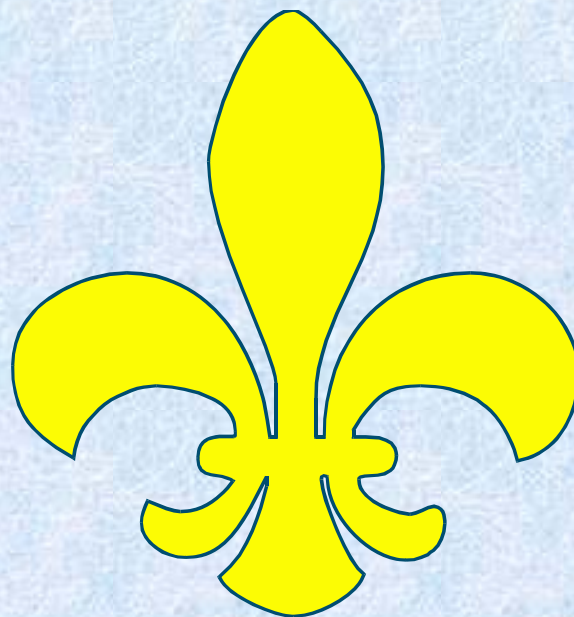


# City of Faribault



## **Unified Development Ordinance**

Effective: December 1, 2011

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## **CHAPTER 1. INTRODUCTORY PROVISIONS**

1-10. Designated development ordinance. This ordinance shall be known and cited as the “Unified Development Ordinance of the City of Faribault, Minnesota” and may be referred to herein as “this ordinance” or “this development ordinance”.

1-20. Authority. This ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 462.365.

1-30. Purpose. This ordinance is adopted for the following purposes:

- (1) To implement the policies of the city’s Land Use Plan.
- (2) To promote and protect the public health, safety, aesthetics, economic viability, and general welfare of the community and its people.
- (3) To encourage the most appropriate use of land throughout the city.
- (4) To provide and protect adequate light, air, privacy, and convenience of access to property, and to secure from fire, flood, and other dangers.
- (5) To prevent over-crowding of land and undue concentration of population and structures.
- (6) To protect the stability and character of residential, commercial, and industrial areas within the city, and to promote the orderly and beneficial development of those areas.
- (7) To preserve and increase the amenities of the city.
- (8) To provide for the safe and efficient circulation of all modes of transportation, with particular regard to the avoidance of congestion within the public right-of-way.
- (9) To provide for the administration of this title including powers and duties of the administrative officers and bodies, procedures and standards for land use approvals, and procedures for enforcement.

1-40. Scope of these regulations. All uses of land or structures, subdivision of land, structural alterations or relocation of existing buildings, and enlargements of, additions to, or intensification of existing uses shall be subject to all applicable regulations of this ordinance.

1-50. Provisions held as minimum requirements. The application of the provisions of this ordinance shall be held to be minimum requirements for the promotion and protection of the public health, safety, aesthetics, economic viability, and general welfare.

1-60. Relationship to other city, county, state, and federal regulations. (A) *Compliance required.* In addition to the requirements of this development ordinance, all uses and development shall comply with all other applicable city, county, state, and federal regulations. If a provision of this ordinance conflicts with any other provision of this ordinance, the Faribault Code of Ordinances, or with any other provision of law, the more restrictive provision shall apply, except as otherwise provided.

(B) *References to other regulations.* All references within this development ordinance to other city, county, state, and federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement of county, state, or federal regulations.

(C) *Current versions and citations.* All references to other city, county, state, and federal regulations within this ordinance are intended to refer to the most current version and citation for those regulations. If such references are invalid due to repeal or renumbering, the new regulations intended to replace those cited, regardless of the citation, shall govern unless otherwise specified.

(D) *Comprehensive revision.* This ordinance is a comprehensive revision of Appendix B, C, and Chapter 23 of the Faribault Code of Ordinances. Any act done, offense committed, or rights accruing or accrued, or liability, or penalty incurred or imposed prior to the effective date of this ordinance is not affected by its enactment.

1-70. Private easements or protective covenants. This development ordinance is not meant to invalidate any easement, covenant, or other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards, the regulations of this ordinance shall prevail.

1-80. Severability. (A) *Severability of text.* If any portion of this ordinance is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from this ordinance, and such determination shall not affect the validity of the remainder of the ordinance.

(B) *Severability of application.* If the application of any provision of this ordinance to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

1-90. Repeal. Appendix B, C, and Chapter 23 of the Faribault Code of Ordinances are hereby repealed and replaced by this development ordinance.

1-100. Rules of construction. The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural, and the plural the singular.
- (2) The present tense includes the past and the future tenses, and the future the present.
- (3) The word “shall” is mandatory while the word “may” is permissible.
- (4) The word “person” includes, but is not limited to, individuals, partnerships, corporations, clubs, associations and other business, social, religious or charitable entities.
- (5) The words “lot”, “zoning lot”, “parcel”, or “premises” may be used interchangeably.
- (6) Distance shall be measured in a straight line, from lot line to lot line, except as otherwise provided in this ordinance.
- (7) All measured distances shall be to the nearest integral foot. If a fraction is one-half ( $\frac{1}{2}$ ) foot or less, the integral foot next below shall be taken. In no case, however, shall rounding of fractional requirements occur when measuring for required building setbacks or building height.

1-110. Illustrations. Illustrations in this ordinance are provided for the purpose of clarifying, describing, or providing examples. Such illustrations are not to scale, and do not replace, limit, or expand the meaning of the text.

1-120. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this development ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.