



ORDINANCE NO. 17

v1.1

AN ORDINANCE FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND THE USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION, FOR THE ORDERLY FUTURE DEVELOPMENT OF THE AREA OF THE CITY OF PINE SPRINGS, MINNESOTA.

The City Council of the City of Pine Springs, Washington County, Minnesota, Ordains:

SECTION 1. ADOPTION OF WASHINGTON COUNTY ZONING CODE

There is hereby adopted by reference in its entirety, except as hereinafter modified, the Washington County Zoning Code (hereinafter called "Code") adopted as a model zoning code for all communities in Washington County and recommended as a zoning ordinance for unincorporated areas in the County by the Washington County Planning Commission on June 21, 1972, and adopted as the County Zoning Ordinance for unincorporated areas by the Washington County Board of Commissioners on July 6, 1972, of which at least one copy is on file in the office of the City Clerk.

SECTION 2.

In addition to the purposes of the Code as set forth in Section 2 thereof, it is the overriding purpose of the City Council in adopting such Code to facilitate the development of the City in a manner consistent with its comprehensive plan and to provide standards which are applicable for low density rural-residential development and, which, in the event any portion of the City should ever be required to be serviced by a central sewer system, would also be applicable for development involving higher residential densities and more diverse compatible land uses.

SECTION 3. GENERAL MODIFICATIONS OF CODE

- A. Delete the title of the Code and insert in lieu thereof the title of this Ordinance.
- B. Whenever the words "Washington County" or "Community" or "County" are used in the Code, they shall be deemed and are hereby deleted and the words "City of Pine Springs" are hereby inserted in lieu thereof, unless otherwise provided in this Ordinance or unless otherwise clearly indicated by the context to mean Washington County even if the Code were adopted by reference for a single municipality.
- C. Whenever the words "County Board of Commissioners of Washington County" or "County Board" or "Board" are used in the Code, they shall be deemed and are hereby deleted and the words "City Council of Pine Springs" are hereby inserted in lieu thereof.
- D. Whenever the words "County Development Code" are used in the Code, they shall be deemed and are hereby deleted and the words "City Ordinance adopted to implement the Comprehensive Plan" are hereby inserted in lieu thereof.
- E. All references in the Code to "Chapter 4 of the Washington County Development Code" shall be deemed and are hereby deleted, and the words "Ordinance No. 16 relating to the control of water pollution" are hereby inserted in lieu thereof.
- F. Any references in the Code to "townships, town boards or township planning commissions" shall be deemed and are hereby deleted.

- G. Whenever the words "Board of Adjustment and Appeals" are used in the Code, they shall mean the "City Council of the City of Pine Springs".
- H. An area shall be deemed "required to be serviced by a central sewer system" as those words are used in this ordinance if, and only if:
 - (1) the City Council determines by a two-thirds vote of its members that for reasons of health such area should be served by a public central sanitary sewer system included in or connected to the metropolitan disposal system as provided in Minnesota Statutes, Chapter 473C, or for reasons outside the control of the City Council such a central sewer system with capacity to serve the area is extended into the City or ordered in accordance with law to be extended into the City,
 - (2) the City or owners of the land in such area will be held liable for all or a portion of the cost of such central sewer system and
 - (3) the City Council determines that it is not economically feasible for the City or the property owners in the area to incur such liability without allowing for a higher density and more varied land use.

SECTION 4. SPECIFIC MODIFICATIONS OF CODE

- A. Delete Section 201 and insert in lieu thereof:

"201 - Purpose. This Ordinance is adopted for the purpose of:

- (1) Protecting the public health, safety, morals, comfort, convenience and general welfare.
- (2) Restricting and regulating the location, and use of structures and land in the City.
- (3) Promoting orderly development of the City of Pine Springs consistent with the development needs of the region as a whole.
- (4) Providing adequate light, air and convenience of access to property.
- (5) Limiting congestion in the public right-of-way.
- (6) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
- (7) Providing the most appropriate use of land throughout the City consistent with the topography and size of the City.
- (8) Protecting and guiding the development of rural areas.
- (9) Conserving and developing natural resources, and maintaining a high standard of environmental quality.
- (10) Fostering agriculture and other enterprises compatible with a rural residential environment.
- (11) Conserving the natural and scenic beauty and attractiveness of the countryside.
- (12) Preserving the capacity of flood plains to carry and discharge regional floods.
- (13) Guiding wise development of shore lands of public water.
- (14) Preserving and enhancing the quality of surface water.
- (15) Providing for the administration of this Ordinance and amendments thereto.
- (16) Defining the powers and duties of the administrative officers and bodies, as provided hereinafter.
- (17) Prescribing penalties for the violation of the provisions of this Ordinance or any amendment thereto."

- B. Delete Section 301.01

- C. Delete the second sentence in Section 301.02.

- D. Delete Section 302.01 (3) and insert in lieu thereof:

"302.01 (3) Administrator. The City Council or any duly appointed person charged by separate resolution or ordinance of the City Council with enforcement of certain provisions of this Ordinance."

E. Delete the last sentence in Section 302.01 (5) and insert in lieu thereof:

"The raising of domestic farm animals, roadside stand for sale of products, processing or packaging operations, or similar uses may be permitted by issuance of a conditional use permit."

F. Delete Section 302.01 (35) and insert in lieu thereof:

"(35) Comprehensive Plan. Unless otherwise stated, it is the general plan for land use, transportation, and community facilities adopted by the City Council of the City of Pine Springs."

G. Delete Section 302.01 (126) and insert in lieu thereof:

"(126) Planning Advisory Commission or Planning Commission. The City Council or the duly appointed planning commission of the City of Pine Springs charged by state law (Sections 503.02 and 503.03 and 507) or by separate ordinance or resolution of the City Council with carrying out certain provisions of this Ordinance as provided in the Code."

H. Delete Section 402.04 and insert in lieu thereof:

"402.04 - Restoration. Whenever a lawful non-conforming building or structure shall have been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, it may be reconstructed and used as before if it is reconstructed within twelve (12) months after such calamity."

I. Delete the reference in Section 403.01 to "sixty per cent (60%) of the requirements of this Ordinance" and insert in lieu thereof "forty percent (40%) of the requirement of this Ordinance."

J. Delete Section 403.08 (1).

K. Delete the first sentence in Section 403.08 (2) and insert in lieu thereof:

"(2) In areas without public sanitary sewer, the following rules shall apply regardless of any more lenient regulations."

L. Delete Section 403.08 (6) and insert in lieu thereof:

"(6) In areas which are required to be serviced by a central sewer system, sewer extension policies are encouraged which enhance the timing and location of platted developments on property contiguous to existing municipal services."

M. Delete Section 403.08 (10) and insert in lieu thereof:

"(10) Regardless of the nature of the development, all on-site sewage disposal systems shall have access to an average of at least 2-1/2 acres for a septic tank drain field per dwelling unit."

N. Delete Section 405.08.

O. Delete Section 405.10 (a) and insert in lieu thereof:

"(a) On a lot of less than 5 acres, there shall be not more than one detached private garage and two other detached accessory buildings."

P. Delete the first sentence in Section 405.10 (c).

Q. Delete Section 412.03-3(2) (c) and insert in lieu thereof:

"(c) In areas which are required to be serviced by a central sewer system, the proposed development shall be served by the public water and sewer system, and fire hydrants shall be installed according to a plan approved by the appropriate fire chief as to type and location. In all other areas the

proposed development shall be approved by the appropriate fire chief regarding possible fire hazards."

R. Delete Section 414.01 (12) and insert in lieu thereof:

"(12) No townhouse project shall be permitted to exceed the following percentages in dwelling unit types:"

1 bedroom units	80%
2 bedroom units	50%
3 bedroom units	30%
3+ bedroom units	30%

S. Delete Section 414.01 (20) and insert in lieu thereof:

"(20) All townhouses in areas which are required to be serviced by a central sewer system shall have public water and sewer."

T. Delete Section 510.01 (4) and insert in lieu thereof:

"(4) Time and expenses for zoning administrator and any other professional consultant fee ... plus actual expenses."

U. Delete Sections 501 and 502 and insert in lieu thereof:

"501 - Enforcement

501.01 The City Council shall assume responsibility for enforcement of this Ordinance, including all duties and powers otherwise delegated to a Zoning Administrator by the Code, provided that the City Council may appoint an individual to assist it in carrying out any such duties and powers and to lawfully delegate to him such functions as are appropriate for this purpose."

V. Delete Section 503 and insert in lieu thereof:

"503. Appeals and the Board of Adjustment and Appeals

503.01 The City Council shall constitute the Board of Adjustment and Appeals.

It shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the provisions of this ordinance, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any aggrieved person. The reasons for the Board's decision shall be stated.

The decision of such Board shall not be final and any person having an interest affected by such decision shall have the right to appeal to district court as otherwise provided by law.

503.02. The appeal shall be in writing and shall be referred to the Planning Commission with fifteen (15) days after the date the appeal is filed with the Board. The Planning Commission shall thereafter have no more than sixty (60) days to review and report to the Board upon the appeal. Upon receipt of the report of the Planning Commission, or expiration of the sixty (60) days, whichever occurs sooner, the Board shall conduct a hearing on the appeal within thirty (30) days thereafter, upon at least seven days written notice to all known interested parties. The board shall within a reasonable time make its order deciding the matter and shall serve a copy of such order upon the appellant by mail."

W. Delete Section 504.03 and insert in lieu thereof:

"504.03. The request for a variance shall be handled in the same procedural manner as is an appeal as provided in Sections 503.01 and 503.02."

X. Delete Section 504.07.

Y. Delete Section 506.16.

Z. Delete the second sentence in Section 508.03 and insert in lieu thereof:

"Such system must conform to all of the requirements of the State of Minnesota Sanitary Code, and Ordinance No. 16 relating to the control of water pollution."

AA. Delete Section 508.10 and insert in lieu thereof:

"508.10 The Zoning Administrator may refuse to issue a permit for the construction for any residential dwelling located on a lot that does not have frontage on an improved public street."

BB. Delete Section 511.

CC. Delete Section 601.02 and insert in lieu thereof:

"601.02 For the purposes of this Ordinance the City of Pine Springs is hereby zoned entirely an R-1 Zoning District, except that if and when any area in the City shall hereafter be required to be serviced by a central sewer system, such an area shall automatically become an R-3 Zoning District, provided however that any use of the land in such an R-3 District of a density prohibited in an R-1 District shall only be permitted by special use permit."

DD. Delete from Section 602.01 the minimum requirements for all zoning districts except R-1 and R-3 Zoning Districts.

EE. Delete Section 603.01 and insert in lieu thereof:

"603.01 The boundaries of the R-1 District as established by this Ordinance are the political boundaries of the City as shown on the map published herewith and made part of this Ordinance which is designated as the "City of Pine Springs" which map is properly approved and filed with the City Clerk and is incorporated herein as fully as if set forth herein at length."

FF. Delete from Section 604 the uses for all zoning districts except R-1 and R-3 Zoning Districts.

GG. Delete Section 719-01 (5) and insert in lieu thereof:

"(5) Animals. Any building in which domestic farm animals are kept shall be a distance of fifty (50) feet or more from the lot line."

HH. Delete Section 902.

SECTION 5. REPEALED EXISTING ORDINANCE

Ordinance No. 5 entitled "An Ordinance Regulating The Location, Size, and Uses of Buildings, The Arrangement Of Buildings On Lots, And The Uses Of Land Within The City Of Pine Springs, And Providing For Administration And Enforcement And Imposing Penalties For Violations" is hereby repealed.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of Pine Springs, Washington County, Minnesota, this 31st day of May, 1973.

Paul Linnerooth (signature)
Mayor

Attest:
Richard Zietlow (signature)
Clerk

Revision History

Ver.	Changes	Date Changed
1.0	Adopted by the City Council	May 31, 1973
1.1	Amended by Ordinance 26	Nov 10, 2020