plans shall contain sufficient information for the city to determine whether the proposed development will meet all applicable development standards.

- (1) Site plan drawn to scale showing parcel and building dimensions.
- (2) Location of all buildings and their size, including square footage.
- (3) Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
- (4) Landscaping and screening plans including species and size of trees and shrubs proposed.
- (5) Approved grading and drainage plan from all applicable and appropriate regulatory agencies, such as, but not limited to, the appropriate watershed organization or district, the state department of natural resources, and the Army Corp of Engineers.

(6) Land disturbing activities that disturb 5,000 cubic yards or greater will require a conditional use permit. Application for a grading permit and a conditional use permit shall require the submittal of an erosion and sediment control plan, and stormwater management plan. Erosion and sediment control and stormwater management standards shall comply with the City's Engineering Design Guidelines, and those standards identified in Section 30-172 and 30-173 contained with this Subdivision

code.

(7) Permanent stormwater treatment inspection and maintenance plan and agreement as outlined in Chapter 30 Section 30-173.

(8) Type of business activity and proposed number of employees and patrons.

(9) Proposed floor plan and elevations of any building with use indicated.

(10) Sanitary sewer (or septic) and water (or well) plans with estimated flow rates.

(11) Soil type and soil limitations for the intended use. If soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practices to be used to overcome said limitation shall be made a part of the application.

(12) A location map showing the general location of the proposed use within the city.

(13) A map showing all principal and land uses within 1,250 feet of the parcel for which the application is being made.

(14) Proof of ownership of the property for which the conditional use permit is requested, consisting of the deed or contract for deed showing the current owner, together with any unrecorded documents whereby the applicant acquired legal or equitable ownership of the property.

(15) Proof that all property taxes have been paid and no liens or attachments are unsatisfied.

(b) *Denial for incompleteness.* An incomplete application is not a valid application and can be rejected by the city or denied on the basis of being incomplete.

(Ord. No. 1997-77, § 1(505.06), 8-5-1997)

SECTION 4. AMENDMENTS TO CHAPTER 32, ZONING, OF THE CITY'S CODE OF ORDINANCES.

That City Code Chapter 32, Article II Division 6 Other Permits and Certificate of Occupancy *Section 32-181 Building permit and compliance with building code required* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-181. Building permit and compliance with building code required.

(a) *Required.* No structure shall hereafter be erected or structurally altered until a building permit shall have been issued, indicating that the existing or proposed structure and the use of the land comply with this chapter and all building codes.

(b) *Proposal to comply with code.* Building permits shall not be issued unless the proposed improvement meets all of the requirements of the building code.

(c) *Site preparation in advance of permit prohibited.* No site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other physical changes to the site shall occur prior to the issuance of a building permit and other zoning use permits.

(d) *Application.* Applications for permits as required by this section shall be made to the city

clerk or building official on forms to be furnished by him. The city clerk or building official shall maintain a record of all applications for and all permits issued under this division.

(e) *Site plan.* Application for a building permit shall be accompanied by a site plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of the building, utilities including on-site septic systems, accessory buildings to be erected, the vegetation and major topographic changes, and drawings of the improvement in sufficient detail to permit checking against the building code, and such other information as the city council or building official may reasonably require to determine compliance with this chapter and the building code. In some cases, the city council may require a certificate of survey before a building permit will be issued.

(f) *Erosion and sediment control plan.* Every applicant must adhere to erosion control measure standards and specifications in strict conformance with the provisions of this chapter and the City's Engineering and Design Guidelines document. Erosion and sediment control plans shall also be consistent with the National Pollutant Discharge Elimination System General Permit, as amended, and the filing or approval requirements of relevant Watershed Districts, Watershed Management Organizations, Soil and Water Conservation Districts, or other regulatory bodies. No land shall be disturbed until the plan is approved by the city engineer and conforms to the standards set forth herein.

(g) *Stormwater management plan.* Every applicant must adhere to stormwater management standards and specifications in strict conformance with the provisions of this chapter and the City's Engineering and Design Guidelines document. Stormwater management plans shall also be consistent with the national Pollutant Discharge Elimination System General Permit, as amended, and the filing or approval requirements of relevant Watershed Districts, Watershed Management Organizations, Soil and Water Conservation Districts, or other regulatory bodies. No land shall be disturbed until the plan is approved by the city engineer and conforms to the standards set forth herein.

(h) *Issuance.* No building permit shall be issued for any improvement which would result in a use, building or structure in violation of this chapter, or the subdivision, shoreland management, floodplain, on-site sewer disposal, mining or other city regulations.

(i) *Start of work after issuance.* The work for which a building permit is issued shall commence within 60 days after the date thereof unless an application for an extension of 90 days has been submitted to the building official and approved by him. The work shall be completed within one year of the date of issuance.

(j) *Expiration.* Permits issued by the zoning administrator or building official under the provisions of this section and the building code shall expire and be null and void if the work authorized by a permit is abandoned or suspended for a period of 120 days, or in the event that work is not commenced or completed within the time limitations of section 32-181(g).

(k) *Suspension or revocation.* The building official may, in writing, suspend or revoke a permit issued under the provisions of this chapter and the building code whenever such permit is issued in error or on the basis of incorrect information supplied, or in violation of any city ordinance, regulation or code. Such violation may also be subject to the procedure identified in Section 30-3 Subdivision.

(Ord. No. 50, § 509.01, 12-7-1982)

That City Code Chapter 32, Division 6 Other Permits and Certificate of Occupancy *Section 32-185 Grading permit required; exceptions* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-185. Grading permit required; exceptions.

No person shall do any grading without first having obtained a grading permit from the building official except for the following:

- (1) Grading in an isolated, self-contained area if there is no danger apparent to private or public property.
- (2) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure.
- (3) Cemetery graves.
- (4) Refuse disposal sites controlled by other regulations.
- (5) Excavations for wells or tunnels or utilities.
- (6) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
- (7) Exploratory excavations under the direction of soil engineers or engineering geologists.
- (8) An excavation which is less than two feet in depth or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical.
- (9) A fill less than one foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than three feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.
- (10) All land disturbing activities which disturb more than 50 cubic yards but do not exceed 5,000 cubic yards shall require a grading permit.
- (11) Any land disturbing activity which exceeds 5,000 cubic yards shall require a Conditional Use Permit.

(Ord. No. 50, § 509.05, 12-7-1982)

SECTION 5. AMENDMENTS TO CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Division 1 *Section 32-341 Drainage* is hereby AMENDED to include the following additions identified as underlined and deletions identified as ~~strikethrough~~:

Sec. 32-341. Drainage.

(a) No land shall be developed or altered and no use shall be permitted that results in surface water run-off causing unreasonable flooding, erosion or deposit of minerals on adjacent properties or waterbodies. Such run-off shall be properly channeled into a natural water course or drainageway and/or ponding area.

(b) The zoning administrator, upon inspection of any site which has created drainage problems or could create drainage problems with proposed new development, may require the owner of said site or contractor to complete a grading plan and apply for a grading permit.

(c) The owner or contractor of any natural drainage improvement or alteration may be required by the zoning administrator to obtain recommendations from the state department of natural resources, the soil conservation agent, the affected watershed district and/or the city engineer, as well as obtaining a local grading permit.

(d) On any slope in excess of 13 percent where, in the opinion of the zoning administrator, the natural drainage pattern may be disturbed or altered, the zoning administrator may require the applicant to submit both a grading plan and a soil conservation plan prior to applying for a building permit.

(e) Land disturbing activities that alter drainage of any site shall implement erosion and sedimentation control and stormwater management standards that comply with the City’s Engineering Design Guidelines, as well as chapter 30, Sections 30-103, 30-172 and 30-173.

(Ord. No. 50, § 740, 12-7-1982)

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

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

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

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this ___ day of _____, 2015.

Thomas Carr, Mayor

Attest: Kim Points, City Clerk