

**CITY COUNCIL WORK SESSION AGENDA
CITY OF LINO LAKES**

**Monday, October 4, 2021
Community Room
6:00 P.M.**

1. Zoning Ordinance Update Review, Katie Larsen & Kendra Lindahl
2. American Rescue Plan Act (ARPA) Eligible Expenditures, Hannah Lynch
3. Set Meeting Date for Next Budget Work Session
4. Council Updates on Boards/Commissions, City Council
5. Adjourn

WORK SESSION STAFF REPORT
Work Session Item No. 1

Date: October 4, 2021
To: City Council
From: Kendra Lindahl, Landform
Re: Zoning Ordinance Update

INTRODUCTION

This report is intended to provide the Council with an update on the progress of the Zoning Ordinance update required to implement the 2040 Comprehensive Plan. The P&Z Board has been meeting to discuss proposed changes. It is our intent to have a new draft ordinance to present to the P&Z in December and to Council in January. We would then schedule a public hearing and adoption in March 2022.

BACKGROUND

On March 8, 2021, the City Council authorized Landform to update the City’s Zoning Ordinance and Zoning Map.

The City Council adopted the 2040 Comprehensive Plan on November 9, 2020. In accordance with Minnesota Statutes §473.864 and §473.865 of the Metropolitan Land Planning Act, the City is required to review its official controls and amend, as necessary, any that conflict the plan. The plan identifies seven short term actions to implement the goals and policies of the plan. These include:

1. Review and update the Zoning Map for compliance with the 2040 Comprehensive Plan.
2. Evaluate purpose and intent of the Planned Unit Development Process.
3. Consider creating new zoning districts including a new district to implement the holding zones for new urban development and a new “Business Campus” land use district.
4. Review and update the existing residential zoning district requirements.
5. Create a method of incentives for developments that achieve specific goals in the plans.
6. Review and develop design standards to ensure high quality residential, commercial, and industrial development.
7. Update natural resource protection standards including review of maximum allowable.
8. Impervious surface coverages for residential land use categories.

The City will also use this opportunity to complete necessary administrative amendments and other minor ordinance amendments.

On May 12, 2021, the P&Z Board kicked off this effort with a discussion of Planned Unit Developments (PUD). The P&Z had a robust discussion about the purpose and intent of PUDs and provided direction to staff about desired changes to the ordinance.

On June 9, 2021, the P&Z board reviewed the first draft of the changes to the general provisions section. P&Z provided input to staff about the proposed revisions to the ordinance.

On August 11, 2021 the P&Z board reviewed revisions to the PUD section and provided support for the current draft, but requested more information about the proposed changes to the subdivision regarding the proposed rural cluster subdivision.

ANALYSIS

The P&Z has focused discussion on the PUD and general provisions sections of the ordinance. A summary of those discussions follows.

Planned Unit Development Changes

A redlined version of the Planned Unit Development (PUD) section has been prepared which eliminates unnecessary language and inconsistencies in the document, better reflects City goals and makes the ordinance easier to read and understand. Staff will likely continue to make refinements as we work through the process. In the full draft, expected to be presented to P&Z in December and City Council in January, there will likely be more significant formatting changes and additional refinements to the text. Staff will continue to highlight those changes as we move through the process.

We have prepared a redlined version of the changes for review. The redlined documents are attached for your review and changes are shown in red for deleting the ~~stricken~~ material and adding the underlined material. Changes are shown in green for material that is moved within the document. The key changes to Section 1007.024 Planned Unit Development (PUD) include:

1. Eliminated the PUD by conditional use permit and requires them all to be done as a rezoning to the PUD zoning district. The rezoning to PUD creates a negotiated zoning district unique to the individual project and gives the City a higher level of discretion than a conditional use permit. The City has used this tool for mixed use projects like:
 - a. Lyngblomsten where PUD flexibility allowed reduced structure setbacks along CSAH 49 and CR J (as envisioned by the Hodgson Road & County Road J Master Planning Study) in exchange for implementing the City's Master Plan, redeveloping a blighted 20-acre site and increasing buffers and separation from adjacent neighborhoods.

- b. Nature's Refuge where PUD flexibility was granted for reduced right-of-way width, reduced front structure setbacks and reduced pavement width in exchange for minimizing impacts to rare and endangered species and wetlands and protections of 60% open space and wetlands.
 - c. Watermark where PUD flexibility was granted from lot width/size standards and building design standards in exchange for upholding the City's public values by creating a multi-functional open space greenway corridor integrated with the stormwater conveyance system, wetland management and trails when none exists today; providing life-cycle housing opportunities, creating a master planned community from 12 separate parcels and creating a high amenity built environment.
2. Modifying the purpose and intent to be clearer and more concise.
 3. Expanding the list of desired public benefits to be evaluated with PUDs.
 4. Creating a table to identify base development guidelines by zoning district along with a reference to the base general provision standards. While staff historically has included this base zoning reference as part of the analysis and noted this district in the staff report, this change will provide more clarity.
 5. Deleting unnecessary general requirements covered under other sections of the Zoning or Subdivision Ordinance.
 6. Moving rural residential PUD requirements to the Subdivision Ordinance to allow it by right. These subdivisions will allow clustering of homes on smaller lots than would typically be allowed in exchange for preservation of at least 50% of the area as open space and compliance with additional conservation development standards.
 7. Modifying the open space performance standards to clarify how it is calculated and designed in urban residential PUDs.
 8. Creating a subsection for mixed-use PUD requirements which references the residential, commercial and industrial PUD sections.
 9. Creating an additional requirement for commercial and industrial PUDs to have harmonious and integrated design for all buildings in the development.
 10. Added a requirement that the developer hold a neighborhood meeting prior to submittal of a PUD concept plan application.
 11. Streamlined the submittal requirements to eliminate unnecessary requirements and referencing standards from other sections of City Code rather than repeating the standards.
 12. Updating submittal procedures to match current city process.

13. Creating a process for plan modifications or amendments to a PUD.

The P&Z Board generally supported the draft language.

We are also proposing to create a section in the subdivision to allow rural conservation subdivisions that cluster the lots and preserve a minimum of 50 % open space. In order to incentivize this type of development, we will establish standards and allow the development to proceed by right with approval of a preliminary plat and final plat only. The P&Z was generally supportive of this concept but did have questions about where it would be implemented and how it would apply. Staff will provide the draft language at a future meeting.

General Provisions Changes

City staff prepared a summary of Zoning Ordinance changes to the General Provisions section needed to comply with State Law, eliminate inconsistencies in the document, better reflect City goals and make the ordinance easier to read and understand. This initial round of edits was reviewed at the June P&Z meeting and was generally met with support.

We have prepared a redlined version of the changes for review. The redlined document is attached for your review and changes are shown by deleting the ~~stricken~~ material and adding the underlined material. A few highlights:

1. The non-conforming use section has been revised for compliance with the 2009 changes to MN Statute §462.357, Subd.1e.
2. The word “quadraminium” is not commonly used and has been replaced with the word townhouse.
3. Provided a consistent standard across districts for garage sizes.
4. Accessory buildings. Added language to note that no building permit is be required for detached accessory buildings containing 200 sq. ft. in gross floor area or less to be consistent with MN State Building Code. Such buildings will still require a Zoning Permit to ensure compliance with Code standards. Additionally, we have added a section to allow one detached accessory building under 120 square feet by right, which will not be counted against the total number of allowed accessory structures in the district.
5. Added standards for carports.
6. We added placeholders for definitions that will be added to the landscape standards. All definitions will be updated as part of the final round of edits this fall/winter.
7. Reviewed the parking standards and reformatted as a table to make it easier to read.

8. Added standards for private drives as a new Section 1007.046. This provides standards for private drives to distinguish them from public streets, provide clear standards and ensure that the homeowners association maintains them in perpetuity.
9. Changes the earth moving and land reclamation activities allowed by Section 1007.050 from a conditional use permit (which runs with the land) to an interim use permit (which includes a sunset clause).
10. Added new language for Wind Energy Conversion System (WECS) as Section 1007.059. This provides standards to allow WECS as an accessory use.
 - a. The P&Z also directed staff to prepare a solar ordinance for consideration. We will have a draft.
11. Added language for Model Homes and Temporary Real Estate Offices by administrative permit as a new Section 1007.060. These are common for large developments and this provides consistent standards.
12. Added language for Temporary Structures as a new Section 1007.061 for emergency use. This is typically a short term need when a structure is damaged and uninhabitable. It allows a temporary structure while the original structure is being rebuilt.
13. Added performance standards for motor fuel stations as Section 1007.062.
14. Added performance standards for daycare facilities as Section 1007.063.
15. Added language to allow Essential Services such as telephone lines, pipelines, electric transmission lines, substations, and accessories in Section 1007.064. This provides performance standards for these needed services.
16. Agreed to consider a change to Section 1007.043, (2)(a)3 (Building Type & Construction) to allow metal roofing as an acceptable material. Currently the code says, "Single family dwellings shall have at least a four/twelve (4/12) roof pitch and shall be covered with shingles or tiles or a standing seam metal roof." Staff would like to expand the language to add "... or other metal roofs as approved by the zoning administrator." Staff believes that there a number of high quality roof materials available and would like the ability for residents and businesses to use materials that meet the purpose and intent of this standards in this Section. A similar amendment was brought to the Council in 2020 and was not supported. P&Z recommended adding some flexibility to allow new materials that are consistent with our standards.

SUMMARY

This report is intended to keep the City Council informed of the Zoning Ordinance update that staff is working through with P&Z. We will continue suggest additional revisions to

format and content as we move through the ordinance revisions and will provide updates for Planning & Zoning Board review as we move through the process.

Our next P&Z meeting to review ordinance revisions is October 13th and we intend to cover revisions to the district standards.

RECOMMENDATION

No action is required. The Council should provide feedback on any of the changes proposed.

ATTACHMENTS

1. Administration (Section 1007.024) with Redlines
2. General Provisions (Section 1007.040 – 1007.064) with Redlines

§ 1007.024 ~~PUD, PLANNED UNIT DEVELOPMENT:~~ (PUD).

(1) ~~*Purpose and Intent.*~~—The purpose of ~~this section of the Zoning Ordinance~~PUD zoning district is to provide ~~for the grouping of lots or buildings for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, or sporadic approach to development. This section is intended to introduce~~a district that grants flexibility of site design and architecture for the conservation of land and open space through clustering of lots, buildings and activities, which promote the goals outlined from certain zoning regulations in the Comprehensive Plan or serve another order to achieve public purpose. benefits that may not otherwise be obtained under standard zoning regulations. It is further intended that ~~planned unit developments~~PUDs are to be characterized by central management, integrated planning and architecture, ~~joint and common use and maintenance of parking, open space and other similar facilities, and harmonious selection and a higher level of urban amenities, preservation of natural open space, and more economical~~ efficient distribution use of uses land.

~~A residential conditional use permit PUD may include a variety of residential units, including single family and multifamily units as long as it complies with the density requirements. A non-residential conditional use permit PUD may include a variety of commercial and/or industrial uses. A PUD that includes a mix of residential and commercial/industrial uses must utilize the PUD zoning district as described in §1007.132 of this ordinance.~~

(2) _____ The PUD, by allowing deviation from the strict provisions of this Ordinance related to setbacks, heights, lot area, width and depths, yards, etc., ~~by conditional use permit or a mixture of uses by rezoning to a PUD District, is intended to encourage~~may be considered by the City when it would result in one or more of the following public benefits:

(a) ~~A development pattern in harmony with the~~Implementation of a master plan consistent with the Planning District objectives of the Comprehensive Plan.

(b) Innovations in development that address growing demands for all styles of economic expansion, greater variety in lot size, configuration, home type, design, enhanced architectural standards, and siting of structures through the conservation and more efficient use of land in such developments.

(c) The preservation and enhancement of desirable site characteristics such as wildlife habitat, unique natural resources, existing vegetation, natural topography ~~and,~~ geologic features and reduction of negative impacts on the ~~prevention of soil erosion~~environment.

(d) A creative use of land and related physical development which allows a phased and orderly transition of varying land uses in close proximity to each other.

(e) An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.

(f) ~~Promotion~~A mix of land use types.

(g) Provision of a housing type or target housing price that is desirable ~~and creative environment that might be prevented through the strict application of~~ to the City;

(h) Other -public benefits as recognized by the City.

(3) All permitted uses, permitted accessory uses, conditional uses, and uses allowed by administrative permit in all zoning districts shall be potentially allowable uses within a PUD district, provided they would be allowable on the site under the City’s Comprehensive Plan.

(4) The standards outlined in the following City Code Sections serve as development guidelines within PUDs:

<u>PUD Land Use</u>	<u>Development Guidelines</u>
<u>low-density residential</u>	<u>R-1, section 1007.090</u> <u>R-1X, section 1007.091</u> <u>R-2, section 1007.093</u>
<u>low-density mixed residential</u>	<u>R-1, section 1007.090</u> <u>R-2, section 1007.093</u>
<u>medium-density residential</u>	<u>R-2, section 1007.093</u> <u>R-3, section 1007.094</u>
<u>high-density residential</u>	<u>R-4, section 1007.095</u> <u>R-6, section 1007.096</u>
<u>planned residential / commercial</u>	<u>R-4, section 1007.095</u> <u>NB, section 1007.110</u> <u>LB, section 1007.111</u>
<u>office residential</u>	<u>R-2, section 1007.093</u> <u>R-3, section 1007.094</u> <u>NB, section 1007.110</u> <u>LB, section 1007.111</u> <u>GB, section 1007.112</u>
<u>signature gateway</u>	<u>R-3, section 1007.094</u> <u>R-4, section 1007.095</u> <u>NB, section 1007.110</u> <u>GB, section 1007.112</u>
<u>commercial</u>	<u>NB, section 1007.110</u> <u>LB, section 1007.111</u> <u>GB, section 1007.112</u>
<u>town center</u>	<u>R-4, section 1007.095</u> <u>GB, section 1007.112</u>
<u>business campus</u>	<u>GB, section 1007.112</u> <u>LI, section 1007.121</u>
<u>industrial</u>	<u>LI, section 1007.121</u> <u>GI, section 1007.122</u>

(f)(a) The various setback, lot area, and ~~subdivision~~height regulations of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purposes described in §1007.024(2) of this Ordinance.

(b) The standards outlined in the General Provisions section of the Zoning Ordinance serve as guidelines, but may be departed from to accomplish the purposes described in §1007.024(2) of this Ordinance.

(c) The aforementioned are guidelines only and not development standards.

~~(2) General Requirements and Standards for a PUD.~~

~~(a)(5) Ownership. An application for PUD approval shall be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions shall be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved Planned Unit Development (PUD shall be binding on all owners.).~~

~~(b) Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.~~

~~(c)(a) Public or Common Open Space. Public or common open space at least sufficient to meet the minimum requirements established in this Ordinance and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD.~~

~~(d) Operating and Maintenance Requirements for PUD Common Open Space/Facilities. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common open space and service facilities within a PUD may be placed under the ownership of one or more of the following:~~

- ~~1. Landlord Tenant. Landlord control, where only use by tenants is anticipated.~~
- ~~2. Owners. Property owners association, provided all of the following conditions are met:~~

~~a. Declaration of Covenants and Conditions. Prior to the use, occupancy or sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document or a document, as specified by the Minnesota Common Interest Ownership Act set out in Minnesota Statutes, Chapter 515B and a set of floor plans, as specified by Minnesota Statutes, Chapter 515B shall be filed with the City of Lino Lakes, said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of Anoka County, Minnesota.~~

~~b. Open space may be owned in common by the property owners created through subdivision of the original tract. Management shall be the responsibility of that subdivision's homeowner association. In the case where at least one (1) open space is held in common ownership, a homeowner association shall be established for that subdivision. Membership in the association by all property owners in the subdivision shall be mandatory. The homeowners association documents or the declaration of covenants, conditions and restrictions shall be submitted as part of the preliminary plat application and shall contain the following information:~~

(b) If a PUD includes provision of affordable housing, a specific housing type, or target housing price, details associated with the housing - including number of units, unit size, and price - shall be documented in a legally binding agreement approved by the City and recorded against the properties within the PUD.

(c) If a PUD includes preservation of natural habitat, those habitats shall be permanently protected through a conservation easement or other legally binding agreement approved by the City and recorded against the properties within the PUD.

(d) A common or homeowner's association shall be established where appropriate to ensure on-going maintenance of infrastructure and public spaces, required restoration and management of natural areas, or other actions and activities specific to the PUD.

(e) A residential PUD may include a variety of residential dwelling units, including, but not limited to single family and multifamily units as long as it complies with the density requirements. A non-residential PUD may include a variety of commercial and/or industrial uses. A PUD may also include a mix of residential and non-residential uses.

~~i. The legal description of the common lands or facilities.~~

~~ii. The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions.~~

~~iii. A mechanism for resolving disputes among the owners or association members.~~

~~iv. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes, and insurance premiums.~~

~~v. The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership.~~

~~e. *Natural Habitat.* Open space may be deeded to an established land trust, a government agency, or non-profit organization. Management shall be the responsibility of the land trust or non-profit organization. Maintenance may be performed by the neighborhood homeowner association, through written agreement between the association and the land trust or non-profit organization.~~

~~i. Open space may be protected by establishing conservation easements in perpetuity in favor of an established land trust or non-profit organization as provided in Minnesota Statutes 84.64—84.65. Unless the document establishing the restrictions specifically provides to the contrary, the City shall have no responsibility for the maintenance or management of the area subject to the restrictions. The form and content of the deed or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof. Notwithstanding any provision of this Ordinance to the contrary, the City may, in cases where conservation restrictions are utilized to meet open space dedication requirements~~

~~of this Ordinance, waive the requirement that the area subject to the restrictions be platted as a separate outlet.~~

~~ii. Stormwater drainage systems located within open spaces or the residential lots shall be covered by utility and drainage easements dedicated on the final plat to the City.~~

~~(f) Neighborhood Recreational and Trail Corridor.—Recreational open space or trail corridors intended as public parks or public trails shall be dedicated to the City, or granted through an easement. Management and maintenance of the public recreational areas shall be the responsibility of the City.~~

~~3. Staging.—When a PUD provides for common or public open space, the total area of common or public open space or land escrow security in any stage of development, shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.~~

~~(e) Utilities.~~

~~1. Underground.—All utilities serving a two family and townhome development, including telephone, electricity, gas, and telecable, shall be installed underground.~~

~~2. Public Utility Service.—Separate public utility services shall be provided to each unit unless exempted by the City Engineer.~~

~~3. Water Connections.—Where more than one (1) property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off and secured by the City, in addition to the normally supplied shut off at the street.~~

~~4. Sewer Connections.—Where more than one (1) unit is served by a sanitary sewer lateral which exceeds three hundred (300) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.~~

~~(f)(g) RoadwaysStreet, Private.~~

~~1. Design.—Private roadwaysstreets within the project shall have an improved surface to twenty-six (26) feet or more in width and shall be so designed as to permit the City fire truckemergency vehicles to provide protection to each building.~~

~~2. Parking.—No portion of the required private roadstreet system mayshall be used in calculating required off-street parking space or be used for parking.~~

~~(g)(h) As part of the PUD Final Plan/Final Plat approval, a Development Agreement. Prior to a rezoning or the issuance of a building permit as part of and Planned Unit Development, the permit, Agreement shall be prepared by the City. Prior to issuance of permits, the applicant, builder, or developer shall execute and deliver to the City Council a development agreement. The Agreement. The agreementAgreement shall detail all use restrictions and required on and off-site improvements conditional to the PUD rezoning or CUP approval. The agreement~~

~~shall provide for the installation within one (1) year of the off-site and on-site improvements (exclusive of building permit) as approved by the City Council, secured by a cash escrow or letter of credit in an amount and with surety and conditions satisfactory to the City, to insure the City that such improvements will be actually constructed and installed according to specifications and plans approved by the City as expressed in such agreement.~~

~~(6) Urban Residential Planned Unit Development Requirements.~~

~~(a) Urban residential PUDs shall be applied only to residential Zoning Districts served by municipal sanitary sewer and water.~~

~~(b) The maximum allowable density within an urban residential PUD shall be consistent with the density directives of the Comprehensive Plan.~~

~~(c) Open Space Performance Standards.~~

~~(3) Rural Residential Planned Unit Development Requirements.~~

~~(a) Purpose.—It is the intent of this section to establish special requirements for the granting of a conditional use permit for rural (without City water or sanitary sewer) residential conservation subdivision PUD project in order to promote:~~

- ~~1. Preservation of productive land for agricultural use.~~
- ~~2. Preservation of wildlife habitat and unique natural resources.~~
- ~~3. Reduction of negative impacts on the environment.~~
- ~~4. Creation of common open space that provides a unified landscape for the use and enjoyment of the neighborhood community and/or the general public.~~
- ~~5. A variety of rural residential lot sizes, configurations, and neighborhoods.~~

~~(b) Application.—Rural residential planned unit development shall be applied only outside of areas guided for City water and sanitary sewer (Stage 1 and Stage 2 growth areas) as identified within the Comprehensive Plan.~~

~~(c) Densities.~~

~~1. Subdivisions served by independent sewage treatment systems shall not exceed four (4) units per forty (40) acres.~~

~~2.(a) Subdivisions served by a MPCA approved community sewer system shall not exceed eight (8) units per forty (40) acres.~~

~~(d) Open Space Performance Standards.~~

- ~~1. Open Space Area Regulations.~~

~~a.—A minimum of fifty (50) percent of land subdivided for development shall be dedicated to common open space.~~

~~b.1. All designated open space the gross land area shall be platted as outlot parcels held as open space in perpetuity. Public trail corridors shall be dedicated as park land reserved as common open space for Townhomes.~~

~~e.2. Each open space lot or outlot shall be classified as natural habitat, neighborhood recreation, or trail corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification, as specified in Section 1001.099 of the Lino Lakes Subdivision Ordinance.~~

~~3. *Location Criteria.*—Common open space shall provide a unified landscape for the use and enjoyment of the neighborhood community and/or the general public.~~

~~2.—Open space outlots shall be located on the development site according exclusive of unit lots and driveways. Street rights-of-way, parking lots, and driveways shall be designed to the following locational criteria:~~

~~a.4. *Natural Habitat.*—The development shall preserve maximize tree preservation, natural habitat in a contiguous, connected configuration. Natural habitat open spaces may include, but are not limited to, fields, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable view sheds, and wetland protection.~~

~~b.—*Trail Corridors.*—The development shall locate trail corridor open spaces in strategic places such that larger All open space shall be platted as lots or outlots and held as open space in perpetuity. Outlots designated places of destination both on the development tract and adjacent tracts are connected with one another. Trail corridor open spaces may include, but are not limited to, established regional trails, local pathways, paved walkways, and shorelines. as Public trail corridors shall be a minimum of twenty (20) feet in width.~~

~~c.—*Neighborhood Recreation.*—The development shall locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding homesites, at an elevation appropriate to their intended recreational use, defined conveyed by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ball fields, gardens, or other recreational areas.~~

~~d.—*Public Open Space Accessibility.*—Open spaces dedicated to the public shall be accessible to pedestrians at no less than one thousand two hundred (1,200) foot intervals along public roadways. Where necessary, pedestrian access corridor outlots between private lots shall be at least twenty (20) feet in width.~~

~~e.5. *Open Space Ownership and Management.*—Each designated open space area shall be owned and managed in accordance with standards in Section 1001.099 of the Lino Lakes Subdivision Ordinance fee title or by easement.~~

~~(e)(d)~~ *Neighborhood Performance Standards.*

~~1. Neighborhood Configuration.~~

~~a. In order to establish a cohesive neighborhood unit, residential lots shall be located in a neighborhood cluster. A neighborhood cluster shall include a minimum of four (4) lots or twenty five (25) percent of the allowable number of lots on the parcel to be subdivided, whichever is greater. An efficiency of land utilization and community development should be encouraged by maximizing the number of lots in any one cluster development, while adhering to the underlying density and open space requirements of this Ordinance.~~

~~b. A neighborhood cluster shall be oriented toward an identifiable feature which all residential units share in common. Neighborhood identity may be accomplished by one or more of the following features:~~

~~i. View Shed. The lots of a neighborhood may be arranged such that a majority of the principle structures will take visual advantage of a field, wetland, woods, lake, stream, or other open space which could be described as a view shed.~~

~~ii. Physical Amenity. The lots of a neighborhood may be arranged such that a majority of the principle structures will face a green, playground, ball field, rock outcropping, stand of trees, church, school, or other physical feature unique to that particular neighborhood.~~

~~iii. Streetscape. The lots may be arranged such that the principle structures will face a street space enhanced with landscaping, street trees, boulevards, medians, or other landscaping techniques appropriate to the City's street design standards.~~

~~2. Lot Area.~~

~~a. Lots served by individual sewage treatment systems (ISTS) shall have a minimum of one (1) acre of buildable land area capable of accommodating the principle dwelling, accessory buildings, and two (2) individual soil treatment systems (drainfields).~~

~~b. Lots served by a MPCA approved community sewage treatment system shall have a minimum lot area of twenty five thousand (25,000) square feet of buildable land.~~

~~c. No individual single family lot may exceed five (5) acres in size.~~

~~3. Minimum Lot Width.~~

~~a. ISTS Lots. Two hundred (200) feet.~~

~~b. Lots Served by a MPCA Approved Community Sewage System.~~

~~i. Interior Lot. One hundred (100) feet.~~

~~ii. Corner Lot. One hundred twenty five (125) feet.~~

~~4. *Setbacks.*—Setbacks shall be the same as those imposed in the applicable base zoning district.~~

~~5. *Sewer Management.*—A report, prepared by a Minnesota Pollution Control Agency licensed designer, on the feasibility of individual sewage treatment systems (ISTS) and water systems on each lot or a community or shared sewage and water system serving the rural subdivision. The report shall follow Minnesota Rules Chapter 7080, as may be amended, and include soil boring analysis and percolation tests to verify report conclusions.~~

~~For any development with a community sewage treatment system, the City shall require documentation that the property association shall be responsible for liability insurance and costs associated with the maintenance and operation of a community sewage treatment system. The City shall also require an agreement that if the association is not maintaining the system or the system is not operating properly, the City can undertake needed repair and maintenance and assess the property owners for the costs of such action.~~

~~(4)(6) *Urban Residential Planned Unit Development Requirements.*~~

~~(a) *Purpose.*—It is the intent of this section to establish special requirements for the granting of a conditional use permit for an urban (with City water and sanitary sewer) residential conservation subdivision PUD project in order to promote:~~

- ~~1. Preservation of wildlife habitat and unique natural resources.~~
- ~~2. Reduction of negative impacts on the environment.~~
- ~~3. Creation of common open space that provides a unified landscape for the use and enjoyment of the neighborhood community and/or the general public.~~
- ~~4. A variety of urban residential lot sizes, configurations, and neighborhoods.~~

~~(b) *Application.*—Urban residential planned unit development shall be applied only within the City's R 2, R 3, and R 4 Zoning Districts.~~

~~(c)(a) *Densities.*—The maximum allowable density within an urban residential PUD shall be consistent with the density directives of the Comprehensive Plan.~~

~~(d)(a) *Open Space Performance Standards.*~~

- ~~1. *Open Space Area Regulations.*
 - ~~a. A minimum of fifty (50) percent of land subdivided for development shall be reserved as common open space.~~
 - ~~b. Designated open space shall be exclusive of unit lots and driveways. Road rights-of-way, parking lots, and driveways shall provide an emphasis upon tree preservation, natural habitat, and wetland protection.~~~~

~~e. All designated open space shall be platted as outlot parcels held as open space in perpetuity. Public trail corridors shall be dedicated as park land.~~

~~d. Each open space outlot shall be classified as natural habitat, neighborhood recreation, or trail corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification, as specified in Section 1001.099 of the Lino Lakes Subdivision Ordinance.~~

~~(e) Neighborhood Performance Standards.~~

1. *Identity.*—To provide an identity and create a cohesive development pattern, residential units/buildings shall be oriented toward an identifiable future feature which they have in common. Such identity may be accomplished by one or more of the following features:

a. *View Shed.*—The ~~lots of a neighborhood~~ lots may be arranged such that a majority of the ~~principle principal~~ structures ~~will~~ take visual advantage of a field, wetland, woods, lake, stream, or other open space which could be described as a view shed.

b. *Physical Amenity.*—The ~~lots of a neighborhood~~ lots may be arranged such that a majority of the ~~principle principal~~ structure will ~~face~~ take visual advantage of a green, playground, ball field, rock outcropping, stand of trees, church, school, or other physical feature unique to that particular neighborhood.

c. *Streetscape.*—The neighborhood lots may be arranged such that the ~~principle principal~~ structures ~~will~~ face a street space enhanced with landscaping, street trees, ~~boulevards landscaped medians~~, sidewalks, trails, ~~medians~~, or other landscaping techniques appropriate to the City's street design standards.

~~(f)~~(e) *Yards.*

1. *Setbacks, Periphery.*—The front, rear and side yard restrictions at the periphery of the ~~Planned Unit Development site at a minimum~~ PUD site shall be the same as imposed in the respective base districts.

~~2. Setback, Front. No building shall be located less than twenty five (25) feet from the back of the curb line along those roadways which are part of the internal street pattern.~~

~~3.2. Building Separation. Buildings upon the same lot shall maintain a minimum setback separation of ten (10) feet between buildings.~~

~~(g) Townhouses, cooperatives, condominiums shall comply with the design standards of §1007.018 (2)(b).~~

~~(5)(7) Commercial or Industrial Planned Unit Development, CUP Requirements.~~

~~(a) Commercial or Industrial PUDs shall be applied only to commercial or industrial zoning districts served by municipal sanitary sewer and water.~~

~~(a) Open Space Performance Purpose. It is the intent of this section to further the directives of §1007.001 and establish special requirements for the granting of a conditional use permit to allow flexibility from the strict provisions of this Ordinance in regard to multiple buildings, shared access/ parking, parking supply reductions, internal setbacks, etc.~~

~~(b) Standards.~~

~~1. Open Space.~~

~~a.1. The PUD design willshall result in greater landscaped pervious area than the base zoning district standard.~~

~~b.2. The PUD site design willshall result in the protection of important natural features (e.g., wetlands, significant trees, water courses, slopes over twelve (12) percent).~~

~~c.3. The PUD design willshall include extensive landscaping with an emphasis on streetscape, site entrances, and the perimeter of the building.~~

~~2.(c) Architectural Guidelines. Commercial and industrial buildings shall comply with design standards of §1007.043-(2)(d) of this Ordinance. A PUD shall consist of a harmonious arrangement and selection of land uses in groupings of buildings that are planned and designed as an integrated unit. The integrated design shall include elements such as building orientation and materials, utilities, parking areas, traffic and pedestrian circulation, and open spaces.~~

~~(8) Mixed Residential, Commercial and/or Industrial Planned Unit Development Requirements.~~

~~(a) PUD's including a mix of residential, commercial, and/or industrial uses shall follow the applicable provisions of (6) and (7) above.~~

~~(6)(9) Procedure for Processing a Planned Unit Development.~~

~~(a) Stages of PUD. The processing steps for a PUD are intended to provide for an orderly development and progression of the Plan, with the greatest expenditure of developmental funds being made only after the City has had ample opportunity for informed decisions as to the acceptability of the various segments of the whole as the plan affects the public interest. The various steps and applications, outlined in detail in the following sections, are:~~

~~1. Application Conference and Neighborhood Meeting. Preliminary discussions.~~

~~2. *General Concept Plan Application.*—Consideration of overall concept and plan. The concept plan review is voluntary but strongly recommended.~~

~~3. *Development Stage Plan Application.*—One or more detailed Plans as part of the whole final plan.~~

~~4. *Final Plan Application.*—The summary of the entire concept and each Development Stage Plan in an integrated complete and final plan.~~

~~(b)(a) *Application Conference.*—Prior to filing of an application for PUD, the applicant for the proposed PUD shall arrange for and attend a conference~~meet~~ with the Community Development Department. At such conference, the applicant shall be prepared to generally describe the ~~proposal for a~~proposed PUD. The primary purpose of the conference ~~shall be~~is to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal ~~for the area for which it is proposed~~ and its conformity to the provisions of this Ordinance before incurring substantial expense in the preparation of plans, surveys and other data.~~

~~(b) *Neighborhood Meeting.*—The City strongly recommends~~Prior to submitting a PUD Concept Plan application~~, the property owner/applicant shall hold a neighborhood meeting for informal comment and feedback ~~prior to submitting a formal concept application~~.~~

~~(c) —The person applying for a planned unit development shall fill out and submit to the Zoning Administrator an application form together with a fee as established by City Council resolution. The request for planned unit development shall be placed on the agendas of the Park Board, Environmental Board, and Planning and Zoning Board according to the City's deadline and meeting schedule.~~

~~(d) —Planned unit develop/rezoning application shall be posted and advertised in accordance with §1007.015 of this Ordinance.~~

~~(e) —Planned unit development/conditional use permit applications shall be posted and advertised in accordance with §1007.016 (2) of this Ordinance.~~

~~(f) —Public hearings shall be held at the PUD development stage.~~

~~(g)(c) *General PUD Concept Plan Application.*~~

1. *Purpose.*—The ~~General~~PUD Concept Plan provides an opportunity for the applicant to submit an application and plan to the City showing ~~his~~the basic intent and the general nature of the entire development before incurring substantial cost. ~~This Concept Plan provides an opportunity for the proposal to be publicly considered at an early stage. The following elements of the proposed General Concept Plan represent the immediately significant elements which the City shall review and for which a decision shall be rendered~~The evaluation of the Concept Plan shall include but not be limited to the following criteria:

a. Overall ~~Maximum~~maximum PUD ~~Density Ranged~~density range.

b. General ~~Location~~location of ~~Major Streets~~major streets and ~~Pedestrian Ways~~pedestrian ways.

c. General ~~Location~~location and ~~Extent~~extent of ~~Public~~public and ~~Common Open Space~~common open space.

d. General ~~Location~~location of ~~Residential~~residential and ~~Non-Residential Land Uses~~non-residential land uses with ~~Approximate Type~~approximate type and ~~Intensities~~intensities of ~~Development~~development.

e. A ~~Staging~~staging and ~~Time~~Scheduletime schedule of ~~Development~~development.

f. Other ~~Special Criteria~~special criteria for ~~Development~~development.

2. ~~General~~PUD Concept Plan Submission Information.

a. ~~General Information.~~

i. ~~Owner.~~—The landowner's name, address and telephone number and his interest in the subject property.

ii. ~~Applicant.~~—The applicant's name, address and telephone number if different from the landowner. The applicant may designate an agent to be contacted by the City, who may speak for the applicant.

iii. ~~Consultants.~~—The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.

iv. ~~Title of Applicant.~~—Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

b. ~~Present Status of Premises and Adjacent Properties.~~

i. ~~Description.~~—The address and legal description of the subject property. A survey is required.

ii. ~~Zoning.~~—The existing zoning classification and present use of the subject property and all lands within five hundred (500) feet of the subject property.

~~Map.~~—A single reproducible map or

a. The information required for all PUD Concept Plans shall be as specified in §1001.026 of this Ordinance.

~~iii.b.~~ An aerial photograph at a scale of not less than one (1) inch equals one hundred (100) feet, depicting the existingproposed development of the subject property and all land within five hundred (500) feet ~~thereof~~ and showing the precise location of existing streets.

~~e. Narrative Description. A written statement generally describing the proposed PUD and the market which it is intended to serve, showing its relationship to the City's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.~~

~~d. Site Conditions: Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted and shall contain the following:~~

~~i. Survey showing lot dimensions and existing easements and utilities.~~

~~ii. Contours minimum two (2) foot intervals.~~

~~iii. Location, type, and extent of tree cover.~~

~~iv. Slope analysis.~~

~~v. Location and extent of water bodies, wetlands, and streams and flood plains within three hundred (300) feet of the subject property.~~

~~vi. Existing drainage patterns.~~

~~vii. Vistas and significant views.~~

~~viii. Soil conditions as they affect development.~~

~~All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.~~

~~e.c. Concept Drawing. Schematic drawing of the proposed development conceptPUD including, but not limited to, the general location of major circulation elementsstreet and pedestrian ways, public and common open space, residential and other land uses.~~

~~f.d. Number of Units. A statementAn estimate of the estimated total number of dwelling and/or other units proposed for the PUD and a tabulation of the proposed approximate allocations offollowing land useuses expressed in acres and as a percent of the total project area; which shall include at least the following:~~

~~i. Area devoted to residential and non-residential uses.~~

- ii. Area devoted to residential use by building or structure or use type.
- iii. Area devoted to common open space.
- iv. Area devoted to public open space.
- v. ~~Approximate area~~Area devoted to streets.
- vi. ~~Approximate area~~Area, and potential floor area, devoted to commercial uses.
- vii. ~~Approximate area~~Area, and potential floor area, devoted to industrial or office uses.

~~g.—*Staged Development.*—When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage and the overall chronology of development to be followed from stage to stage.~~

~~e. Common Areas.—When the proposed~~If the PUD will be developed in different phases, the applicant shall submit a phasing plan for construction of the various elements of the entire PUD.

~~h.f. If the PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by laws of such entity shall be submitted during the development stage.~~

~~i.—*Covenants.*—General intent of any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.~~

~~j.a. Market Feasibility.—Where deemed necessary, a market feasibility study including an analysis of the proposals economic impact on the City.~~

3. ~~*General Concept Plan Process.*~~The Community Development Department shall forward the ~~concept plan~~Concept Plan submission to the City’s advisory boards and City Council ~~for their consideration at at~~ regularly scheduled meetings to solicit informal review and comment on the project’s acceptability in relation to consistency with the City’s Comprehensive Plan and development regulations. ~~Such meetings should be attended by the applicant.~~

~~(h)(d)~~ Development Stage~~PUD Preliminary~~ Plan Application

1. ~~*Purpose.*~~The purpose of the ~~Development Stage~~PUD Preliminary Plan is to provide ~~one (1) or more specific and particular plans~~a master plan of the entire development

upon which the Planning and Zoning Board will base its recommendation to the City Council ~~and with which substantial compliance is necessary for the preparation of the Final Plan. The PUD Preliminary Plan serves as a complete and permanent public record of the entire PUD and the manner in which it is to be developed.~~

2. ~~Submission of Development Stage.~~—Following review of the ~~General~~PUD Concept Plan, the applicant shall file with the Community Development Department a ~~Development Stage~~PUD Preliminary Plan ~~application including the information, rezoning and submissions required by §1007.024 (6)(h)5. for the entire PUD. The Development Stage preliminary plat applications.~~ The PUD Preliminary Plan shall refine the ~~General~~PUD Concept Plan.

~~3. Review and Action by City Staff and Planning and Zoning Board.~~—Immediately upon receipt of a completed Development Stage Plan, the Community Development Director shall refer such plan to the appropriate City staff, citizen boards, and other special review agencies such as the Rice Creek Watershed District, Department of Natural Resources, or Environmental Quality Board where applicable.

~~3. Development Stage Plan Review Criteria.~~—~~The~~The Community Development Department shall forward the PUD Preliminary Plan submission to the City's advisory boards and City Council for their consideration at a regularly scheduled meeting.

4. ~~The~~ evaluation of the proposed ~~Development Stage~~PUD Preliminary Plan shall include but not be limited to the following criteria:

~~a. Individual Rights.~~—Adequate property control is provided to protect the individual owners' rights and property values and the public responsibility for maintenance and upkeep.

~~b.a. Traffic Plan.~~—The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project residents and the general public.

~~e.b. Open Space.~~—A sufficient amount of useable open space is provided.

~~d.c. Compatibility.~~—The architectural design of the project is compatible with the surrounding area.

~~e. Drainage.~~—The drainage and utility system plans are submitted to the City Engineer and the final drainage and utility plans shall be subject to their approval.

~~f. Schedule.~~—The development schedule insures a logical development of the site which will protect the public interest and conserve land.

~~g. Platting Requirements.~~—The development is in compliance with the requirements of the Lino Lakes ~~Subdivision Ordinance.~~

~~h. — *District Requirements.*— Dwelling unit and accessory use requirements are in compliance with the district provisions in which the development is planned.~~

~~5.d. *Development Stage Submission Information.*— Development stage submissions should depict and outline the proposed implementation of the General Concept Stage for City Code except where modified by the PUD. Information from the General Concept Stage may be included for background and to provide a basis for the submitted plan. The Development Stage submissions shall include but not be limited to:~~

~~a. — *Zoning Required.*— Zoning classification required for Development Stage submission and any other public decisions necessary for implementation of the proposed plan.~~

5. The PUD Preliminary Plan submission shall include but not be limited to:

a. Information for Site and Building Review as specified in §1007.020 of this Ordinance.

b. Information for Preliminary Plat.— ~~Informational requirements of the Subdivision as specified in §1001.041 of this Ordinance plus the following: .~~

~~i. — *Buildings.*— The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, or proposed buildings, and existing buildings which will remain, if any.~~

~~ii. — *Traffic Circulation.*— Location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.~~

~~iii.c. *Common Areas.*— Location, designation and total area of all common open space.~~

~~iv.d. *Public Open Space.*— Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.~~

~~v. — *Locate Existing Structures.*— The location, use and size of structures and other land uses on adjacent properties.~~

e. A tabulation of all land uses expressed in square footage and as a percent of the total project area.

Identification of

~~vi. *Other Data.*— Any other information that may have been required by the Planning and Zoning Board in conjunction with the approval of the General Concept Plan.~~

~~vii. *Legal Description.*— An accurate legal description of the entire area within the PUD for which final development plan approval is sought, correlated to the legal description defining use districts in this Ordinance.~~

~~e. *Areas of Use.*—A tabulation indicating the approximate gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).~~

~~d. *Architectural Plans.*—Preliminary architectural plans indicating use, floor plan, elevations and exterior wall finishes of proposed buildings and architectural guidelines for future development phases.~~

~~f. *Landscape Plan.*—A detailed landscaping plan including the type, size and quantity of all existing and natural resource areas and the proposed method for protection and restoration of these areas.~~

~~e.g. *A written statement generally describing the proposed plantings, PUD, the market which it is intended to serve, its relationship to the City's Comprehensive Plan and how it is to be designed, arranged and operated.*~~

~~h. *Where deemed necessary, a market feasibility study including an analysis of the proposals economic impact on the City.*~~

~~f. *Grading and Drainage Plan.*—Preliminary grading and drainage plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.~~

~~g. *Erosion Control.*—A Soil Erosion Control Plan acceptable to watershed district and any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.~~

~~h.i. *Document Changes.*—A statement summarizing all changes which have been made in any document, plan data or information previously submitted, together with revised copies of any such document, plan or data.~~

~~i.j. *Additional Data.*—Such other and further information, either required as part of the Concept Plan review or as the Planning and Zoning Board, Community Development Director/Department or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.~~

~~6. The terms of the PUD as approved by the City Council shall be embodied in a PUD Agreement, Development Contract, and such other documents as the City shall deem necessary or desirable. The PUD Agreement and any appropriate resolution of the City Council shall be filed with the Anoka County Recorder at the expense of the applicant. At the election of the City, filing of the Development Stage PUD may be delayed until the final plan is filed. Where the Development Stage Plan is denied approval, Council action shall be by written resolution setting forth its findings and conclusions in support of its action.~~

~~7. *Limitation on Development Plan Approval.*—Unless a Final Plan covering the area designated in the Development Stage Plan as the first stage of the PUD has been filed within one (1) year from the date the City Council grants Development Stage Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with~~

~~the provisions of this Ordinance and/or an approved Development Stage Plan, the approval shall expire. The City Council may at its discretion extend for six month intervals the filing deadline for any Final Plan when, for good cause shown, such extension is necessary. The City Council may approve such an extension after the deadline date passes. In any case where Development Plan approval expires and no extension has been approved, the City Council may adopt a resolution repealing the Development Stage Plan approval for that portion of the PUD that has not received Final Plan approval and re-establishing the zoning and other Code provisions that would otherwise be applicable.~~

6. A complete application for PUD Final Plan shall be submitted no later than one (1) year after the date of approval of the PUD Preliminary Plan, or a time as provided in the developer's agreement. Otherwise, the PUD Preliminary Plan approval shall be considered void, unless an extension, requested in writing and for good cause, is granted by the City Council.

~~(f)~~(e) PUD Final Plan Application.

1. ~~Purpose.~~—The PUD Final Plan is to serve as a complete, and permanent public record of a specific stage or phase of the PUD Preliminary Plan and the manner in which ~~that stage~~ is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other provisions of the City Code as the land use regulation applicable to the PUD.

2. ~~Submission of Final Plan.~~—Upon approval of the ~~Development Stage~~PUD Preliminary Plan, and within the time established ~~herein~~, the applicant shall file with the ~~Zoning Administrator~~Community Development Department an application and PUD Final Plan consisting of the information and submissions required by this Code for the entire PUD or for one (1) or more stages. The PUD Final Plan shall conform to the ~~Development Stage~~PUD Preliminary Plan in all respects, and shall be integrated as a coherent statement of the entire Plan. Appropriate cross-referencing and incorporation of recorded documents may be utilized.

3. ~~Final Plan Submission Information.~~—After review of a ~~General~~PUD Concept Plan ~~for the PUD~~ and approval of a ~~Development Stage Plan for a section or sections of the proposed~~ PUD Preliminary Plan, the applicant will submit the following material for review by the City staff prior to issuance of a building permit:

~~a. Recording Proof.~~—~~Documents establishing the recording of any easement or other documents required by the City prior to the sale of any land or dwelling unit included in the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.~~

a. A revised PUD Preliminary Plan and Preliminary Plat of the entire PUD incorporating all changes and conditions that were required. This revised preliminary plat will provide the historical record of the subdivision approval by which subsequent final plats shall be considered.

b. Information for Final Plans, Structures.—Plat as specified in §1001.056 of this Ordinance.

~~b.c. Final architectural working drawings at all elevations, in color, of all principal and accessory buildings and structures (type, color, and materials used in all exterior surfaces). Typical floor plan and typical room plan drawn to scale with a summary of square footage by use or activity.~~

~~e.d. Final Engineering Plans.—Final engineering plans and specifications for streets, drainage, utilities and other public improvements, together with a development contract providing for the installation of such improvements and financial guarantees for the completion of such improvements.~~

~~d.e. Other Plans.—Any other plans, agreements, or specifications necessary for the City staff to review the proposed construction. All work shall be in conformance with the Building Code of the City.~~

~~4. Recording of The Community Development Department shall forward the PUD Final Plan. Within sixty (60) days of its approval, the applicant, or at its election, and Final Plat submission to the City, shall cause Council for their consideration at a regularly scheduled meeting.~~

~~e.5. The terms of the Final Plan, or PUD as approved by the City Council shall be embodied in a Development Agreement and Planned Unit Development Agreement, and such portions thereof as are other documents as the City shall deem necessary or desirable. The Development and PUD Agreement and any appropriate, to be recorded resolution of the City Council shall be filed with the Anoka County Recorder or Registrar of Titles, at the expense of the applicant. Certified copies At the election of the City, filing of all relevant recorded documents shall be furnished to the City. the PUD Preliminary Plan may be delayed until the PUD Final Plan is filed. Where the PUD Preliminary Plan is denied, Council action shall be by written resolution setting forth its findings and conclusions in support of its action.~~

~~f.—Building and Other Permits.—Except as otherwise expressly provided herein, upon receiving notice from the Community Development Director that the approved Final Plan and development agreement have been recorded, all appropriate officials of the City may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved Final Plan or intermediate Development Stage Plan provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that all requirements which are applicable to the permit sought, have been satisfied.~~

~~g.a. Limitation on Final Plan Approval.—Within one (1) year after the approval of a Final Plan for PUD, or such shorter time as may be established by the approved development schedule PUD Final Plan, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension shall have been granted and hereinafter provided, automatically render void the PUD permit and, all approvals of the PUD plan and unless an extension, requested in writing, is granted by the City Council. In such case the area encompassed within the PUD shall thereafter be subject to those provisions of the Zoning Code, and other Code provisions, applicable in the district in which it is located. In such case, the Council shall adopt a resolution repealing the PUD permit and PUD~~

~~approvals and re-establishing the zoning and other provisions that would otherwise be applicable.~~

(f) *Plan Modification/Amendment of a Planned Unit Development.*

1. Plan modifications/amendments qualifying as minor may be approved by the Community Development Director provided the changes do not involve the following:

a. Increase in floor area of structure or number of dwelling units.

b. Change in exterior building material.

c. Alteration of any condition attached or modification to the PUD Final Plan made by the City Council.

2. Substantial departures from the approved plans will require an amendment to the PUD and shall follow the same review procedure as a PUD Preliminary Plan.

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GENERAL PROVISIONS

§ 1007.040 PURPOSE.

The purpose of this section of the Zoning Ordinance is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.

§ 1007.041 NON-CONFORMING USES AND STRUCTURES.

(1) *Purpose.* It is the purpose of this section to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances, and conditions under which non-conforming buildings, structures and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this section that all non-conforming uses shall be eventually brought into conformity.

(2) *Provisions.*

(a) Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

1. The nonconformity or occupancy is discontinued for a period of more than one year; or

2. Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

(b) nonconforming principal structures shall not be expanded, enlarged or altered in a way which increases their nonconformity, but may be expanded, enlarged or altered, if the expansion, enlargement or alteration fully conforms to existing dimension requirements of the zoning and other city ordinances and regulations. Nonconforming accessory structures which are totally within a required yard setback area shall not be enlarged or expanded in any way. Notwithstanding, a nonconforming structure may be reconfigured if, in the discretion of the city, such reconfiguration would lessen the nonconformity, abate nuisances, and protect the public health, safety and welfare.

(c) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. The City may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety. This subdivision does not prohibit the City from enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

~~(b)(d)~~ A nonconforming use may be changed to lessen the nonconformity of that use. Thereafter the use may not be so altered as to increase the nonconformity

~~(e)~~—Notwithstanding paragraph (a), the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

(e) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

1. all structure and septic system setback distance requirements can be met;
2. a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
3. the impervious surface coverage does not exceed 30 percent of the lot.

§ 1007.042 GENERAL PARCEL, LOT AND YARD PROVISIONS.

(1) *Lot of Record.* Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure if it conforms with the use regulations of the district in which it is located provided it:

(a) Satisfies all other appropriate provisions of this Ordinance.

(b) Has frontage on a full width public right-of-way, and an improved street which has been accepted for maintenance by the City of Lino Lakes.

(c) Any substandard sewer lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of this Ordinance, provided its area, width, and depth meet seventy (70) percent of the minimum requirements of the zoning district and all required setbacks can be adhered to.

(d) Any substandard unsewered lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of this Ordinance provided that:

1. The lot was a separate parcel with its own parcel identification number on the date of the adoption of this Ordinance.

2. It can be demonstrated that the lot can accommodate the proposed principal structure, onsite well if the public water system is not available, and an onsite wastewater treatment system including both a primary and secondary drain field area in accordance with MN Stat. 7080 and other applicable requirements.

3. The lot has direct frontage on an improved public street which has been accepted for maintenance by the City of Lino Lakes.

4. All building and site improvements adhere to all required setbacks.

(2) *Unsewered Lots.*

(a) Except as provided for in §1007.042 (1)(d), and §1007.042 (2)(b) of this Ordinance, the minimum unsewered lot size within any zoning district is ten (10) acres.

(b) Where the following conditions exist, a lot of a minimum of one acre may be created, provided that:

1. A habitable single family home has been constructed prior to July 13, 1992; or

2. There exists a habitable single family home constructed after July 13, 1992, and the creation of a new lot is needed ~~to provide security to a third party lending institution for owner financing of the existing habitable single family home.~~

The following conditions shall apply to any lot created hereunder:

3. The new lot that has a minimum area of one acre contains an existing habitable home, and

4. The balance of the property is ten (10) acres or more, and

5. The new lot that has a minimum area of one acre contains one acre of contiguous buildable land, not including road right of way, electrical transmission line easements or pipeline easements, and

6. Both the one-acre-minimum lot and lots made from the remaining land must meet all minimum lot requirements and provide for meeting setback and other structure requirements, and

7. It can be demonstrated that all unsewered lots can accommodate the proposed principal structure, onsite well if the public water system is not available, and an onsite wastewater treatment system including both a primary and secondary drain field area in accordance with Minn. Stat. 7080 and other applicable requirements.

~~8.— For lots created under (b)2. herein, the applicant making a request for a lot split based upon requirements of a lending institution shall provide written verification from the lender of such requirements at the time the application is filed.~~

~~9.— For lots created under (b)2. herein, the property owner shall record with the Anoka County recorder a covenant that prohibits the transfer of any lots created under this section unless the same is combined into one parcel with the balance of the owner's property from which it was split or in accordance with the provisions of §1007.042 (2)(a). This requirement shall not apply to any conveyance by a lending institution who has acquired title as a result of a mortgage foreclosure.~~

(c) Two family dwellings and multiple family dwellings are not allowable uses upon unsewered lots.

(d) All subdivisions in areas without public sanitary sewer shall be designed such that the larger non-sewered lots can be resubdivided to provide smaller sewered lots when sewer becomes available in the future. Homes and accessory buildings shall be located on these lots so as to allow for future resubdivisions.

~~(3) — Minimum Lot Area Requirements.~~

~~(a) *Minimum Lot Area Per Unit.* The lot area per unit requirement for single family, two family, and multiple family residential dwellings shall conform to the applicable zoning district provisions in which the dwelling is located.~~

~~(b)~~(e) *Buildable Area.*

1. Within zoning districts with a minimum lot size requirement of less than ten (10) acres, the required minimum lot area shall be buildable land, as defined by this ordinance and exclusive of utility transmission easements.

2. Within zoning districts with a minimum lot size requirement of ten (10) acres or more, a minimum of twenty (20) percent of the lot area must be contiguous buildable land, as defined by this ordinance.

~~(4)~~(3) *Building Placement and Multiple Structures.*

(a) *Street Obstructions.* All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the City in conformity with existing streets and according to the system and standards employed by the City.

(b) *Principal Buildings.* Except in Commercial, Industrial and Public/Semi-Public zoning districts, where allowed by Conditional Use Permit, and in an approved planned unit development that specifically allows it, provided for in §1007.024 of this Ordinance, not more than one (1) principal building shall be located on a lot.

~~(c) *Lot Combination.* When a development is proposed which is to be located on two or more lots, and such lots are required to meet the minimum zoning district area and frontage requirement and/or are required to accommodate the use, the lots shall be combined in accordance with the City's Subdivision Ordinance, prior to the issuing of a building permit.~~

~~(d) *Street Easements.* In the case of properties which abut street easements, applicable setbacks shall be determined by the Zoning Administrator and related to roadway classification as identified in the Lino Lakes Comprehensive Plan.~~

~~(e) *Outlots.* Outlots are deemed unbuildable and no building permit shall be issued for such properties, except that permits for fences may be issued.~~

~~(b)~~(f) *Lot Frontage.* Except as otherwise allowed by property subdivision, each lot shall have frontage and access directly onto an abutting, improved and City-accepted public street. An existing lot of record (vacant or for redevelopment) that does not have frontage and access directly onto an abutting, improved and City accepted public street shall require approval of a conditional use permit prior to issuance of any building permits

(Ord No. 05-19, passed 04-08-2019)

~~(5)(4)~~ *Yards, and Setbacks.*

(a) *Setbacks.*

1. No setback, yard or other open space shall be reduced in area or dimension so as to make such setback, yard or other open space less than the minimum required by this Ordinance, and if the existing setback, yard or other open space as existing is less than the minimum required, it shall not be further reduced.

2. *Front Setbacks.* Where principal buildings on adjoining lots existed at the time of adoption of this Ordinance have a lesser setback from that required, the required front yard setback of a new structure shall not be less than the average front yard of the adjacent buildings on each side lot for four hundred (400) feet and in no case shall be less than twenty (20) feet.

3. *Corner Lots.* On corner lots, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets within fifteen (15) feet of the intersecting street right-of-way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within fifteen (15) feet of any intersecting street right-of-way lines.

(b) *Permitted Yard Encroachments.* The following shall not be considered as encroachments on setback requirements subject to other conditions provided herein:

1. *All Yards.*

a. Flag poles, sidewalks, wheelchair ramps, name plate signs, trees, shrubs, plants, yard lights, mailboxes, floodlights, or other sources of light illuminating authorized illuminated signs, or light standards for illuminating yards for safety and security reasons, provided the direct source of light complies with §1007.043 (6) of this Ordinance. ~~These uses may be permitted in any yard provided they are not located in any easement.~~

b. Posts, flues, belt course, bay windows, leaders, sills, pilaster, eaves, gutters, awnings, open terraces, open canopies, chimneys, cantilevers, ornamental features, open fire escapes extending from the principal structure, provided they do not project more than three (3) feet into a required setback.

c. Uncovered porches, decks, balconies, stoops, patios, or similar features provided:

i. The decking shall not extend above the height of the floor of the ground floor level of the principal structure though railings may be higher, and

ii. They shall not extend to a distance less than five (5) feet from any side or rear lot line, and

iii. They shall not extend to a distance less than twenty (20) feet of any lot line abutting a street, and

iv. They shall not extend to a distance less than one (1) foot from any existing or proposed access drive, and

v. ~~No encroachment shall be permitted in existing or required drainage and utility easements.~~

d. In rear yards, laundry drying equipment, recreational equipment (non-vehicular), trellises, open arbors, detached outdoor living rooms not to exceed five hundred (500) square feet provided they maintain a five (5) foot setback from the side and rear lot lines.

e. Air conditioning or heating equipment, provided they are at a distance of five (5) feet from any rear lot line and ten (10) feet from any side lot line. ~~No encroachment shall be permitted in existing or required drainage and utility easements.~~

e.f. No encroachment shall be permitted in existing or required drainage and utility easements for any of the uses listed in this section.

(c) *Zero Lot Line Subdivision.*

1. *Townhomes and Apartments.* If existing townhouses or apartment units not on separate unit lots are to be subdivided on an individual unit or condominium basis for owner occupancy, it shall require a planned unit development according to the provisions of §1007.024 of this Ordinance.

2. *Subdivision of Two Family or ~~Quadraminium~~ Townhouse Lots.* The subdivision of base lots containing two family dwellings or ~~quadraminiums-townhouse~~ to permit individual private ownership of a single dwelling within such a structure is acceptable subject to City Council approval. Approval is further contingent upon the following requirements:

a. Prior to a two family dwelling or a ~~quadraminium-townhouse~~ subdivision, the base lot must meet all the requirements of the zoning district.

b. There shall be no more than one (1) principal structure on a base lot in all residential districts. The principal structure on a unit lot created in a two family or ~~quadraminium townhouse~~ subdivision will be the portion of the attached dwelling existing or constructed on the platted base lots.

c. Permitted accessory uses as defined by the zoning districts are acceptable provided they meet all the zoning requirements.

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d. A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for his review and subject to approval. The agreement shall ensure the maintenance and upkeep of the structure including but not limited to siding, roofing (type and color), fencing, driveways, maintenance, etc. and the lots to meet minimum City standards. The agreement is to be filed with the Anoka County Recorder's office as a deed restriction against the title of each unit lot.

e. Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the City Engineer.

f. The subdivision is to be platted and recorded in conformance to requirements of the Lino Lakes Subdivision Ordinance.

3. *Subdivision of Commercial and Industrial Lots.* The subdivision of base lots into two (2) or more commercial or industrial unit lots to permit individual private ownership of a portion of a single commercial or industrial structure is acceptable subject to the approval of a planned unit development. A property management and maintenance agreement shall be required as regulated by §1007.024 of this Ordinance.

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§ 1007.043 GENERAL BUILDING AND USE PROVISIONS.

(1) *Dwelling Unit Restriction.* No cellar, garage, tent, travel trailer, motor home, basement with unfinished structure above, or accessory building shall at any time be used as a living quarters, temporarily or permanently, except as approved in emergency cases ~~dwelling unit.~~

(2) *Building Type and Construction.*

(a) *Single Family Dwellings.* All single family detached dwellings ~~in the R, R-X, R-1, R-1X, R-EC, and R-2 Districts~~ shall meet the following design criteria:

1. All structures shall have permanent concrete or treated wood foundations which will anchor the structure, which comply with the State Building Code as adopted in the State of Minnesota and which are solid for the complete circumference of the house.

2. Sixty (60) percent of a residential structure shall have a minimum width or depth of twenty (20) feet. Width measurement shall not take into account overhangs or other projections. Such width requirement shall be in addition to the minimum area per dwelling requirements established within this Ordinance.

2-3. Each dwelling unit shall include, at a minimum, a double garage that is a minimum of 20 feet in width and 440 square feet in size.

3-4. Single family dwellings shall have at least a four/twelve (4/12) roof pitch and shall be covered with shingles or tiles or a standing seam metal roof.

4-5. All single family structures must be built in conformance with Minnesota Statute 327.31 to 327.35 of the State Building Code as adopted in the State of Minnesota.

5-6. The exterior walls of all single family residences shall be similar in appearance to normal wood or masonry residential construction. Any metal siding upon single family residence structures shall have a vertical dimension no greater than twelve (12) inches. Sheet metal siding shall not be permitted in such districts.

(b) *Two Family and Townhome Design and Construction Standards.*

1. *Unit Width.* The minimum width of a two family or townhome dwelling unit shall be twenty-four (24) feet. Minimum floor area per unit shall be established within the zoning district.

2. *Unit Construction.*

a. Building elevations and floor plans shall be furnished illustrating exterior building materials and colors to demonstrate compliance with §1007.043 (2)(b)2.d. of this Ordinance. Building floor plans shall identify the interior storage space within each unit.

b. Decks or Porches. Provision shall be made for possible decks, porches, or additions as part of the initial dwelling unit building plans.

c. Minimum Overhang: In case of gable roof, a minimum eighteen (18) inch roof overhang, soffit shall be required for all dwelling unit building plans.

d. Exterior Building Finish: The exterior of townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhome dwelling structures shall comply with the following requirements:

i. A minimum of twenty-five (25) percent of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.

ii. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than seventy-five (75) percent of one type of exterior finish.

iii. For the purpose of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

3. *Storm Shelter.* In cases where dwelling units are constructed slab on-grade, provisions shall be made to provide for storm protection either internally to the unit or in a separate storm shelter structure. Compliance with this requirement shall be based upon Federal Emergency Management Agency (FEMA) guidelines and standards which are on file with the City Building Official.

4. *Outside Storage.* Outside storage shall be allowed only in designated areas which are screened in accordance with §1007.043 (17) of this Ordinance and under the ownership of the property owners' association subject to other applicable provisions of this Ordinance.

5. *Garages.*

a. Each dwelling unit shall include, at a minimum, a double garage that is a minimum of 20 feet in width and 440 square feet in sizegarage.

~~b. Garages shall comply with the following minimum size standards:~~

~~c. Dwellings With Basements. Four hundred forty (440) square feet.~~

~~d. Dwellings Without Basements. Five hundred forty (540) square feet.~~

~~e. Garages shall be a minimum of twenty (20) feet in width.~~

6. *Utilities.*

a. **Public Utility Service.** Separate public utility services shall be provided to each unit unless exempted by the City Engineer.

b. **Sewer Connection.** Where more than one (1) unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.

7. **Homeowners' Association.** A homeowners' association shall be established for all ~~townhousequadraminium~~, three and four plex multiple family and townhome developments subject to review and approval of the City Attorney. The homeowners' association shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one (1) individual property owner having interest within the development.

(c) *Multiple Family Apartments Construction Standards:*

1. The exterior of multiple family dwelling structures shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple family dwelling structures shall comply with the following requirements:

a. A minimum of thirty-three (33) percent of the combined area of all building exterior walls of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.

b. For the purposes of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

(d) *Commercial, Industrial, and Institutional.* All buildings erected on land within commercial, industrial and public and semi-public zoning districts, and all institutional buildings (such as public, education, and religious buildings) in residential and rural zoning districts shall conform with the following:

1. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to §1007.043 (2) of this Ordinance.

2. Exterior wall surfaces may be a combination of materials including brick, stucco, EFIS (exterior finish insulation system), textured, colored or decoratively finished pre-cast or poured-in-place concrete panel, textured concrete masonry units, natural stone, manufactured stone, transparent, tinted or low-reflective glass, or decorative metal cladding.

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3. Stucco or EFIS shall constitute no more than thirty (30) percent of the primary, front building elevation, and no more than sixty (60) percent of any side or rear building elevation. Stucco or EFIS shall not extend closer than three (3) feet to the ground plane.

4. Decorative metal cladding refers to decorative, metal cladding systems such as copper, zinc, titanium, stainless steel and painted steel components fixed to the outside of the primary wall system. Complete or partial buildings comprised of structural metal wall panel systems that act as the primary wall system, or as a complete wall system such as pole barns or similar structures common to agricultural or industrial storage uses are prohibited.

5. Buildings shall have a well-defined base, middle and top. The base should appear visually distinct from the middle and top part (cornice) of the building through the use of a change in building materials, color, window shape or size, an intermediate cornice line, sign band, an awning, or similar techniques.

6. Earth tone colors of exterior materials shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc. Such colors are limited to various shades or tints of brown, black, gray, tan, beige, brick red, soft green, soft blue, or white.

7. Ten (10) percent of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones.

8. All mechanical equipment, such as air handling units located anywhere on the property, including rooftop equipment, shall be screened from view from adjacent streets, public rights of way, and adjacent properties.

9. Where a site abuts a residential property, the location of air handling and other equipment must take into account the potential for noise and other impacts on the residential property.

(e) *Quasi-Public Structures.*

1. No quasi-public structure shall be located within the public right-of-way except as approved by the City Council. Such structure shall include but not be limited to trash containers, bicycle racks, benches, planting boxes, awnings, flag poles, light standards, stairs, stoops, light wells, loading wells, signs and others.

2. Public and quasi-public utility poles and underground services may be permitted within public right-of-way provided that:

- a. A permanent identification tag or marking is affixed to each structure.
- b. The City is notified as to the location and date of placement of the structure.

c. The City is notified of any change of structure ownership, removal or modification.

d. Lease or joint use agreements or arrangements applicable to each utility structure are disclosed.

(f) *Completion of Exterior Improvements.*

1. All exterior improvements of a structure, or portion thereof, to single family dwellings, multiple family dwellings of twelve (12) units or less, or any structure accessory to a residential use shall be completed in accordance with City-approved construction plans within one hundred eighty (180) days after the date the City issued the building permit.

2. All exterior improvements of a structure, or portion thereof, to multiple family dwellings of more than twelve (12) units or any commercial, industrial, office, institutional or non-residential structure shall be completed in accordance with City-approved construction plans within one (1) year after the date the City issued the building permit.

3. In all cases, the compliance deadline shall be upheld unless:

a. The process for a temporary Certificate of Occupancy is completed as described in the City Fee Schedule, as amended, which would extend the completion date beyond those listed in paragraphs 1. and 2. above; or

b. A written extension is submitted and approved by the Building Official. Such an extension may be granted in the event that a natural disaster or a calamitous event occurs which unavoidably delays the completion of the building project.

4. For building permits issued prior to the effective date of the ordinance amendment establishing the time limits in paragraphs 1. and 2. above (Ordinance No. 01-08), the time period for the limits begins with the effective date of the amendment establishing the time limits.

(3) *Height.*

(a) *Exceptions.* The building height limits established herein for districts shall not apply to the following:

1. Farm structures.
2. Church spires not exceeding 60 feet in height.
3. Belfries not exceeding 60 feet in height.
4. Cupolas not exceeding 60 feet in height.

5. Windmills.
6. Solar energy devices.
7. Chimneys and smokestacks.
8. Flag poles mounted on a building.
9. Non-commercial television and radio antennae, and satellite dishes.
10. Parapet walls extending not more than four (4) feet above the limiting height of the building.
11. Elevator penthouses.
12. Cooling towers/water towers.
13. Lighting structures for public outdoor recreational fields not exceeding eighty (80) feet in height.
14. Lighting structures for public hockey rinks not exceeding sixty (60) feet in height.

(b) *Conditional Use Permit.* Building heights in excess of those standards contained in the district provisions and any other sections of this Chapter may be allowed through a conditional use permit, provided that:

1. Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the zoning district in which the structure is located.
2. The site is capable of accommodating the increased structure size.
3. The potential increased intensity and size of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
4. Public utilities and services are adequate.
5. For each additional story over the district limitation or for each additional ten (10) feet above the maximum allowed per district, front and side yard setback requirements shall be increased by ten (10) percent.
6. The construction does not limit solar access to abutting and/or neighboring properties. A shadow study shall be required illustrating shadow encroachment on adjoining properties.

7. The provisions of §1007.016 of this Ordinance are considered and satisfactorily met.

(c) *Obstructions.* In the case of any proposal to construct or alter a structure which will exceed a height of two hundred (200) feet above ground level of the site, or any proposal to construct or alter a structure to a height of greater than an imaginary surface extending upward and outward at a slope of one hundred to one (100:1) from the nearest point of the nearest runway of a public airport, the applicant shall notify the Commissioner of the Minnesota Department of Transportation in writing of the plans at least thirty (30) days in advance of making applicable permit requests to the City. The applicant shall provide the Zoning Administrator with any comments received from the Commission of the Minnesota Department of Transportation as part of the required applicable permit request. This local reporting is in addition to any Federal permitting and review processing which may be simultaneously required.

(4) *Accessory Buildings and Structures.*

(a) *General Provisions.*

1. No accessory building or use shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory, except in the case of agricultural buildings on agriculture land as defined by State Statute 273.13, Section 23, as amended.

2. A building or portion thereof used for an accessory use, other than home occupation, shall be considered as an accessory building.

3. No detached accessory building shall be closer to the front lot line than the principal building or its attached garage except within the R, R-X, and R-BR Zoning Districts, provided the accessory building is set back at least one hundred (100) feet from the street right-of-way.

4. Setbacks for accessory buildings in all districts shall be determined in accordance with appropriate district provisions. Location of said accessory buildings shall not interfere with the future subdivision of the property.

5. Accessory structures may be constructed within public and private utility and drainage easements provided that:

a. No accessory structure shall be located within a drainage or utility easement without written permission of the Zoning Administrator and the filing of an encroachment agreement.

b. No footings or foundation shall be placed within the easement.

c. The entire structure, including any base material, must be designed to be easily moved if deemed necessary by the city.

d. Removal of an accessory structure or portion thereof for the purpose of utilizing the easement shall be at the property owner's expense.

6. In Rural and Residential districts, Gazebos that are attached to the dwelling by a raised deck, porch, or patio shall not be counted towards the maximum area or number of accessory structures allowed on a site, so long as the sides of the gazebo remain at least 50%, though the open areas may be covered with screens.

7. In Rural and Residential districts, Fabric structures are considered an accessory structure and are therefore counted towards the maximum area and number of accessory structures allowed on a site.

7.8. No Building Permit shall be required for detached accessory buildings containing 200 sq. ft. in gross floor area or less. Such building(s) will require a Zoning Permit and shall comply with all applicable regulations set forth in this chapter.

(b) *Sport Courts.* In all Rural and Residential districts, the following standards shall apply to outdoor sport courts, whether temporary or permanent:

1. A building permit shall be required for all private residential sport courts.
2. An application for a building permit or a conditional use permit shall include a site plan showing the following along with all required information:
 - a. The size, shape, pavement and sub-pavement materials.
 - b. The location of the court.
 - c. The location of the house, garage, fencing, septic systems and any other structural improvements on the lot.
 - d. The location of structures on all adjacent lots.
 - e. A grading plan showing all revised drainage patterns and finished elevations at the four corners of the court.
 - f. Landscaping and turf protection around the court.
 - g. Location of existing and proposed wiring and lighting facilities.
3. Sport courts shall not be located closer than ten (10) feet to any side and rear lot line. Sport courts shall not be located within any required front yard or side yard abutting a street.

4. Sport courts shall not be located over under-ground utility lines of any type, nor shall any court be located within any private or public utility, walkway, drainage or other easement.

5. Solid sport court practice walls shall not exceed ten (10) feet in height. A building permit shall be required for said walls. Said walls shall be set back a minimum of thirty (30) feet from any lot line.

6. Chain link fencing surrounding the sport court may extend up to twelve (12) feet in height above the sport court surface elevation.

7. Lighting for the sport court shall be directed toward the sport court and not toward adjacent property. Lighting shall meet the requirements of §1007.043 (6).

(c) Carports.

1. Carports shall comply with all regulations for accessory structures as set forth in this Chapter, and with the regulations set forth in this subsection.

2. Carports shall be used for the parking of vehicles (includes recreational vehicles), and shall not be used for the storage of household or personal items, lawn equipment, furniture, parts, and the like. The exception is that refuse containers and stacked firewood may also be kept under a carport (attached or detached) that is located in a side, rear, or equivalent yard.

3. Carports shall not exceed 300 square feet in area.

4. The eave line (or lowest sloped roof section if there is no eave) for a carport shall be at least seven feet in height, but shall not exceed 10 feet in height. Carports with flat roofs shall be at least seven feet in height, but shall not exceed 10 feet in height.

(d) Swimming Pools.

1. *Single Family and Two Family Dwellings.* The following shall apply to all swimming pools which are intended for use accessory to single-family and two-family dwellings:

a. A building permit shall be required for any swimming pool with a capacity of over five thousand (5,000) gallons and with a depth potential of thirty (30") inches.

b. An application for a building permit shall include a site plan showing the type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump and wiring indicating the type of such units, location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around pool, location of existing overhead or underground wiring, utility easements, trees, similar features, and location of any water heating unit.

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c. Pools shall not be located within ten (10) feet of any septic tank and twenty (20) feet from drain field nor within six (6) feet of any principal structure or frost footing. Pools shall not be located in front of the principal building or within any accessory structure setback.

d. The filter unit, pump heating unit and any noise-making mechanical equipment shall be located not closer than twenty (20) feet to any lot line.

e. Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.

f. Pools shall not be located within any private or public utility, walkway, drainage or other easement.

g. In the case of in ground pools, the necessary precautions shall be taken during the construction to:

i. Avoid damage, hazards or inconvenience to adjacent or nearby property.

ii. Assure that proper care shall be taken in stockpiling excavated materials to avoid erosion, dust or other infringements upon adjacent property.

h. All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.

i. Lighting for the pool shall be directed toward the pool and not toward adjacent property.

j. A structure at least four (4) feet in height shall completely enclose the pool. This structure can be safety fencing of a non-climbable type. Pool walls that are at least four (4) feet in height above finished grade fulfill this requirement.

k. Water in the pool shall be maintained in a suitable manner to avoid health hazard of any type. Such water shall be subject to periodic inspection by the local health officer.

l. All wiring, installation of heating units, grading, installation of pipes and all other installations and construction shall be subject to inspections.

m. Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

n. All swimming pools for which a building permit is required shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure, or any combination thereof, of sufficient density as to be impenetrable.

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i. If fences are employed, they shall be at least four (4) feet in height. The bottoms of the fences shall not be more than four (4) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small children. Prior to filling the pool, the approved fence and/or screen must be completely in place and inspected and approved by the City Building Inspector.

ii. When an above-ground pool has vertical or outward inclined side walls that are at least four (4) feet above finished grade, these fencing requirements do not apply. However, if no fencing is constructed, the ladder must be removable or there must be a lockable access to the ladder.

o. Required structure or safety fencing shall be completely installed within three (3) weeks following the installation of the pool and before any water is allowed in the pool.

p. Back flush or pool drainage water shall be directed onto the property on which the swimming pool is located and ultimately to public storm sewer, if available.

q. Drainage of pools directly into public streets or other public drainageways shall require written permission of the Zoning Administrator.

2. *Multiple-Family, Commercial and Public Developments.* For private swimming pools which are intended for and used by the occupants of a multiple-family dwelling and the guests of the occupants, or for private and public clubs and organizations, the following regulations shall be met in addition to those listed for single and two family dwellings provided in §1007.043 (4)(c)1. above:

a. No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.

b. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than fifty (50) feet from any lot line.

c. The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Adequate screening, including but not limited to landscaping, shall be placed between the pool area and adjacent lot lines.

d. All deck areas, adjacent patios, or other similar areas used in conjunction with the swimming pool shall be located at least thirty (30) feet from any lot line.

e. To the extent possible, back-flush water or water from pool drainage shall be directed onto the owner's property.

~~(d)~~(e) *Houseboats.* Houseboats are considered accessory structures for purpose of applying this Ordinance and shall comply with the following standards:

1. Any object that floats which has sleeping accommodations and facilities for preparing food shall be defined as a houseboat.

2. All houseboats which are to be docked or moored within the City limits for a period of six (6) days or more shall require an annual permit. Said permit shall identify the owner, owner's address, boat license number, whether the boat is to be used as a seasonal residence and, if so, for what period of time during the year, type of sanitary sewage facility, water supply, and plot plan showing method of access to public road.

3. Each houseboat shall have one (1) off-street parking space within four hundred (400) feet of the access to the docking of such houseboat.

4. No houseboat shall be used as a permanent residence and further, that utilities including sanitary sewer, water, electricity, and phone shall not be extended to the houseboat.

~~(e)~~(f) *Ice Fishing Houses.* Ice fishing houses stored on parcels of land during summer months shall be considered an accessory building. All ice fishing houses stored on site shall be licensed in accordance with State law.

~~(f)~~(g) *Docks and Boat Launches.* Private docks and boat launches may be stored upon riparian lots provided such structures lie upon the same lot as the principal structure to which they serve.

~~(g)~~(h) *Roadside Stands.* Seasonal, temporary roadside stands for the sale of agricultural products shall be permitted if:

1. They are located in a zoning district which makes a specific allowance for such use; and

2. They are located upon the lot on which the produce is grown.

3. They are erected at least sixty (60) feet back from the nearest edge of the roadway surface; and

4. Adequate parking space is provided off the road right-of-way and safe vehicular access and movements are assured.

~~(h)~~(i) *Domestic Animal Shelters.* Structures dedicated to the housing of domestic animals are considered accessory structures for the purpose of applying this Chapter and shall comply with the following standards:

1. The keeping of animals is allowed in accordance with the provisions of Chapter 503.

2. If all Animal Shelters on a property do not exceed a total of 64 square feet in area, then they shall not be counted towards the maximum number and size of accessory buildings.

3. Animal shelters are limited to a maximum of 60 inches in overall height. If a shelter exceeds 60 inches in height, it is not allowed the exception to accessory building number and size in paragraph 2.

(j) *Rural and Residential Zoning District Accessory Buildings.* The following summarizes the maximum number, size, and height of accessory buildings allowed in an individual parcel according to lot size and residential district. For the purposes of this section, lot size for metes and bounds properties shall include roadway easements.

1. One detached accessory building not to exceed 120 square feet is allowed on each property. This structure shall not count toward the total number of allowed accessory structures.

2. Twenty (20) Acres or Greater. (R, R-X, R-BR, R-1, R-1X, ~~R-EC~~, and PSP Districts)

a. No maximum combination of accessory building(s) and garage(s) size requirement.

b. Metal buildings and pole barns acceptable.

c. Fabric or vinyl canopy structures acceptable.

d. No maximum height requirement.

e. One (1) attached garage not to exceed one thousand two hundred (1,200) square feet or equal to the size of the house foundation, whichever is greater.

3. Ten (10) to Less than Twenty (20) Acres. (R, R-X, R-BR, R-1, R-1X, ~~R-EC~~, and PSP Districts)

a. The combination of accessory building(s) and garage(s) shall not exceed the greater of:

i. Ten thousand (10,000) square feet, or

ii. 1.85% of the lot area, not to exceed fifteen thousand (15,000) square feet.

b. Total allowable accessory building space shall be limited to the following:

- i. One (1) attached garage and
- ii. Three (3) detached accessory structures.
- c. Metal buildings and pole barns acceptable.
- d. Fabric or vinyl canopy structures acceptable.
- e. One (1) attached garage not to exceed one thousand two hundred (1,200) square feet or equal to the size of the house foundation, whichever is greater.
- f. Building height shall not exceed base district requirement.

3.4 *Five (5) to Less than Ten (10) Acres.* (R, R-X, R-1, R-1X, ~~R-EC~~, and PSP Districts)

- greater of:
- a. The combination of accessory buildings and garages shall not exceed the
 - i. Five thousand (5,000) square feet, or
 - ii. 2.21% of the lot area, not to exceed ten thousand (10,000) square feet.
 - b. Total allowable accessory building space shall be limited to the following:
 - i. One (1) attached garage and
 - ii. Three (3) detached accessory structures.
 - c. Metal buildings and pole barns acceptable.
 - d. Fabric or vinyl canopy structures acceptable.
 - e. One (1) attached garage not to exceed one thousand two hundred (1,200) square feet or equal to the size of the house foundation, whichever is greater.
 - f. Building height shall not exceed base district requirement.

4.5 *Less than Five Acres.* (R, R-X, R-1, R-1X, ~~R-EC~~, R-2, R-3, R-4, R-6, R-7, and PSP Districts)

- greater of:
- a. The combination of accessory buildings and garages shall not exceed the

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- i. One thousand two hundred (1,200) square feet, or
- ii. 3.75% of the lot area, not to exceed five thousand (5,000) square feet.
- b. Total allowable accessory building space shall be limited to the following:
 - i. One (1) attached garage and one (1) detached structure, or
 - ii. Two (2) detached accessory structures.
- c. One (1) attached garage not to exceed one thousand two hundred (1,200) square feet or equal to ninety (90) percent of the size of the house foundation, whichever is greater.
- d. Twenty (20) foot maximum height.
- e. No metal sheet/panel siding with vertical orientation except upon tool sheds less than one hundred fifty (150) square feet in area. Metal horizontal lap siding is acceptable.
- f. Fabric or vinyl canopy structures acceptable.
- g. Roof and exterior color and material compatible with home (except manufactured tool shed).

[\(k\)](#) *Commercial and Industrial Zoning Districts.* The following establishes the maximum number, size, and height of accessory buildings allowed in the commercial and industrial zoning districts:

1. Except in Commercial, and Industrial zoning districts, where allowed by Conditional Use Permit, and in an approved planned unit development that specifically allows it, provided for in §1007.024 of this Ordinance not more than one (1) accessory building shall be allowed not to exceed four hundred (400) square feet except when intended for storage of buses

(Ord No. 05-19, passed 04-08-2019)

2. Building setbacks shall not exceed base district requirement.
3. Building height shall be limited to twelve (12) feet maximum except when intended for storage of buses per §1007.043 (2)(b)2. of this Ordinance.
4. Metal buildings and pole barns are prohibited.
5. Roof and exterior color and material shall be compatible with the principal structure.

6. Accessory buildings on commercial/industrial sites shall be limited to typical accessory storage uses, no auxiliary commercial/ industrial use shall be allowed within an accessory storage building.

7. Site and building plan review shall not be required for accessory building construction as an accessory building that meets the requirements listed herein shall be considered a minor project for the purposes of §1007.019 (1) of this Ordinance.

8. Accessory buildings shall not be located within an easement.

9. If the principal building is expanded to cover more of the lot, the accessory building shall be removed if the intended need no longer exists.

10. Building permits shall be required as regulated by the State Building Code.

(5) *Refuse and Recyclable Material.*

(a) *Removal.* Passenger automobiles and trucks not currently licensed by the state, or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days, and all materials stored outside in violation of City Code provisions are considered refuse or junk and shall be disposed of within thirty (30) days of notification by the City.

(b) *Location and Screening.*

1. *Dwelling Units, Single Family, Duplexes, and All Other Residential Structures With Four (4) or Less Units.* Garbage cans, waste containers and recycling bins shall be kept in rear or side yards.

2. *Commercial, Industrial, Institutional, Residential With More Than Four (4) Units.*

a. All refuse, recyclable materials, and necessary handling equipment including but not limited to garbage cans, recycling bins, and dumpsters shall be stored within the principal structure, within an accessory building, or totally screened from eye level view from all neighboring uses and the public right-of-way.

b. *Exterior Storage.* Exterior storage of refuse and recyclable material shall require the following:

i. Exterior wall or fence treatment shall be similar and/or complement the principal building.

ii. The enclosed trash and/or recycling receptacle area shall be located in the rear or side yard and shall observe all applicable setback requirements and easements.

iii. The trash and/or recycling enclosure must be in an accessible location for pick up hauling vehicles.

iv. The trash and/or recycling receptacles must be fully screened from view of adjacent properties and the public right-of-way by a fence or wall of at least six (6) feet in height and a minimum opaqueness of eighty (80) percent.

v. All dumpsters, recycling bins, handling equipment, and enclosures shall be approved by the Zoning Administrator and be kept in a good state of repair with lids designed to prevent spilling and spread of debris and access by animals. The construction of trash and recycling enclosures shall be per standards established by the Community Development Department. All designs and construction of trash enclosures shall be subject to the Building Official's approval.

(6) *Outdoor Lighting.*

(a) *Purpose.* It is the purpose of this section to encourage the use of lighting systems that will reduce light pollution and promote energy conservation while increasing night time safety, utility, security and productivity.

(b) *Exemptions.* The provisions of this section shall not apply to the following:

1. This section does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.

2. This section does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.

3. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings or structures.

4. Emergency lighting by police, fire, and rescue authorities.

(c) *Non-Conforming Uses.*

1. *Existing Fixtures.* All outdoor lighting fixtures existing and legally installed prior to the effective date of this Ordinance are exempt from regulations of this section but shall comply with the Ordinance requirements for glare as follows:

a. Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from flood lights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-

of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the right-of-way line of said street. Any light or combination of lights which cast light on residential property shall not exceed four-tenths (0.4) foot candles (meter reading) as measured from said property.

2. *New Fixtures.* Whenever a light fixture that was existing on the effective date of this Ordinance is replaced by a new outdoor light fixture, the provisions of this section shall be complied with.

(d) *Intensity.* No light source or combination thereof which cast light on a public street shall exceed one (1) foot candle (meter reading) as measured from the right-of-way line of said street nor shall any light source or combination thereof which cast light on adjacent residential property exceed four-tenths (0.4) foot candles (meter reading) as measured at the property line per the method outlined in §1007.043 (6)(e) of this Ordinance.

(e) *Method of Measuring Light Intensity.* The foot candle level of a light source shall be taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the light intensity.

(f) *Performance Standards.*

1. *Residential/Public/Semi-Public District Standards.* In all residential and public, semi-public districts, any lighting used to illuminate a structure, an off-street parking area, or other area shall be arranged as to deflect light away from any adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

a. The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined by this Ordinance.

b. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way, unless part of a permanent or decorative fixture.

2. *Business/Industrial District Standards.* Any lighting used to illuminate a structure, an off-street parking area, or other area shall be arranged so as to deflect light away from any adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

a. The luminaire shall contain a cutoff which directs and cuts off the light at an angle of ninety (90) degrees or less.

b. Light sources shall not be permitted so as to light adjacent property in excess of the maximum intensity defined in §1007.043 (6)(d) of this Ordinance.

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c. Architectural/historical light fixtures that feature globes that are not shielded, or lighting of entire facades or architectural features of a building may be approved by the City Council. In no case shall the light affect adjacent property in excess of the maximum intensity defined in §1007.043 (6)(d) of this Ordinance.

d. The maximum height of the fixture and pole above the ground grade permitted for light sources is thirty (30) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of a light source mounted on a pole or on a building exceed the height limits of the zoning district in which the use is located, unless allowed by conditional use permit.

e. *Location.*

i. The light source of an outdoor light fixture shall be set back a minimum of ten (10) feet from a street right-of-way and five (5) feet from an interior side or rear lot line.

ii. No light source shall be located on the roof unless said light enhances the architectural features of the building and is approved by administrative permit.

f. *Hours.*

i. The use of outdoor lighting for parking lots serving commercial and industrial businesses shall be turned off one (1) hour after closing, except for approved security lighting.

ii. All illuminated on-premise signs for advertising purposes shall be turned off between 12:00 AM and sunrise except that said signs may be illuminated while the business facility on the premise is open for service.

g. Direct or reflected glare from high temperature processes such as combustion or welding shall not be visible from any adjoining property.

3. *Outdoor Recreation.* Outdoor commercial or public recreational uses such as, but not limited to, baseball fields, football fields, hockey rinks, and tennis courts have special requirements for night time lighting. Due to these unique circumstances, an administrative permit shall be required for commercial and public outdoor recreational use lighting systems which do not comply with the regulations of this section.

a. No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM, except for required security lighting.

b. Off-street parking areas for outdoor recreation uses which are illuminated shall meet the requirements stated for business or industrial applications as found in §1007.043 (6)(f)2. of this Ordinance.

c. The provisions for an administrative use permit, §1007.019 of this Ordinance, are considered and satisfactorily met.

(g) *Submission of Plans.* All applications, except single family residential, that include outdoor lighting must include evidence the proposed outdoor lighting will comply with this section. The application shall contain the following information, in addition to other required information:

1. Site plans indicating the location on the premises of all illuminating devices, fixtures, lamps, supports, reflectors, and other lighting devices.

2. Description of the type of illuminating devices, fixtures, lamps, supports, reflectors, and other lighting devices (angle of cutoff). The description shall include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required).

3. Photometric plans illustrating the light emissions, and illumination field of the proposed site lighting.

(7) *Smoke.* The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 700~~95~~, as amended.

(8) *Dust and Other Particulated Matter.* The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 700~~95~~, as amended.

(9) *Odors.* The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 700~~59~~, as amended.

(10) *Noise.* Noises emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030, as amended and City Code.

(11) *Sewage Disposal.* Where allowed, the installation of on-site sewage treatment systems shall be in compliance with the provisions of the State Building Code and applicable State and City codes.

(12) *Waste Material.* Waste material resulting from or used in industrial or commercial manufacturing, fabricating, servicing, processing or trimming shall not be washed into the public storm sewer system, the sanitary sewer system or any public water body, but shall be disposed of in a manner approved by the Minnesota State Fire Marshal, the Pollution Control Agency, the Department of Natural Resources and the Zoning Administrator.

(13) *Bulk Storage (Liquid)*. All uses associated with the bulk storage of all gasoline, liquid fertilizer, chemical, flammable and similar liquids shall comply with requirements of the Minnesota State Fire Marshal, Minnesota Department of Agricultural Offices, and have documents from those offices stating the use is in compliance.

(14) *Radiation Emission*. All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

(15) *Electrical Emission*. All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.

(16) *Exterior Storage*.

(a) *Rural and Residential Zoning Districts*.

1. *Exceptions*. All personal property in a rural or residential zoning district and/or on properties ten (10) acres in size or less shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following:

- a. Laundry drying.
- b. Non-vehicular recreational equipment.
- c. Home heating fuel tanks.
- d. Stacked firewood.
- e. Construction and landscaping materials or equipment currently (within a period of twelve (12) months) being used on the premises.
- f. Agricultural equipment and materials, if these are used or intended for use on the premises.
- g. Off-street parking of licensed passenger automobiles and ~~pick-up~~ trucks in designated driveway or parking area, surfaced in compliance with §1007.044(3)(h)16 of this Ordinance.
- h. Licensed motor vehicles per §1007.044 (11).
- i. Refuse and Recyclable Materials per §1007.043 (5).

(b) *Commercial, Industrial and Public/Semi-Public Zoning Districts*.

1. *Exterior Storage*. Exterior storage shall be governed by the respective zoning district in which such use is located.

2. *Screening.* All exterior storage shall be screened so as not to be visible from adjoining properties and public streets except for the following:

a. Merchandise being displayed for sale in accordance with zoning district requirements.

b. Materials and equipment currently being used for construction on the premises.

3. Within an industrial zoning district, the exterior storage of semi-trailers accessory to the principal use may be allowed by conditional use permit according to §1007.120 and §1007.121. Semi-trailers connected to semi-tractors queuing for loading or unloading shall be considered truck parking and be exempt from the outdoor storage conditional use permit.

(c) *All Zoning Districts.*

1. Excepting temporary construction trailers and facilities operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the City Council, no recreational vehicle may be used for office, business, industrial manufacturing, testing, or storage of items in conjunction with a business, commercial or industrial enterprise.

2. The City Council may order the owner of any property to cease or modify open storage uses including existing uses, provided it is found that such use constitutes a threat to the public health, safety, convenience, or general welfare.

(17) *Required Screening, Landscaping, and Buffer Yards.*

(a) *Purpose.* To establish landscaping and tree preservation standards to promote high quality site development, compatibility of uses, biodiversity, tree preservation, and to enhance the health, safety and general welfare of the residents of the community.

1. *Definitions.* For the purpose of the Landscaping, Screening and Tree Preservation Standards, the following definitions shall apply:

BASIC USE AREA. Area dedicated to site's use, including buildings, parking, loading, driveways, streets, outbuildings, trash enclosures, utilities, landscaping, and grading necessary for the construction of the above uses. Surface water detention ponds are not part of the basic use area.

BIODIVERSITY. The variety, distribution and abundance of living organisms in an ecosystem.

DAMAGE. Action or inaction which does not follow good arboriculture practices. Damage may include damage inflicted upon roots by machinery, changing the natural grade

above the root system or around the trunk, destruction of the natural shape or any action which causes infection, infestation or decay.

DBH. Diameter at breast height, typically measured at 4'-6' above the ground.

DETENTION AREA. Area of a detention pond from the normal water level and up the side slopes to 10' offset from the high water level.

DISTURBANCE. Any construction, development, removals, earth movement, clearing or other similar activity.

DRIP LINE. Imaginary line on the ground that is extended straight downward from the outermost edge of the canopy.

ENVIRONMENTALLY SENSITIVE AREA (ESA).

Commented [KS1]: Need definition.

FOUNDATION LANDSCAPE ZONE. An area located within 15' of the building

INVASIVE SPECIES. A plant non-native to the local ecosystem which exhibits, or has the potential to exhibit, uncontrolled growth and invasion or alteration of the natural functions of any native habitat.

LARGE SHRUB. Large shrubs have a mature height over 6'.

LARGE TREE. Over story deciduous trees with a mature height of at least 40'.

MEDIUM SHRUB. Medium shrubs have a mature height of 3'-6'.

MEDIUM TREE. Deciduous trees with a mature height over 18' and up to 39'.

NATURAL RESOURCE PROTECTED AREA.

NATURAL RESOURCE CONSERVATION AREA.

NATURAL RESOURCE CORRIDOR ENHANCEMENT AREA.

REMOVAL. Actual removal or effective removal through actions resulting in the death of a tree.

ROOT PROTECTION ZONE. A protected area around an existing tree established by offsetting the drip line 5' away from the tree center.

SCREEN. A barrier that hinders sight and, potentially, access.

SMALL SHRUB. Small shrubs have a mature height of less than 3'. Small shrubs are interchangeable with perennials, ornamental grasses and groundcovers to fulfill landscape standards.

SMALL TREE. Understory deciduous trees with a mature height of 18' and under.

TREE. Any self-supporting woody plant, growing up the earth with one trunk of at least 3" dbh, or a multi-stemmed trunk system with a definitely formed crown.

UNDESIRABLE TREE. Trees that are dead, diseased, structurally weak, invasive or trees that are hazardous to people, infrastructure or buildings.

VEHICULAR HARDCAPE. Areas covered with hard surface intended for vehicles, including but not limited to off-street loading spaces, parking lots, driveway, drop-offs, and drive through facilities.

(b) *Landscaping Standards.* New residential platted subdivisions, mixed use, commercial, institutional and industrial uses shall be subject to the landscaping standards unless specifically excepted. The landscape standards have been divided into five categories: Canopy Cover, Foundation Landscape, Open Areas Landscape, Buffer and Screen, and Boulevard Trees. Projects shall comply with the applicable requirements of all five categories.

(c) *Canopy Cover Standards.* The purpose of this requirement is to mitigate the effects of vehicular hardscape by establishing tree canopy cover to intercept rainfall, protect pavement from sun deterioration, reduce the heat island affect, and improve aesthetics. Canopy cover requirements do not apply to single family residential development, multi-family residential development without surface parking other than individual unit driveways and permitted exterior storage areas in Industrial Districts.

1. The required minimum canopy coverage for all uses is 40%.
2. The following equation shall be used to calculate required canopy coverage:

$$\text{Vehicular Hardscape (Square Feet) } \times \text{ Canopy Cover Percent} = \text{Required Minimum Canopy Cover (Square Feet)}$$

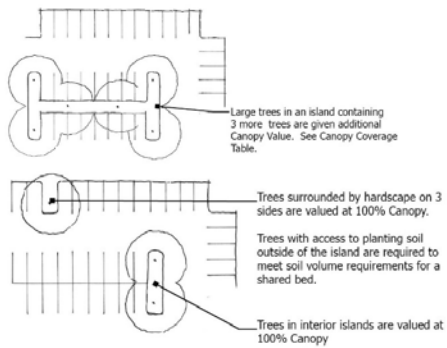
The total of the assigned canopy coverage values for all the trees in or near the vehicular hardscape must be equal or greater than the required minimum. Pervious pavements are considered 50% hardscape.

3. The assigned canopy coverage value of each tree is based on planting location, tree size and anticipated tree canopy size 15 years after planting. The assigned canopy cover value to each deciduous tree is described in the following table and illustrations:

Assigned Canopy Cover Value

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Planting Location (for new trees)		Interior parking lot islands	Within less than 7' of vehicular hardscape edge	7'-12' from vehicular hardscape edge
Assigned Canopy Coverage Value		100% of the canopy square footage	50% of the canopy square footage	25% of the canopy square footage
Square feet (SF) of canopy coverage assigned to each deciduous tree	Large Tree	950 SF (or 1200 SF in islands of 3 or more trees)	600 SF	300 SF
	Medium Tree	500 SF	250 SF	125 SF
	Small Tree	250 SF	125 SF	NA
	Existing Tree: 6 – 12” dbh	1900 SF	950 SF	NA
	Existing Tree: 12+” dbh	2850 SF	1425 SF	NA



4. Existing trees may be used to fulfill canopy coverage, as described in §1007.043 (17)(h), when the drip line has proximity to the edge of the hardscape; therefore, existing trees do not need to be within less than 7' feet of the vehicular hardscape edge.

(d) *Foundation Landscape Standards.* The purpose of these standards is to soften and enhance building architecture, define access points, add color and seasonal interest, and to blend buildings in with the natural environment. Foundation Landscaping Standards do not apply to single family residential development.

1. The foundation landscape planting standards are described in the following table:

Foundation Landscape Standards		
Location	Per 100 linear feet (LF) of Building*	
	Trees	and Shrubs
Front and Public/Private Street	2 large	6 large

2. Rounded to the nearest tenth, with a minimum factor of one.
3. Round all calculations to the nearest whole number of plants.
4. The required plant materials shall be planted in the foundation landscape zone adjacent to the building face where the requirement applies. The City may allow flexible planting locations where service areas or other constraints make the standards difficult to meet.
5. Existing trees may be used to fulfill the Foundation Landscape Standards as described in §1007.043 (17)(h).
6. Smaller landscape materials may be substituted at the following rates:
 - 1 Large Tree = 1.5 Medium or 2 Small Trees
 - 1 Large Shrub = 1.5 Medium or 3 Small Shrubs
7. The design of landscaping for ground areas under the building roof overhang must take into account the potential effects of runoff from the roof edge.
8. Trees planted within 30' of the building shall be considered -within the foundation landscape zone

(e) *Open Areas Landscape Standards:* The purpose of these standards is to provide general site beautification and high aesthetic quality with a mix of plant materials in open areas. Open areas include disturbed site areas, such as cul de sac islands, boulevard medians, storm water management areas, common areas in multifamily sites that are not for recreation facilities, and disturbed areas that are not located within the foundation landscape zone, vehicular hardscape area or the building footprint. Open Area landscaping standards do not apply to single family residential lots. Open areas landscaping shall meet the following standards.

1. The open areas planting standards are described in the following table:

Open Areas Landscape Standards

Per 2000 SF*	Trees and Shrubs	
	1 large	3 large

*Rounded to the nearest tenth, with a minimum factor of one.

2. Round all calculations to the nearest whole number of plants.

3. Only land above the normal water level shall be included in the open area calculation for storm water detention areas. Planting shall be located above the normal water level in detention areas. The City may require specific tree species in locations where water levels vary.

4. Existing trees may be used to fulfill Open Areas Landscape Standards as described in §1007.043 (17)(i).

5. Smaller landscape materials may be substituted at the following rates:

- 1 Large Tree = 1.5 Medium or 2 Small Trees
- 1 Large Shrub = 1.5 Medium or 3 Small Shrubs

6. Areas that are included in a project-specific natural resource management plan that addresses vegetation are not subject to the open areas landscaping standards.

(f) *Buffer and Screen Standards:* The purpose of this requirement is to separate and buffer different land use types, screen roads and parking, and screen utility and loading areas. The location of buffers and screens are listed below, while the width of the buffer yard can be found in the respective zoning districts. Buffers and screens shall meet the following standards.

1. Required screen location, height, and materials are described in the following table:

Landscape Screen Location, Height and Materials

Location	Required Screen Height	Required Screen Materials
Between a parking lot and public right of way or sidewalk	30 inches	<ul style="list-style-type: none"> • Year round continuous planting screen in accordance with paragraph (f)2. Or • A combination of berm and year round continuous screen in accordance with paragraph (f)2.

Location	Required Screen Height	Required Screen Materials
Between residential uses and arterial or collector road	6 feet	<ul style="list-style-type: none"> • Year round continuous planting screen in accordance with (f)2. Or • Wall or fence and plantings shall provide shrub cover for 50% of the wall or fence on the exterior side Or • A combination of berm and year round continuous screen in accordance with paragraph (f)2.
Between any development and adjacent, less intense, residential land uses (this includes across a street -from residential) but not on the side of a use considered to be the front (as determined by the Zoning Administrator)		
Between loading/service area and public view		
Outdoor Storage Yards	8 feet	<ul style="list-style-type: none"> • A wall or fence of permanent materials and planting shall provide shrub cover for 50% of the wall or fence on the exterior side. At its discretion, the City Council may approve a modification or waiver from these standards where the affected property line adjoins another industrial property.

2. All ~~continuous year round~~ planting screens shall require at a minimum a double row of plants with triangulated spacing. See illustration. Planting plans shall include species which are sized to appropriately screen visibility within five years of planting. Small shrubs shall be a planted at a maximum interval of 3' on center; medium shrubs shall be planted at a maximum interval of 4' on center; and large shrubs shall be planted at a maximum interval of 6' on center unless; otherwise authorized by the City.



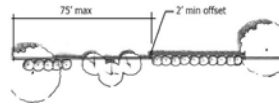
3. A wall or fence intended to provide a continuous year round screen shall block visibility completely.

4. In addition to the shrub cover required in the table above, -all screens shall be planted with large trees every 50 LF, medium trees every 35 LF, or small trees every 25 LF or some combination thereof, along the length of the screen.

5. Existing vegetative screens should be left in place unless composed of invasive species or otherwise directed by the City. Existing screens may be enhanced with new plantings to comply with the standards.

6. Berms shall be irrigated, have maximum side slopes of 3:1, and have no less than four (4) inches of topsoil.

7. Permanent walls and fences shall be offset by a minimum of 2' at intervals of 75' maximum length for stability and visual relief. See illustration.



8. Approved permanent wall/fence materials shall include wood, metal, masonry, concrete stone, or other prefabricated and/or sustainable materials. Non-decorative concrete block is prohibited for screening walls: rock face block or other decorative material is required for masonry walls. Chain link fences with slats are prohibited for screening walls.

9. Maintenance of the required buffer strip planting and/or fence shall be the responsibility of the individual property owners or, if applicable, the homeowners association.

(g) *Boulevard Tree Standards:*

1. Boulevard Trees shall be required in all new residential subdivisions.
2. Boulevard trees are required at the rate of one tree per lot frontage for single family and two family lots. Townhome and Multi-family properties shall provide boulevard trees at a rate of 1 tree per 70 linear feet of road frontage where property fronts any public road.
3. Boulevard trees shall be planted within 14 feet of the curb line or as otherwise determined by the City Forester.
4. Existing trees may be used to fulfill boulevard tree standards at the City's discretion.
5. The City may, at its discretion, purchase and install the required boulevard trees. In such case the City shall collect a standard fee per tree. Said fee shall be established by the City Council and based on the estimated market rate cost to purchase and install trees within the development site.

(h) *Sod and Ground Cover.* All areas not otherwise improved in accordance with the approved site plans shall have a minimum depth of four (4) inches of topsoil and be sodded

including boulevard areas. Exceptions to these criteria may be approved by the Zoning Administrator as follows:

1. Seed may be provided in lieu of sod in any of the following cases:
 - a. Where the seed is applied to future expansion areas as shown on the approved plans.
 - b. Where the seed is applied adjacent to natural areas or wetlands. Seed mixture shall be approved by the City.
 - c. For single-family and two-family residential properties, proper erosion control measures shall be implemented and maintained until vegetation is established. Sod may be required in areas subject to erosion as determined by the Building Official or City Engineer.
2. Undisturbed areas containing existing viable natural vegetation which can be maintained free of foreign and noxious plant materials.
3. Areas designated as open space or future expansion areas properly planted and maintained with native grasses or wild flowers indigenous to Minnesota. Seed mixture shall be approved by the City.
4. Use of mulch materials such as bark, wood chips and decorative rock in support of shrubs and foundation plantings.
5. Natural Prairie Restoration Areas. Native grasses and wild flowers indigenous to Minnesota, planted and maintained on any occupied lot or parcel of land, setback a minimum of 20 feet from the front property line and/or side property line abutting a public street, as part of a garden or landscape treatment.

(i) *General Landscaping Standards:*

1. All lot areas not used for off-street parking, off-street loading, sidewalks, driveways, building sites or other requirements shall be landscaped with grass, shrubs, trees or other acceptable vegetation or treatment as required by this chapter prior to issuance of a certificate of occupancy. Exceptions to this requirement are listed in §1007.043 (17)(o).
2. Commercial, industrial, public/semi-public, institutional, and multi-family residential uses shall be required to submit a site landscape plan, in accordance with §1007.020, Site and Building Plan Review, for approval by the city prior to issuance of a building permit.
3. Desirable existing trees may be used to fulfill Canopy Cover, Foundation Landscape and Open Areas Landscape standards if applicable by placement. Desirable existing trees are valued according to the following table:

Existing Tree Value

Tree Size	deciduous trees under 6" DBH or evergreen trees under 12' tall	deciduous trees between 6"-12" DBH or evergreen trees between 12'-20' tall	deciduous trees over 12" DBH or evergreen trees over 20' tall.
Tree Value	1 large tree	2 large trees	large trees

4. Plantings may be grouped if part of an approved landscape plan.
5. Standards may be met with different sizes of trees and shrubs.
6. New trees may fulfill Canopy Coverage, Foundation Landscape and Landscape Screen standards simultaneously if applicable by placement.
7. An existing tree is considered to be removed if the tree trunk is damaged or if more than 30% of the drip line area is disturbed during the construction process.
8. The City may allow flexibility in landscape standards if there are conflicts with solar power, wind power, water harvesting, food production or other innovative measures proposed for the site.
9. The landscape plan shall be compared to all applicable CPTED (Crime Prevention Through Environmental Design) standards and reviewed by the police department.
10. Trees and shrubs shall not be planted in the right of way without City authorization and shall not be planted in easements without authorization from the holder of the easement.
11. Turf slopes in excess of three to one (3:1) are prohibited.
12. Commercial, industrial multi-family, public/semi-public and institutional uses shall install irrigation systems to ensure survivability of landscape materials.

(j) *Tree Preservation and Mitigation Standards:* The purpose of these standards is to protect valuable trees and stands of vegetation, while not interfering with landowners' reasonable use and development of property. The goal is to minimize unnecessary loss of habitat, biodiversity and forest resources and to replace removed trees in areas where tree cover is most critical. Unless specifically excepted, tree preservation and mitigation standards apply to all plats, site plans, conditional use permits, interim use permits, grading, building, and other activity that requires a city permit or approval.

1. Tree preservation and mitigation standards are described in the following table:

Tree Preservation and Mitigation Standards

Environmentally Sensitive Area (ESA) Category	Tree Location: within Basic Use Area	Tree Location: not within Basic Use Area	
	deciduous trees 6" dbh and over or evergreen trees between 12'-20' tall	deciduous trees 6-12" dbh or evergreen trees between 12'-20' tall	deciduous trees over 12" dbh or evergreen trees over 20' tall
Non-ESA	no mitigation required	provide one tree per tree removed	provide two trees per tree removed
Natural Resource Conservation Area or Natural Resource Corridor Enhancement Area	provide one tree per four trees removed	provide two trees per tree removed	provide three trees per tree removed
Natural Resource Protected Area	provide one tree per two trees removed	provide two trees per tree removed	provide three trees per tree removed

2. Trees used for mitigation may also fulfill the Open Areas Landscape Standards at the discretion of the City.
3. Trees with thirty percent (30%) of the roots damaged are considered to be removed and must be mitigated for at the applicable rates.
4. Undesirable trees are not subject to the Tree Preservation and Mitigation Standards.
5. On existing lots with existing buildings where no building or development activity that requires a permit or approval from the City is occurring, the removal of trees is not subject to tree preservation and mitigation standards.
6. Replacement trees shall be planted on site.
7. The applicant may request to pay a fee per tree in lieu of some or all of the trees required for mitigation. At the City's discretion, the City may accept the fee for planting trees

within the general area of the development project. The City shall maintain a standard fee per tree based on the estimated market rate cost to purchase and install trees.

(k) *Landscaping Guidelines and Technical Specifications:* The selection, installation and maintenance of all planting materials shall be in accordance with the City's Landscaping Guidelines and Technical Specifications Manual.

(l) *Tree Survey:*

1. A tree survey is required for all property that contains a deciduous tree greater than 6" dbh or an evergreen tree greater than 12' tall.

2. The tree survey shall be the basis for the tree preservation plan, tree mitigation standards, and the use of existing trees to fulfill landscape standards.

3. The tree survey shall provide the following information:

a. In the basic use area and other areas where tree removal is proposed, for all deciduous trees over 6" dbh and all evergreen trees greater than 12' tall:

- i. tree species
- ii. size
- iii. location
- iv. drip line
- v. tree condition

b. The location of the combined drip lines of all tree stands designated for preservation on the development property

c. On adjacent properties, the drip line of deciduous trees over 6" dbh and evergreen trees greater than 12' tall where the drip line is within 5' of the development property.

4. For a new plat or new Planned Unit Development, the tree survey shall be one plan sheet and the tree preservation plan shall be a separate plan sheet.

5. For a building permit for a new structure on an existing lot, the tree survey and preservation information may be included on the lot survey typically required for a building permit instead of on a separate document. For a building permit for an addition to an existing structure, the tree survey information may be provided in an informal medium that sufficiently conveys the information.

6. At the City's discretion, the tree survey requirement may be waived under the following circumstances:

a. Deciduous trees greater than 6" dbh or evergreen trees greater than 12' tall will not be removed and are not likely to be impacted by construction.

b. Deciduous trees greater than 6" dbh or evergreen trees greater than 12' tall will only be removed within the basic use area and the basic use area is not an ESA.

(m) *Tree Preservation Plan:*

1. A tree preservation plan shall be required for all soil disturbance activities where Tree Preservation and Mitigation Standards apply. A tree preservation plan shows how the Tree Preservation and Mitigation Standards will be met and how preserved trees will be protected during construction and other potentially harmful activities.

2. The tree preservation plan shall be based on the tree survey.

3. If a tree survey shows that no desirable deciduous trees over 6" dbh or evergreen trees greater than 12' in height on the development property or adjacent properties are near the construction area, the City may waive the tree preservation plan requirement.

4. A tree plan shall identify:

a. The basic use area.

b. The disturbance area.

c. Tree size (dbh), species, condition, location, and root protection zone (5' out from the drip line) for all deciduous trees over 6" dbh or evergreen trees greater than 12' tall to be preserved, or;

d. The combined root protection zone of all stands of trees designated for preservation, whichever is applicable.

e. Location and type of tree protection fence.

f. Staging areas.

g. Temporary construction access routes when temporary site access is necessary within root protection zone of any tree or tree stand designated for preservation.

i. Temporary access shall be routed in a manner that is least disruptive to the tree or tree stand per the approval of the City Forester.

ii. Temporary access roads shall not exceed twenty-five (25) feet in width and shall be delineated by snow fencing or safety fencing.

iii. An eight (8) inch deep cover of wood chip mulch shall be placed over the temporary access road to cushion the root protection zones from compaction.

h. Concrete washout areas.

i. Existing and proposed grading.

j. The plan shall show directional felling and trenching to separate root systems prior to bulldozing trees or stumps if necessary to avoid damage to adjacent trees.

k. Coordination of utility planning so that utilities are installed in a manner that protects trees intended to be saved.

i. Trees to be preserved shall be tagged in the field and keyed to the tree preservation plan. The City may inspect the trees to verify compliance with the preservation plan at any time during construction.

ii. If a natural resource management plan has been approved for the site, the tree preservation plan shall be in accordance with said plan.

iii. See City Code Chapter 1011, Stormwater and Erosion and Sediment Control, for other construction related requirements.

5. The following shall occur prior to soil disturbance:

a. The tree preservation plan shall be approved by the City.

b. Fencing and all tree protection measures shall be installed and inspected by the City.

c. Erosion control measures shall be installed and inspected by the City.

d. All required financial securities have been submitted.

e. Any required development agreement has been approved.

(n) *Tree Preservation during Construction:* Trees that are to be preserved must be protected by the following methods unless otherwise approved by the City.

1. Tree protection fencing shall be installed and maintained 5' out from the identified drip line of the trees (Root Protection Zone) prior to soil disturbance. Fencing shall be a minimum of 4' high and of a highly visible material, such as snow fence or polyethylene

laminar safety netting, and must be standing throughout the construction process. Cut roots with clean, pruning cuts at the fence line prior to fence installation to avoid later tearing of the roots. Signage shall be installed to instruct workers to stay out of the Root Protection Zone.

2. Areas where development must encroach upon the root protection zone must be identified on the tree preservation plan in which case the fencing shall be installed at that edge.

3. No actions that may harm the health of the tree, including but not limited to construction, traffic, compaction, storage of equipment or materials including soil, grading, or concrete washout areas may occur in the Root Protection Zone.

4. Trees damaged by construction, or with more than thirty percent of the roots disturbed, shall be counted as removed and mitigated at applicable rates.

5. Tree protection measures shall remain in place until all grading and construction activity is terminated.

(o) *Final Inspection:* Prior to the issuance of a certificate of occupancy, the project developer, builder, or representative shall certify in writing to the City that all elements of the tree preservation plan and landscaping plan were completed. These must be confirmed by the City. However, the City may issue a certificate of occupancy prior to completion of landscaping in the following situations:

1. If winter weather will prevent healthy planting practices, a security shall be posted to ensure the remaining planting is accomplished and all planting must be installed by the fifteenth of June the following spring.

2. A certificate of occupancy may be issued by the City on residential lots prior to lawn seeding or sod, provided an escrow security is submitted sufficient to ensure that the work will be completed and the date of completion is specified.

(p) *Non-Compliance:* If the City finds that the property is not in compliance with the approved landscaping plan or tree preservation plan, it shall inform the property owner or, if applicable, the homeowners association, regarding the non-compliance and describe, in writing, the steps needed to bring the property into compliance within a reasonable timeframe, not to exceed sixty (60) calendar days.

(q) *Performance Security:* The City may require performance security to ensure conformance with the requirements of this chapter.

1. The performance security shall extend for two (2) years from the date of planting. The form of the security (cash, letter of credit, or other form) shall be determined by the City.

2. If after notification of non-compliance the property owner or, if applicable, the homeowners association fails to achieve the compliance within sixty (60) calendar days, the City may exercise its authority to use the performance security to address compliance.

(18) *Fences and Walls.* Fences and walls shall be permitted in all required yards subject to the following:

(a) *Permit Required.* It is unlawful for any person hereafter to construct or cause to be constructed or erected within the City, any fence or wall without first making an application for and securing a permit.

(Ord No. 06-19, passed 04-09-2019)

(b) *Certificate of Survey.* An application for a fence or wall permit shall be accompanied by a current certificate of survey providing exact lot dimensions, the location of existing buildings, structures, and easements on the lot, and the location of the proposed fence. At the discretion of the City, a final plat detail of the lot with the required information shown may suffice if no certificate of survey is available. Applicant shall be required to physically identify the property corners for City inspection.

(c) *Location.* All fences or walls shall be located entirely within the private property of the person, firm, or corporation constructing or causing the construction of such fence.

1. No fence or wall shall be permitted on public rights-of-way.

2. Traffic visibility requirements set forth in §1007.042 (5)(a)3. of this Ordinance shall be satisfactorily met.

3. No fence or wall shall obstruct natural drainage.

4. Fences or walls may be constructed within public and private utility and drainage easements provided that:

a. No fence or wall shall be located within a drainage or utility easement without written permission of the City Engineer and the filing of an encroachment agreement.

b. Removal of a fence or wall or a portion thereof for the purpose of utilizing the easement shall be at the property owner's expense.

(d) *Construction and Maintenance.*

1. Every fence or wall shall be constructed in a professional and substantial manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. The materials and design shall also be compatible with other structures in the area in which the fence or wall is located and shall not cause blight or a negative impact.

2. Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence or wall which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the City shall commence proper proceedings for the abatement thereof.

3. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced. That side of the fence or wall considered to be the face shall be oriented toward abutting property.

4. Fences which are ninety (90) percent open (barb wire, chain link, woven wire, and other similar type fences) which are for the sole purpose of containing farm animals within a rural zoning district are not subject to the provisions of this Ordinance ~~and do not require a building permit~~ but require a zoning permit prior to construction. Chain link fences shall have round steel parts and braces.

5. ~~Retaining walls (such as masonry construction) greater than forty- eight (48) inches in height, including buried portions, shall require a building permit. When utilized, tiered retaining walls shall be separated by a horizontal landing not less than three (3) feet in width. Solid walls and retaining walls (such as masonry construction) in excess of forty two (42) inches in height shall be prohibited. When utilized, tiered retaining walls shall be separated by a horizontal landing not less than three (3) feet in width.~~

(e) *Access*. All fences or walls shall be provided with a gate which affords reasonable and convenient access for public safety.

(f) *Residential District Fences or Walls*. All residential district fences or walls shall be placed within the property being fenced.

1. Fences or walls may be located in any yard up to a height of four (4) feet.

2. Except as prohibited by §1007.043 (18)(f)3. below, a fence or wall up to six (6) feet high may be erected from a line extended from the front facade of the principal building to the side lot lines, and then along the side lot lines and the rear lot line (see Diagram 6.b).

3. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear or side lot equal to the required front yard setback of the abutting lot shall not be fenced or walled to a height of more than four (4) feet. For the purpose of this section, the front and side yards of the abutting lot shall be as defined in this Ordinance rather than as related to the orientation of the house (see Diagram 6.c).

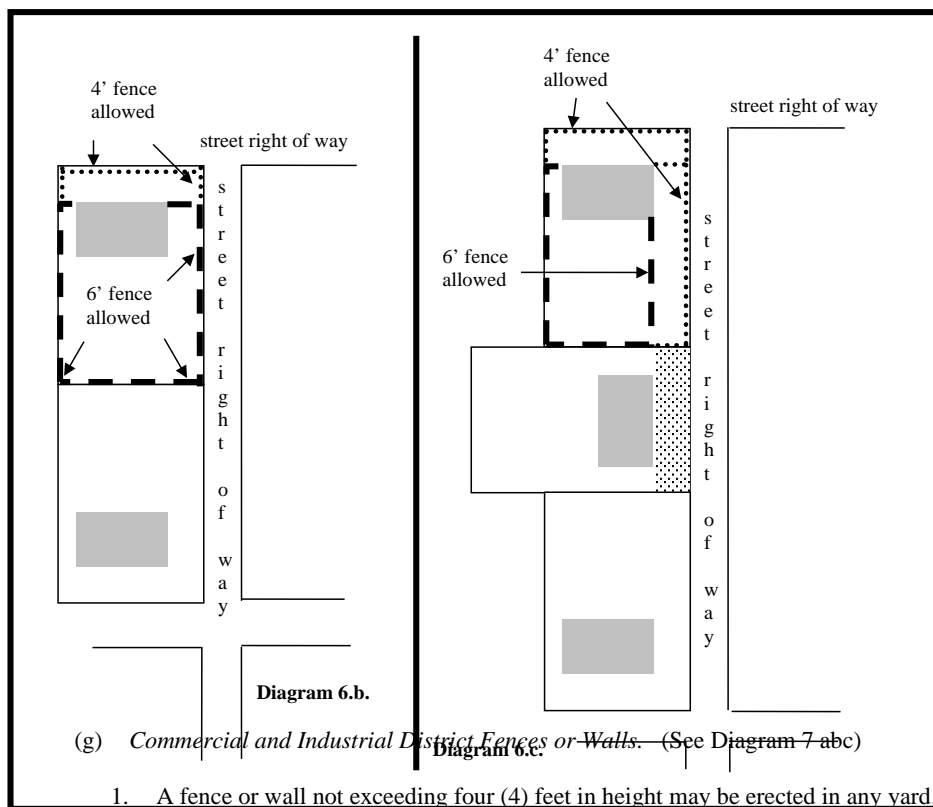
4. Residential Fences or Walls Height Exceptions.

5. Fences for sport courts may be up to twelve (12) feet in height with ten (10) foot setback.

6. Residential boundary line fences or walls may be erected to a height of eight (8) feet along a property line abutting a commercial, industrial, or semi-public use or zoning district.

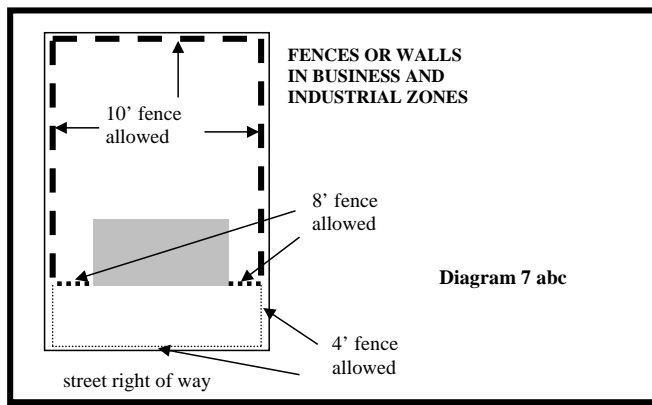
7. Wire fence other than chain link shall not be permitted as boundary line fences within five (5) feet of the property line in residential zoning districts.

8. Electrical and barb wire fences are prohibited in residential zoning districts.



3. A fence or wall not exceeding ten (10) feet in height may be erected on a rear lot line or on a side lot line that is not adjacent to a street from a point where the front facade of a principal building would intersect with a side lot line extending to the rear property line.

4. Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot shall not be fenced or walled to a height of more than four (4) feet.



5. Within commercial and industrial and public/semi-public zoning districts, barbed wire may be attached to the tops of fences or walls with the following conditions:

a. Fences or walls must be a minimum of eight (8) feet in height exclusive of the security arm.

b. The security arm must be angled in such a manner that it extends only over the property of the permit holder.

c. Wire security fencing shall not be permitted within the required front yard or along a property line abutting a residential use.

(h) *Public and Semi-Public District Fences or Walls.* Fences or walls in the public and semi-public districts may be erected in any yard to a height of eight (8) feet. Barbed wire fences used for security purposes may be permitted in the public and semi-public zoning district per §1007.043 (18)(g)5. of this Ordinance.

§1007.044 OFF-STREET PARKING

(1) *Purpose.* The regulation of off-street parking spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public, by establishing minimum requirements for off-street parking of motor vehicles upon various parcels of land or structures.

(2) *Application of Off-Street Parking Regulations.* The regulations and requirements set forth herein shall apply to all off-street parking facilities in all of the zoning districts of the City.

(3) *General Provisions.*

(a) *Space Reduction.* Existing off-street parking spaces upon the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar new use.

(b) *Existing Uses.* Should a legal, non-conforming building, structure, or use in existence upon the effective date of this Ordinance be damaged or destroyed by fire or other cause, it may be re-established in accordance with §1007.041 of this Ordinance, except that in so doing, any off-street parking or loading which existed must be retained.

(c) *Change of Use or Occupancy of Buildings.* Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

(d) *Use of Parking Area.* Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

(e) *Accessible Parking.* All parking associated with any building, structure or use shall be required to conform to the disability accessible parking standards pursuant to Minnesota Statutes 168.021, as may be amended.

(f) *Use of Parking Facilities in a Residential District.* Except as allowed under §1007.044 (11), off-street parking facilities accessory to a residential use shall be utilized solely for the parking of passenger automobiles, recreational vehicles, and/or one truck not to exceed eleven thousand seventy-five (11,075) pounds gross weight rating for each dwelling.

(g) *Calculating Space.*

1. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten (10) percent, except when floor plans are submitted that identify net usable floor area of the building exclusive of ancillary

floor areas that do not generate parking demand (e.g., stair wells, hallways, restrooms, closets, utility rooms).

2. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.

3. In gymnasiums, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements.

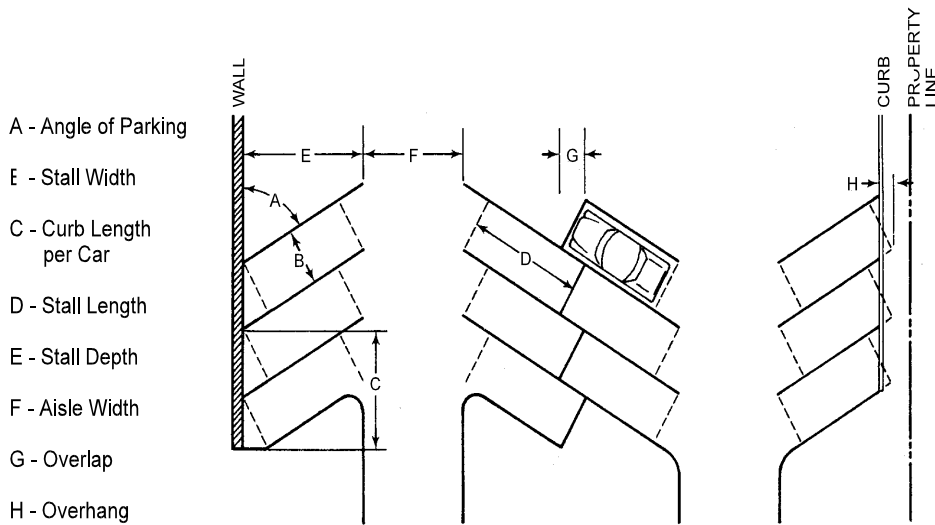
4. Except as provided for under joint parking and shopping centers, should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

5. In hospitals, bassinets shall not be counted as beds.

(h) *Stall, Aisle and Driveway Design.*

1. *Parking Area Standards.* Parking areas and the aisles shall be developed in compliance with the following standards:

Angle of Parking	Stall Width	Curb Length Per Car	Stall Length	Stall Depth Wall to Aisle	Stall Depth Interlock to Aisle	Aisle One Way	Width Two Way
90°	9' 0"	9' 0"	18' 0"	18' 0"	18' 0"	24' 0"	24' 0"
75°	9' 0"	9' 6"	18' 0"	20' 8"	19' 10"	21' 6"	23' 0"
60°	9' 0"	10' 5"	18' 0"	21' 0"	19' 10"	18' 0"	22' 0"
45°	9' 0"	12' 9"	18' 0"	19' 10"	17' 10"	15' 0"	22' 0"
0°	9' 0"	22' 0"	22' 0"	9' 0"	9' 0"	12' 0"	24' 0"



2. *Within Structures.* The off-street parking requirements may be furnished by providing a space so designed within the principal building or one (1) structure attached thereto. No building permit shall be issued to convert said parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Ordinance.

3. *Collector/Minor Arterial Street Access.* Access to any street shown as a collector or arterial roadway on the City's Transportation Plan shall require review and comment by the affected agency (Anoka County Highway Engineer or MnDOT) and City. This review shall be required prior to the issuance of any building permits. The County or City Engineer shall determine the appropriate location, size and design of each access drive and may limit the number of access drives in the interest of public safety and efficient traffic flow.

4. *Street/Alley Access.* Except in the case of single, two family ~~and~~ townhouse ~~and quadraminium~~ dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single, two family ~~and~~ townhouse ~~and quadraminium~~ dwellings, parking area design which requires backing into the public street is prohibited. New residential subdivisions shall be designed to limit direct lot access onto any street shown as a collector or arterial roadway on the City's Transportation Plan.

5. *Tandem Parking.* The required parking spaces serving one and two family dwellings may be designed for parking not more than two (2) vehicles in a tandem arrangement for each dwelling unit in order to comply with the requirements of this Ordinance.

6. *Curb Cut/Driveway Access Location.*

a. No curb cut/driveway access shall be located less than thirty (30) feet from the intersection of two (2) or more local or minor street rights-of-way. This distance shall be measured from the intersection of lot lines. Curb cut/driveway access setbacks from the intersection of streets with higher functional classifications shall be consistent with the recommendations of the Comprehensive Plan and require approval by the City Engineer.

i. Street functional classification shall be defined by the Lino Lakes Comprehensive Plan.

ii. The setback measurement shall be measured from the edge of the street right-of-way to the nearest edge of the curb cut.

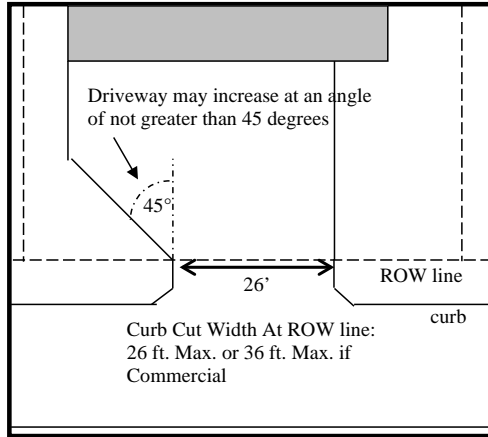
iii. Driveways onto arterials and major collectors shall be prohibited where alternative street access is available. For existing lots of record, where alternative access is not available, direct access onto arterial and major collectors may be permitted, provided a site plan is submitted for review and approval of the City Engineer. Approval is also subject to the conditions of this Ordinance.

b. Curb cut/driveway access on a public street except for single, two family, and townhouse dwellings shall not be located less than forty (40) feet from one another.

c. Except with special approval from the City Engineer, curb cut openings and driveways shall be a minimum of five (5) feet from the side yard property line in all districts. Any shared driveway shall include a maintenance and access agreement.

d. A single-family lot in a residential zoning district shall not have more than one driveway accessing a public street.

7. *Curb Cut/Driveway Width.* No curb cut shall exceed twenty-six (26) feet in width within a rural or residential zoning district, or thirty-six (36) feet in width if the property is in a commercial, industrial, or public/semi-public zoning district, as measured at the street right-of-way line unless approved by the City Engineer. The driveway associated with such curb cut may increase in width at an angle not greater than forty-five (45) degrees.



8. *Emergency Vehicle Access.*

a. Access drives to principal structures which traverse wooded, steep or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. All access drives (driveways) shall comply with the following standards:

DRIVEWAY/ACCESS STANDARDS		
	Single Family Detached Uses	Commercial Uses
Maximum Slope	Ten (10) foot vertical rise in one hundred (100) horizontal feet.	Eight (8) feet rise in one hundred (100) horizontal.
Minimum Width	Ten (10) foot wide driveway base. Vegetation should be cleared to eight (8) feet on each side of driveway centerline from the roadway to the front property line.	Twenty (20) feet driveway base or as approved by community engineer.

b. All lots or parcels shall have direct, adequate, physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway or an approved private roadway.

c. In addition to the required direct physical access along the frontage of the lot or parcel to the approved public or private roadway, a lot or parcel may have existing private easement access drives to the lot over adjacent lots or parcels.

9. *Grade Elevation.* Excepting driveways for single family and two family dwellings, the grade elevation of a parking area shall not exceed five (5) percent.

10. *Striping.* Except for single, two family, townhouse, ~~townhousequadraminiums~~, and green parking lots, all parking stalls shall be marked with white or yellow painted lines not less than four (4) inches wide.

11. *Lighting.* Any lighting used to illuminate an off-street parking area shall be arranged as to reflect the light away from the adjoining property. All exterior lighting shall comply with §1007.043 (6) of this Ordinance.

12. *Curbing and Landscaping.* Except for single, two family, townhouse and ~~townhousequadraminiums~~, all open off-street parking shall have a continuous concrete perimeter curb barrier around the entire parking lot. Said curb barrier shall not be closer than the required parking setback of the respective zoning district. Grass, plantings or screening shall be provided in all areas bordering the parking area.

~~13. *Screening.*—When a parking area of six (6) spaces or more is adjacent to a street or residential area, a berm, wall, or fence not less than four (4) feet in height shall be erected along the parking area to screen headlights. Grass or plantings shall occupy the space between the parking lot curb or fence and the street surface. (The City Council may recommend screening in lieu of fencing.)~~

~~14.13.~~ *Parking Lot Landscaping.*

a. All exposed parking areas of six (6) or more required spaces shall be landscaped on all sides in compliance with §1007.043 (17) of this Ordinance.

b. Within off-street parking facilities ~~for commercial uses~~ of fifty (50) or more stalls, irrigated landscaped islands or peninsulas or rain gardens shall be provided at a rate of one hundred (100) square feet per twenty-five (25) surface stalls or fraction thereof. Such islands or peninsulas shall be contained within raised, curbed beds consistent with other applicable parking lot construction requirements of this Ordinance. It is not the intent of this section to relieve a project of the installation of islands or peninsulas that are necessary to promote the safe and efficient flow of traffic, regardless of parking lot size.

c. No landscaping or screening shall interfere with drive or pedestrian visibility for vehicle entering, circulating or exiting the premises.

~~15-14.~~ 15-14. *Cart Storage.* Retail commercial uses that have customer service carts shall be required to provide ample space for the storage of carts within off-street parking areas, subject to the approval of the Zoning Administrator. The need and specific amount of required cart storage space shall be determined as part of site plan review. When required, cart storage areas shall not occupy required off-street parking space, shall be clearly delineated, and shall include facilities for cart confinement.

~~16-15.~~ 16-15. *Surfacing* All driveways, approaches, sales lots, and parking areas, shall be hard surfaced using concrete, asphalt or equivalent materials as approved by the City Engineer.

a. In Commercial, Industrial and Public and Semi-public zoning districts the city may allow up to 25 percent of the required parking stalls be provided as green parking with a turf surface supported by a city approved parking lot sub-base and a turf-guard fabric.

b. In Rural and Residential zoning districts, on lots one acre in size or greater, driveways, approaches, and parking areas shall be surfaced with asphalt, concrete, class 5 gravel or other surfacing material as approved by the City Engineer.

(Ord No. 07-18, passed 06-11-2018)

(4) *Maintenance.* It shall be the joint responsibility of the operator and owner of the principal use, uses and/or buildings to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required screening.

(5) *Location.* All accessory off-street parking facilities required by this Ordinance shall be located and restricted as follows:

(a) Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of §1007.044 (8) and §1007.044 (9).

(b) Spaces accessory to one and two family dwellings shall be located on the same lot as the principal use served.

(c) Spaces accessory to multiple family dwellings shall be located on the same lot as the principal use served and within two hundred (200) feet of the main entrance to the principal building served.

(d) Spaces accessory to uses located in a business, industrial or public and semi-public district shall be located, within eight hundred (800) feet of a main entrance to the principal building served.

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(e) No off-street parking space located in a business, industrial or public and semi-public district shall be permitted within a public right-of-way or within fifteen (15) feet of any street surface.

(f) Off-street parking shall meet the setback standard of the respective zoning district.

(g) In the case of single family dwellings which lie upon lots smaller than one (1) acre, two family ~~and~~ townhouse ~~and quadraminium~~ dwellings, parking shall be prohibited in any portion of the front yard except designated driveways leading directly into a garage or one (1) open, surfaced space located on the side of a driveway, away from the principal use. Said extra space shall be surfaced in a manner consistent with §1007.044 (3)(h) ~~916~~. of this Ordinance.

(6) *Number of Spaces Required.* The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

<u>Use</u>	<u>Number of Spaces Required</u>
<u>Single Family and Two-Family Dwellings</u>	<u>2 spaces per unit.</u>
<u>Boarding House/Accessory Apartment</u>	<u>At least 1 parking space for each person for whom sleeping accommodations are provided</u>
<u>Townhome, Townhouse, Manor Home, Multiple Family Dwellings, and Mobile Homes within Mobile Home Parks</u>	<u>2 and 1/4 rent-free spaces per unit. In projects involving 8 or more units, the City may require additional clustered guest parking spaces based upon calculation of required demand.</u>
<u>Elderly (Senior Citizen) Housing</u>	<u>Reservation of area equal to 1 parking space per unit. Initial development is, however, required of only a 1/2 space per unit and said number of spaces can continue until such time as the City Council considers a need for additional parking spaces has been demonstrated.</u>
<u>Rest Home, Nursing Home, Convalescent Center, or Institution</u>	<u>1 space for each 6 beds based upon maximum design capacity, plus 1 space for each 2 employees.</u>
<u>Hospitals</u>	<u>2 spaces for each bed.</u>
<u>Schools, Elementary and Junior High</u>	<u>1 space for each classroom plus 1 additional space for each 300 student capacity, plus 1 space for each employee, plus 1 space for each 4 seats in auditorium.</u>
<u>High School and Colleges</u>	<u>1 space for each classroom plus 1 additional space for each 7 students based upon maximum design capacity.</u>

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<u>Church, Theater, Auditorium</u>	<u>At least 1 parking space for each 3 seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.</u>
<u>Community Centers, Libraries, Private Clubs, Lodges, Museums, Art Galleries</u>	<u>1 space for each 300 square feet of floor area in the principal structure.</u>
<u>Day Care Facilities</u>	<u>Day care facilities serving 14 or fewer persons: 2 spaces per unit.</u> <u>All other day care facilities: 1 space per teacher on the largest shift, plus 1 space per 5 students/children based on maximum capacity of the facility.</u>
<u>Office Buildings, Veterinary Hospitals, Professional Offices and Medical Clinics</u>	<u>3 spaces plus at least 1 space for each 200 square feet of floor area.</u>
<u>Financial Institutions, Banks, Savings and Loan</u>	<u>4 spaces for every 1,000 square feet.</u>
<u>Health Club</u>	<u>1 space per 2 exercise stations (e.g., strength machine or cardiovascular) plus 1 space per employee on the largest shift plus additional parking for ancillary uses (e.g., gyms, auditoriums, offices, restaurants).</u>
<u>Retail Store and Service Establishment</u>	<u>At least 1 off-street parking space for each 200 square feet of floor area.</u>
<u>Shopping Centers</u>	<u>5 and 1/2 spaces per each 1,000 square feet of gross leasable floor area (exclusive of common areas).</u>
<u>Retail Sales and Service Business with 50 Percent or More of Gross Floor area Devoted to Storage, Warehouses and/or Industry</u>	<u>At least 8 spaces or 1 space for each 200 square feet devoted to public sales or service, plus 1 space for each 500 square feet of storage area.</u>
<u>Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, On-Sale Nightclubs</u>	<u>10 spaces for each 1,000 square feet of dining room, plus 1 space for each employee of the maximum work shift.</u>
<u>Fast Food Restaurant</u>	<u>15 spaces per 1,000 square feet of gross floor area.</u>
<u>Motels, Motor Hotels, Hotels</u>	<u>1 space per each rental unit plus 1 space for each 8 units, and 1 space for each employee on any shift.</u>
<u>Laundromats</u>	<u>6 spaces per 1,000 square feet of floor area.</u>

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<u>Motor Fuel Station</u>	<u>At least 4 off-street parking spaces plus 1 space for each employee on duty. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance. Parking at fuel pumps shall not be allowed to satisfy the parking requirements.</u>
<u>Auto Repair</u>	<u>2 spaces per serving bay; the service bay is not a parking space.</u>
<u>Motor Vehicle Sales Lot</u>	<u>4 spaces per 1,000 square feet gross sales and office floor area of the building plus 1 space per each 2,000 square feet of gross land area.</u>
<u>Auto Wash/Commercial Car Wash</u>	<u>1 space per employee plus: Drive through: 10 stacking spaces. Self-service: 1 stacking space per wash bay. Motor Fuel Stations: None in addition to that required for the principal use.</u>
<u>Garden Supply Store, Building Material Sales in Structure</u>	<u>8 off-street parking spaces, plus 1 additional space for 800 square feet of floor area over 1,000 square feet.</u>
<u>Private Racquetball, Handball and Tennis Courts</u>	<u>Not less than 6 spaces per each court.</u>
<u>Indoor Sports Arenas, Private Skating Rink, Dance Hall, or Public Auction House</u>	<u>20 off-street parking spaces, plus 1 additional off-street parking space for each 200 square feet of floor space over 2,000 square feet.</u>
<u>Golf Driving Range, Miniature Golf, Archery Range</u>	<u>10 off-street parking spaces plus 1 for each 100 square feet of floor space of building.</u>
<u>Golf Courses</u>	<u>4 spaces per hole, plus 50 percent of the requirements for any other associated use.</u>
<u>Bowling Alley</u>	<u>5 spaces for each alley plus additional spaces for related uses.</u>
<u>Funeral Undertaking Establishment</u>	<u>At least 20 parking spaces for each chapel or parlor, plus 1 parking space for each vehicle. Aisle space shall also be provided off the street for making up a funeral procession.</u>
<u>Electrical and Television Repair</u>	<u>4 spaces per 1,000 square feet of floor area.</u>
<u>Woodworking Shop</u>	<u>1 space for each employee plus 1 space for each 1,000 square feet of gross floor area.</u>
<u>Contractors' Offices, Shops and Yards</u>	<u>2 spaces for each employee.</u>
<u>Light Manufacturing</u>	<u>1 space for each employee or 1 space for each 2,000 square feet of gross floor area, whichever is greater.</u>

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<p><u>Warehousing, Storage of Handling of Bulk Goods</u></p>	<p><u>That space which is solely used as office shall comply with the office use requirements and 1 space for each 2,000 square feet of floor area, and 1 space for each company owned truck (if not stored inside principal building).</u></p>
<p><u>Other Uses</u></p>	<p><u>Other uses not specifically mentioned herein shall be determined on an individual basis by the City Council. Factors to be considered in such determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.</u></p>

~~(a) Single Family and Two Family Dwellings. Two (2) spaces per unit.~~

~~(b) Boarding House/Accessory Apartment. At least one (1) parking space for each person for whom accommodations are provided for sleeping.~~

~~(c) Townhome, Quadraminium, Manor Home, Multiple Family Dwellings, and Mobile Homes within Mobile Home Parks. At least two and one fourth (2 1/4) rent free spaces per unit. In projects involving eight (8) or more units, the City may require additional clustered guest parking spaces based upon calculation of required demand.~~

~~(d) Elderly (Senior Citizen) Housing. Reservation of area equal to one (1) parking space per unit. Initial development is, however, required of only one half (1/2) space per unit and said number of spaces can continue until such time as the City Council considers a need for additional parking spaces has been demonstrated.~~

~~(e) Rest Home, Nursing Home, Convalescent Center, or Institution. One (1) space for each six (6) beds based upon maximum design capacity, plus one (1) space for each two (2) employees.~~

~~(f) Hospitals. Two (2) spaces for each bed.~~

~~(g) Schools, Elementary and Junior High. One (1) space for each classroom plus one (1) additional space for each three hundred (300) student capacity, plus one (1) space for each employee, plus one (1) space for each four (4) seats in auditorium.~~

~~(h) High School and Colleges. One (1) space for each classroom plus one (1) additional space for each seven (7) students based upon maximum design capacity.~~

~~(i) Church, Theater, Auditorium. At least one (1) parking space for each three (3) seats based on the design capacity of the main assembly hall. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.~~

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~~(j) —Community Centers, Libraries, Private Clubs, Lodges, Museums, Art Galleries. One (1) space for each three hundred (300) square feet of floor area in the principal structure.~~

~~(k) —Day Care Facilities.~~

~~1. Day care facilities serving fourteen (14) or fewer persons: Two (2) spaces per unit.~~

~~2. All other day care facilities: One (1) space per teacher on the largest shift, plus one (1) space per five (5) students/children based on maximum capacity of the facility.~~

~~(l) —Office Buildings, Veterinary Hospitals, Professional Offices and Medical Clinics. Three (3) spaces plus at least one (1) space for each two hundred (200) square feet of floor area.~~

~~(m) —Financial Institutions, Banks, Savings and Loan. Four (4) spaces for every one thousand (1,000) square feet.~~

~~(n) —Health Club. One (1) space per two (2) exercise stations (e.g., strength machine or cardio vascular) plus one (1) space per employee on the largest shift plus additional parking for ancillary uses (e.g., gyms, auditoriums, offices, restaurants).~~

~~(o) —Retail Store and Service Establishment. At least one (1) off street parking space for each two hundred (200) square feet of floor area.~~

~~(p) —Shopping Centers. Five and one half (5 1/2) spaces per each one thousand (1,000) square feet of gross leasable floor area (exclusive of common areas)~~

~~(q) —Retail Sales and Service Business with Fifty (50) Percent or More of Gross Floor area Devoted to Storage, Warehouses and/or Industry. At least eight (8) spaces or one (1) space for each two hundred (200) square feet devoted to public sales or service, plus one (1) space for each five hundred (500) square feet of storage area.~~

~~(r) —Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, On-Sale Nightclubs. Ten (10) spaces for each one thousand (1,000) square feet of dining room, plus one (1) space for each employee of the maximum work shift.~~

~~(s) —Fast Food Restaurant. Fifteen (15) spaces per one thousand (1,000) square feet of gross floor area.~~

~~(t) —Motels, Motor Hotels, Hotels. One (1) space per each rental unit plus one (1) space for each eight (8) units, and one (1) space for each employee on any shift.~~

~~(u) —Laundromats. Six (6) spaces per one thousand (1,000) square feet of floor area.~~

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~~(v) —Motor Fuel Station.— At least four (4) off-street parking spaces plus one (1) space for each employee on duty. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance. Parking at fuel pumps shall not be allowed to satisfy the parking requirements.~~

~~(w) —Auto Repair.— Two (2) spaces per serving bay; the service bay is not a parking space.~~

~~(x) —Motor Vehicles Sales Lot.— Four (4) spaces per one thousand (1,000) square feet gross sales and office floor area of the building plus one (1) space per each two thousand (2,000) square feet of gross land area.~~

~~(y) —Auto Wash/Commercial Car Wash.— One space per employee plus: Drive through: Ten (10) stacking spaces. Self service: One (1) stacking space per wash bay. Motor Fuel Stations: None in addition to that required for the principal use.~~

~~(z) —Garden Supply Store, Building Material Sales in Structure.— Eight (8) off-street parking spaces, plus one (1) additional space for eight hundred (800) square feet of floor area over one thousand (1,000) square feet.~~

~~(aa) —Private Racquetball, Handball and Tennis Courts.— Not less than six (6) spaces per each court.~~

~~(bb) —Indoor Sports Arenas, Private Skating Rink, Dance Hall, or Public Auction House.— Twenty (20) off-street parking spaces, plus one (1) additional off-street parking space for each two hundred (200) square feet of floor space over two thousand (2,000) square feet.~~

~~(cc) —Golf Driving Range, Miniature Golf, Archery Range.— Ten (10) off-street parking spaces plus one (1) for each one hundred (100) square feet of floor space of building.~~

~~(dd) —Golf Courses.— Four (4) spaces per hole, plus fifty (50) percent of the requirements for any other associated use.~~

~~(ee) —Bowling Alley.— Five (5) spaces for each alley plus additional spaces for related uses.~~

~~(ff) —Funeral Undertaking Establishments.— At least twenty (20) parking spaces for each chapel or parlor, plus one (1) parking space for each vehicle. Aisle space shall also be provided off the street for making up a funeral procession.~~

~~(gg) —Electrical and Television Repair.— Four (4) spaces per one thousand (1,000) square feet of floor area.~~

~~(hh) —Woodworking Shop.— One (1) space for each employee plus one (1) space for each one thousand (1,000) square feet of gross floor area.~~

~~(ii) Contractors' Offices, Shops and Yards. Two (2) spaces for each employee.~~

~~(jj) Light Manufacturing. One (1) space for each employee or one (1) space for each two thousand (2,000) square feet of gross floor area, whichever is greater.~~

~~(kk) Warehousing, Storage or Handling of Bulk Goods. That space which is solely used as office shall comply with the office use requirements and one (1) space for each two thousand (2,000) square feet of floor area, and one (1) space for each company owned truck (if not stored inside principal building).~~

~~(ll) Other Uses. Other uses not specifically mentioned herein shall be determined on an individual basis by the City Council. Factors to be considered in such determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.~~

~~(7)(6)~~ (6) *Parking Deferment.* The City may allow a reduction in the number of required parking stalls for commercial, industrial, and institutional uses by administrative permit provided that:

(a) The applicant must demonstrate that the proposed use will have a peak parking demand less than the required parking under §1007.044 (6) of this Ordinance. Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to:

1. Size of building.
2. Type and use.
3. Number of employees.
4. Projected volume and turnover of customer traffic.
5. Projected frequency and volume of delivery or service vehicles.
6. Number of company-owned vehicles.
7. Storage of vehicles on site.

(b) In no case shall the amount of parking provided be less than one-half (1/2) of the amount of parking required by ordinance.

(c) The site has sufficient property under the same ownership to accommodate the expansion of the parking facilities to meet the minimum requirements of this Ordinance if the parking demand exceeds on site supply.

(d) On-site parking shall only occur in areas designed and constructed for parking in accordance with this Ordinance.

(e) The applicant and City enter into a development agreement, to be recorded against the subject property, which includes a clause requiring the owner to install the additional parking stalls, upon a finding of the Community Development Director that such additional parking stalls are necessary to accommodate the use.

(f) A change of use will necessitate compliance with the applicable Zoning Ordinance standard for parking.

~~(8)~~(7) *Joint Parking Facilities.* Off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in any non-residential zoning district in which separate parking facilities for each separate building, structure or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak parking periods. Shared curb cuts and access drives shall be encouraged for lots accessing collector and arterial streets. Where shared access and parking are utilized, easements shall be placed on the shared area and recorded with the properties and a maintenance agreement required.

~~(9)~~(8) *Control of Off-Site Parking Facilities.* When required, accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control either by deed or long term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the City requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.

~~(10)~~(9) *Traffic Control.*

(a) The traffic generated by any use shall be channelized and controlled in a manner that it will minimize:

1. Congestion on the public streets.
2. Traffic hazards.
3. Excessive traffic through residential areas, particularly truck traffic.

(b) Internal traffic shall be regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial sites and traffic from residential lots with direct access to a collector street or arterial street shall in all cases be forward moving with no backing into streets. Direct residential lot access to collector and arterial streets shall be prohibited wherever alternative local street access is available.

~~(e) —On corner lots (including rural districts), nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets within fifteen (15) feet of the intersecting street right of way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within fifteen (15) feet of any intersecting street right of way lines.~~

~~(11)~~(10) *Motor Vehicle Parking in Residential and Rural Zoning Districts.*

(a) Passenger motor vehicles, including cars, pickup trucks, vans, and motorcycles may be parked on a residential or rural property provided that:

1. They are parked on an appropriate surface in compliance with Section 1007.044(3)(h)16.
2. They are operable and appropriately licensed at all times they are parked outside of an accessory structure.
3. They are setback a minimum of five feet from side and rear property lines, except in cases where a shared driveway has been approved by the city engineer.
4. When parked in the front yard or corner side yard of a property, they are parked on a designated driveway or parking area.

(b) Recreational Vehicles and Trailers, as defined by §1007.001 of this Ordinance may be parked or stored on a residential site provided that:

1. The vehicles are registered to or rented by a resident of the dwelling on such site, provided that:
 - a. The vehicles have affixed thereto current registration or license plates as required by law.
 - b. The vehicles are stored no closer than five (5) feet from side and rear lot lines.
 - c. The vehicles located within front yard areas are confined to designated driveways or parking areas surfaced in compliance with §1007.044 (11)(a)1.
2. All front yard storage comply with the following setbacks from street curb and pavement lines:

Street Classification	Minimum setback from curb/pavement line
Major Arterial	30 feet

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Minor Arterial	30 feet
Collector	20 feet
Local	15 feet

3. No vehicle shall be parked in a manner that blocks a city or county park or trail.

4. The vehicles are not connected to any water or sewage disposal system on the residential property where the same is so parked or stored.

5. A recreational vehicle or trailer shall not be utilized for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.

6. No Recreational Vehicle may be used as a living quarters while stored/parked on a residential property.

(c) Motor Vehicles exceeding a gross weight rating of 11,075 pounds.

1. No motor vehicle (except those meeting the definition of a Recreational Vehicle) exceeding a gross weight rating of eleven thousand seventy-five (11,075) pounds shall be parked or stored, indoors or outdoors, in a residential zoning district or on a lot of less than two and one-half (2 ½) acres in a rural zoning district, except when loading, unloading, or rendering a service unless an administrative permit that complies with the following requirements is obtained from the Community Development Department.

a. The vehicle shall not be parked or stored for more than seventy-two (72) hours within a seven (7) day period excluding legal holidays.

b. The vehicle shall be parked or stored behind the front of the dwelling.

c. No more than one permit shall be granted per residence.

d. Neither the truck engine nor any other motorized component shall be left running while the vehicle is parked or stored.

e. There shall be a minimum of one hundred fifty (150) feet from the vehicle to the nearest lot line.

f. The vehicle and trailer shall remain connected.

g. All parking permits shall be reviewed and renewed on 1 July of each year at a fee established by the City Council. If at any time the conditions or requirements of permit approval are violated, the permit may be revoked.

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2. On lots 2 ½ -acres to 10 acres in rural zoning districts, no more than two (2) commercial motor vehicle exceeding a gross weight rating of eleven thousand seventy-five (11,075) pounds shall be parked or stored, indoors or outdoors. Vehicles parked or stored shall meet the following requirements:

a. Neither the truck engine nor any other motorized component shall be left running while the vehicle is parked or stored.

b. There shall be a minimum of one hundred fifty (150) feet from the vehicle to the nearest lot line.

c. The vehicle and trailer shall remain connected.

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§1007.045 OFF-STREET LOADING.

(1) *Purpose.* The regulation of loading spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and so to promote the safety and general welfare of the public, by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the utilization of various parcels of land or structures.

(2) *Location.* All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall not be located less than fifty (50) feet from the intersection of two (2) street rights-of-way nor less than fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.

(3) *Size.* Loading berths shall be of a size determined by the City as necessary to accommodate anticipated truck and service vehicles.

(4) *Access.* Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic and allow on-site maneuvering.

(5) *Surfacing.* All loading berths and access ways shall be surfaced with a bituminous or concrete or other material approved by the City Engineer.

(6) *Accessory Use.* Any space allocated as a loading berth or maneuvering areas so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles or to be included as a part of the space requirements necessary to meet the off-street parking requirements.

(7) *Loading Berth Required.* In connection with any structure which is to be erected or substantially altered, any which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space.

(8) *Noise.* Where noise from loading or unloading activity is determined to be an audible nuisance in a residential district per §1007.043 (10), the City Council may limit the hours of operation.

(9) *Screening.* Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses in compliance with §1007.043 (17) of this Ordinance.

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§1007.046 PRIVATE DRIVES.

In conjunction with the review of two family or multiple family residential plats, the City Council may approve private drives that serve more than one dwelling unit, provided that all of the following conditions are met.

(1) The City Council finds that any such private drive is deemed necessary to allow reasonable development of a particular site, and that such private drive is not allowed or intended to be a substitute for the public street system.

(2) Any such private drive shall not exceed 300 feet in length unless it forms a continuous connection or loops back to a public street. Any such private drive over 150 feet in length that does not form a continuous connection or loop back to a public street shall provide a turn-around at or near its terminus, in accordance with City specifications.

(3) Any such private drive shall gain access only from streets classified as “local” or “minor collector” by the City’s Comprehensive Plan.

(4) Any such private drive shall gain access from the public street via a 20-foot long concrete driveway apron with cross gutter, or other material as may be approved by the City Council. The remaining portion of the private drive shall be designed, constructed, and surfaced in such a manner, as approved by the City Council, to distinguish it from a public street.

(5) Any such private drive shall be a minimum of 26 feet wide. No parking shall be allowed on the private drive, however, guest parking spaces may be required to be installed adjacent to the private drive, as determined by the City Council.

(6) Individual unit driveways that gain access from any such private drive shall be a minimum of 22 feet in length.

(7) Approval of any such private drive shall not be granted if the private drive is to be placed within a separate lot.

(8) A decorative sign stating “Private Drive” shall be located near each entrance to any such private drive. Such sign shall also provide the range of addresses served by the private drive. Such sign shall not exceed eight square feet in area or five feet in height, pursuant to Section 1010.007.

(9) Signage stating “No Parking – Fire Lane” shall be placed along the private drive in locations as approved by the City Fire Inspector.

(10) A homeowners association agreement or other instrument acceptable to the City shall be required to ensure that any such private drive remains “private” in perpetuity. Such instrument shall require mandatory participation of all homeowners that have access via the private drive, shall include the requirement for creation of a fund to address maintenance, snow removal,

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and future reconstruction of the private drive in accord with City specifications. A copy of such instrument shall be filed with the City as a matter of public record.

§1007.046 RELOCATED STRUCTURES.

(1) Before any house or other structure is moved onto a vacant lot, an administrative permit must be obtained in accordance with §1007.019 of this Ordinance. The Community Development Department shall conduct a site plan review and determine whether the structure will be compatible with other development in the area, and conform to all City codes and ordinances. The Community Development Department may withhold issuance of an administrative permit if it determines that the structure does not meet the performance standards of this Ordinance

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§1007.047 HOME OCCUPATION PERMITS.

(1) *Purpose.* The purpose of this section is to provide a means by which home occupations can be conducted as an accessory use to a residential dwelling unit, as a use that is clearly incidental and secondary to a residential use on the same premises, without jeopardizing the health, safety and general welfare of the surrounding neighborhood or the inhabitants of the home occupation site, and without jeopardizing the residential character of the neighborhood.

(2) *Application.* Subject to the non-conforming use provision of this section, all occupations conducted in the home shall comply with the provisions of this section, with the exception of the following:

(a) Permitted agricultural/farm related uses in the R and R-X Districts (and when found to be in conformance with all other provisions of this Ordinance) need not meet the provisions of this subdivision.

(b) The limited seasonal sale of products grown solely on the site by the residents of the homestead shall be exempt from the provisions of this subdivision.

(c) Daycare when licensed by the state and/or county

(d) Any other use listed as a Permitted, Conditional, or Interim use within the corresponding zoning district.

(e) Any use allowed by an existing Conditional or Interim Use Permit.

(3) *Procedure.*

(a) Home Occupation Level A does not require an application, review, or permit so long as the business complies with the general provisions listed in subsection (6) below, and the requirements of the Home Occupation Level A listed in subsection (7) below.

(b) Home Occupation Level B requires the following procedure:

1. Application for a Home Occupation Level B shall be filed by the property owner or designated agent on forms to be provided by the City, and shall be accompanied by:

a. A non-refundable fee as established by City Council ordinance; and

b. Site and Building Plans as necessary to prove compliance with the general provisions of subsection (6) below, and the requirements of the Home Occupation Level B listed in subsection (8) below.

2. The Zoning Administrator shall review the application and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances,

and applicable performance standards set forth in the Ordinance. The Zoning Administrator shall notify the applicant, in writing, of any incomplete application within fifteen (15) business days of the date of submission.

(c) Home Occupation Level C requires obtaining a Conditional Use Permit. The procedure for a Conditional Use Permit is described in §1007.016.

(4) *Violations.* After two (2) founded nuisances, or code violation complaints have been made and verified with written notices to the home occupation, a public hearing may be called to consider additional conditions, limitations, or revocation of the home occupation within sixty (60) days of the last complaint. Home Occupation Level C, which requires a Conditional Use Permit, shall be subject to the Revocation clause included in §1007.016.

(5) *Expiration.*

(a) Upon issuance, a Home Occupation Level B permit shall continue to be valid unless one or all of the following occur:

1. The business owner relocates to another residential address; permits are not transferable to another person or property.

2. The type of businesses occurring on the site changes significantly.

3. If the permit is revoked by the City per section (4) above.

(b) A Home Occupation Level C, approved as part of a Conditional Use Permit application, shall comply with §1007.016 of the ordinance.

(6) *Requirements - General Provisions.* All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

(a) *General Provisions.*

1. The home occupation shall be operated by an occupant of the dwelling.

2. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall not change the residential character thereof.

3. All home occupations must comply with all provisions of the City Nuisance Ordinance and shall result in no incompatibility or disturbance to the surrounding residential uses.

4. No home occupation shall require internal or external alterations or involve construction features not customarily found in residential dwellings except where required to comply with local and state fire and police recommendations.

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5. The home occupation shall meet all applicable fire and building codes, and applicable permits must be obtained prior to any construction activities.

6. No exterior evidence of the presence of the home occupation on the premises, except any signage allowed by the sign code and any vehicles allowed by §1007.044 (11).

7. Personal vehicles not exceeding a gross weight rating of eleven thousand seventy-five (11,075) pounds used in the home occupation may be parked on the site.

8. Any vehicle with a gross weight rating in excess of eleven thousand seventy-five (11,075) pounds is subject to §1007.044 (11) of this Ordinance.

9. The number of on-site parking spaces shall not be reduced to less than two.

10. In no case shall the permitted home occupation cause to create the need for an additional driveway access to the property.

11. When applicable, all state licensing requirements are satisfactorily met.

12. The applicant shall demonstrate, in a manner found acceptable to the City Engineer that such use is within the capabilities of the property's sewage treatment system or the city's utility system.

13. There shall be no use or outdoor storage of any toxic chemicals or hazardous materials of any type or in any amount not normally found in a residential structure.

14. No motor vehicle repair, paint or body work; commercial preparation of food for service on the premise; business related to or involving explosives, ammunition or weapons; or ambulance or related emergency services shall be permitted as a Home Occupation.

(7) *Requirements – Home Occupation Level A.* All residential dwelling units are eligible for a Home Occupation Level A. In addition to the general provisions outlined in subsection (6) above, businesses must also comply with the following provisions specific to the Home Occupation Level A.

(a) *Requirements.*

1. Permitted home occupation shall be confined to the private dwelling unit, and shall not be conducted in any accessory structure on the premise, including an attached garage.

2. No customers or employees who do not reside at the dwelling may be permitted on the property.

3. If the home occupation will require a delivery service, such as UPS, no more than ten delivery/pickup trips per week shall be permitted.

4. The home occupation may not occupy more than 10% of the structure.
5. All off-street parking generated by the home occupation shall be confined to the driveway.
6. The operation of any wholesale or retail business is prohibited, unless it is conducted entirely by mail or by occasional home invitation.

(8) *Requirements – Home Occupation Level B.* All residential dwelling units are eligible for a Home Occupation Level B. In addition to the general provisions outlined in subsection (6) above, businesses must also comply with the following provisions specific to the Home Occupation Level B.

(a) *Requirements.*

1. Permitted home occupation may be conducted in an accessory structure provided that the use can comply with life safety requirements.
2. A limit of two customers or employees who do not reside at the dwelling may be permitted on the property at one time.
3. Areas accessible to customers or employees shall comply with all applicable life safety codes.
4. Vehicle trips generated by the business shall not exceed 20 in any twenty four hour period.
5. If the home occupation will require a delivery service, such as UPS, no more than ten delivery/pickup trips per week shall be permitted.
6. If the home occupation is to occupy more than 10% of the dwelling, additional building and fire code issues may need to be addressed.
7. All off-street parking generated by the home occupation shall be provided on a hard surface in or adjacent to the driveway.
8. Personal Service Businesses shall be limited to allow the servicing a single customer at a time.
9. Between the hours of 7 PM and 7 AM no customers or employees who do not reside on the site may be at the site and no business operations occurring outside of the main dwelling are permitted. For the purpose of this section, an attached garage does not count as part of the main dwelling.

10. The operation of any wholesale or retail business is prohibited, unless:

- a. It is conducted entirely by mail or occasional home invitation;
- b. It is exclusively the sale of products produced on-site; or
- c. It is clearly incidental to a service provided on the site.

(9) *Requirements – Home Occupation Level C.* All properties developed with a dwelling, that are either over 1 acre in size; or zoned Rural, Rural Business Reserve, or Rural Executive; or front on an arterial roadway are eligible to apply for a Conditional Use Permit to allow a Home Occupation Level C. In addition to the general provisions outlined in subsection (6) above, businesses must also comply with the following provisions specific to the Home Occupation Level C.

(a) *Requirements.*

1. Permitted home occupation may be conducted in an accessory structure provided that the use can comply with life safety requirements.

2. A limit of five customers or employees who do not reside at the dwelling may be permitted on the property at one time.

3. Areas accessible to customers or employees shall comply with all applicable life safety codes.

4. Vehicle trips generated by the business shall not exceed 40 in any twenty four hour period.

5. If the home occupation will require a delivery service, such as UPS, no more than fifteen delivery/pickup trips per week shall be permitted.

6. If the home occupation is to occupy more than 10% of the dwelling, additional building and fire code issues may need to be addressed.

7. All off-street parking generated by the home occupation shall be provided on a hard surface in or adjacent to the driveway.

8. Personal Service Businesses shall be limited to allow the servicing of only two customers at a time.

9. Between the hours of 9 PM and 7 AM no customers or employees who do not reside on the site may be at the site and no business operations occurring outside of the main dwelling are permitted. For the purpose of this section, an attached garage does not count as part of the main dwelling.

10. The limited operation of any wholesale or retail business is allowed.

(10) *Additional Limitations and/or Restrictions.*

(a) So as to maintain compatibility with the residential character of the neighborhood and to protect the health, safety and general welfare of the public, the City may impose additional limitations or requirements as it deems necessary.

(b) The City may impose the posting of a security in order to ensure compliance with any condition imposed.

(11) *Inspection.* The City of Lino Lakes hereby reserves the right, upon approval of any home occupation permit or Conditional Use Permit for a Home Occupation Level C, to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this section or any conditions additionally imposed.

(12) *Penalty.* Violation of the home occupation performance standards shall be subject to the enforcement and penalty provisions of §1007.023 of this Ordinance.

§1007.048 ACCESSORY APARTMENTS.

(1) *Purpose.* The purpose of this section is to provide standards for the establishment and use of home accessory apartments in owner occupied single family homes.

(2) *Application.* Subject to the non-conforming use provisions of this Ordinance, all home accessory apartments as defined in §1007.001. Definitions established after the effective date of this Ordinance shall comply with the provisions of this section.

(3) *Procedures and Permits.* All home accessory apartments shall require an accessory apartment permit. Applicants for such a permit shall be made on forms provided by the City which shall include the following:

(a) Legal description of the property location and proof of ownership.

(b) Plans, drawn to scale, indicating existing and proposed floor plans and access to both the principal unit and the accessory unit.

(c) Site plan depicting parking availability.

(4) *Requirements.* All home accessory apartments shall comply with the following requirements:

(a) The accessory apartment shall be clearly a subordinate part of the single family dwelling. In no case shall the accessory apartment be more than forty (40) percent of the building's total floor area, not to exceed nine hundred sixty (960) square feet nor have more than two (2) bedrooms. Common area shared by the principal dwelling and accessory apartment shall be considered part of the principal dwelling and shall not be included in the calculation of accessory apartment floor area.

(b) The principal unit shall have at least nine hundred sixty (960) square feet of living space remaining after creation of the accessory apartment exclusive of garage area. Accessory apartments shall have at least five hundred (500) square feet of living space. Living space for the accessory apartment shall include a kitchen or cooking facilities, a bathroom and a living room.

(c) A separate exterior entrance may be permitted. Any exterior alterations or expansion shall be constructed of similar size, color, and type of materials as the principal single family unit provided that no unenclosed ramps or stairways are utilized to access either the primary or accessory unit. Only one (1) exterior stairway may be located on the side or rear of the dwelling.

(d) The principal unit and accessory apartment shall share an internal doorway connection between the units.

(e) Both the principal unit and accessory apartment shall share a single utility hookup.

(f) All parking standards of §1007.044 shall be met.

(g) The accessory apartment and principal unit shall meet the applicable standards and requirements of the Lino Lakes Zoning Code, Building Code, Anoka County Health Codes and Fire Codes.

(h) The house shall be owner-occupied at the time of application and the building and property shall remain in single ownership and title and shall only have one mailing address.

(i) A maximum of one (1) accessory apartment permit shall be issued per detached single family home.

(j) No separate driveway or curb cut shall be permitted for the accessory apartment unit.

(5) *Revocation.* The City Council may revoke an accessory apartment permit if the permittee fails to comply with the conditions attached to the issuance of the permit or otherwise fails to comply with the provisions of this section. Prior to revocation, the City Council shall conduct a hearing preceded by ten (10) days mail notice to the permittee.

§1007.049 DRAINAGE.

(1) No land shall be developed or altered and no use shall be permitted that results in surface water runoff causing unreasonable flooding, erosion or deposit of minerals on said land, adjacent properties or water bodies. Such runoff shall be properly channeled into a storm drain, a natural water course or drainageway, a ponding area or other public facility.

(2) For all construction, erosion control measures must be in place prior to the beginning of site work, e.g., grading, stripping, or construction.

(a) The City may withhold inspections or suspend work on a site that does not have an approved grading plan or in-place erosion control measures.

(b) The City may require financial security to insure placement of erosion control measures.

(3) The owner or contractor of any natural drainage improvement or alteration may be required by the City Engineer to obtain recommendations from the Minnesota Department of Natural Resources, the Soil Conservation District, U.S. Army Corps of Engineers, affected watershed district(s), and/or City Engineer.

(4) On any slope in excess of eight (8) percent where, in the opinion of the City Engineer, the natural drainage pattern may be disturbed or altered, the City Engineer may require the applicant to submit both a grading plan and soil conservation plan prior to applying for a building permit.

(5) All agricultural, residential, commercial, and industrial developments shall be in accordance with applicable recommendations of the City's local water management plan as may be amended.

(6) As part of a building permit application in which new structures or building footprint expansion of existing structures are proposed, a site survey showing proposed grading, drainage and building pad elevation(s) must be submitted to the City along with a certification by a registered land surveyor or engineer that they are consistent with the grading and drainage plan approved with the final plat or site plan.

(7) Prior to issuance of an occupancy permit, the person or entity who developed, graded and constructed improvements upon the property for which the occupancy permit is requested, must submit certification by a registered land surveyor or engineer that the final grading, drainage and building pad elevations are consistent with the approved grading and drainage plan approved with the subdivision or site plan, or if no such City approved drainage and grading plan for the entire subdivision exists, that such person or entity represents that the grading, drainage and building pad elevations are consistent with the requirements of §1007.050 (1) through §1007.050 (5).

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§1007.050 EARTH MOVING AND LAND RECLAMATION.

(1) *Exclusions.* This article shall not apply to:

(a) The excavation, removal, storage, or placement of rock, sand, dirt, gravel, clay, or other like material for any construction for which a building permit has been issued, site plan approval or a development contract signed.

(b) Such excavation, removal, storage, or placement of rock, sand, dirt, gravel, clay, or other like material as may be required by the state, county, or city authorities within their acquired rights-of-way and easements in connection with the construction or maintenance of roads and highways and utilities. "Rights-of-way" as used herein shall not include isolated parcels used exclusively for borrow pits.

(2) *Permit Required.* Earth removal, land reclamation, material storage, or filling, shall be permitted in all zoning districts, on any lot or parcel except that it shall be unlawful for any person to remove, store, excavate, or place as fill any rock, sand, dirt, gravel, clay, or other like material within the City, in excess of one hundred (100) cubic yards per acre without first having applied for and having obtained a permit from the City. When five thousand (5,000) or more cubic yards of material is to be removed or deposited on any lot or parcel, ~~an interim-conditional~~ use permit shall be required. The inclusion of an earth removal and land reclamation permit process in this Ordinance does not automatically imply an applicant's entitlement to issuance of a permit. The City may refuse to issue a permit if in the opinion of the City, the application is not in the best interests of the City.

(3) *Application.*

(a) The application for the permit shall be made in writing to the City Engineer in such form as the City Engineer may designate, and shall include such information as may be required by the City Engineer and shall contain among other things a map or plat of the proposed excavation, or fill area showing the confines or limits thereof together with the existing elevations and proposed finished elevations based on sea level readings. The plan shall also include all wetlands, drainageways, tree inventory and preservation plan, erosion control measures, final restoration improvements, and other features as required by the City.

(b) Each application shall be filed with the City Engineer.

(c) Each application for permit shall be accompanied by a fee, the amount of which shall be determined by City Council resolution.

(4) *Conditions.* The City Engineer or City Council, as a prerequisite to the granting of a permit, may require the applicant or the owner of the premises to incorporate and attach any conditions or restrictions that it deems necessary for the preservation of health, welfare, and safety of the citizens:

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(a) Properly fence any pit or excavation, and barricade entrances to prevent the general public from depositing garbage or refuse.

(b) Slope the banks, and otherwise guard and keep any pit or excavation in such condition as not to be dangerous because of sliding or caving banks.

(c) Properly drain, fill, or level off any pit or excavation so as to make the same safe and healthful as the permitting authority may determine.

(d) Limit the depth of such excavation to an elevation no lower than the minimum floor elevation for building construction as established by the City Engineer, so as not to diminish development potential of the parcel.

(e) Limit any fill material to clean fill, defined as rock, sand, gravel, clay, or other like and similar non-decomposable material. Concrete, asphalt, metal, wood, and other debris shall be prohibited.

(f) Require that all decomposable material, or other unsuitable foundation material, be removed from an area before deposition of fill begins.

(g) Prepare a site plan showing existing and proposed grade elevations and effect of storm water drainage on adjacent areas.

(h) Specify a time when the excavation or land reclamation project shall be completed.

(i) Place a minimum of four (4) inches of top soil over the completed project and establish appropriate ground cover within sixty (60) days of completion, or in a time period consistent with the City's stormwater management and pollution prevention plan.

(j) Reimburse the City for the cost of periodic inspections by the City for the purpose of determining that the terms under which the permit has been issued are being complied with.

(k) Implement the tree preservation plan.

(l) In addition to an ~~interim-conditional~~ use permit, the City Engineer may determine that permits in excess of twenty-five thousand (25,000) cubic yards require the applicant to conduct a neighborhood meeting and to notify affected property owners within one-quarter (1/4) mile.

(m) Post a form of security and sum as the permitted authority may require, running to the City, conditioned to pay the City the cost and expense of repairing or cleaning any highways, streets, or other public ways within the City made necessary by the special burden resulting from transporting thereon by the applicant material to or from the site, the amount of such cost to be determined by the Council; and conditioned further to comply with all the requirements of this Ordinance and the particular permit, and to save the City free and harmless from all suits or claims

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for damages resulting from the negligent excavation, removal, storage, or filling of rock, sand, dirt, gravel, clay, or other like material within the City.

- (n) Other conditions deemed appropriate to the application by the permitting authority.

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§1007.051 FARMING OPERATIONS.

All farms in existence upon the effective date of this ordinance and all farms which are brought into the city by annexation shall be a permitted use. All dwelling units and structures for processing of farm goods shall require a building permit and conform to all requirements of the Building Code. The City Council may require any new farm operation to secure a conditional use permit in the event of the following:

(1) The farm is adjacent to or within four hundred (400) feet of any dwelling unit and may be detrimental to living conditions by emitting noise, odors, vibrations, hazards to safety, and the like.

(2) The farming operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade and further that such operations may tend to become permanent industrial type operation that cannot be terminated as can a normal farming operation.

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§1007.0052 ADULT USES.

(1) *General.* Adult uses as defined in the City Code shall be subject to the following provisions:

(a) Activities classified as obscene as defined by Minnesota Statute 617.241 are not permitted and are prohibited.

(b) Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.

(c) Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also used to dispense or consume alcoholic beverages.

(d) An adult use which does not qualify as an accessory use shall be classified as an adult use-principal.

(2) *Adult Uses - Principal.*

(a) Adult use-principal shall be located at least three hundred (300) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located to the property line of:

1. Residentially zoned property
2. A licensed day care center
3. A public or private educational facility classified as a pre-school, elementary, junior high or senior high
4. A public library
5. A public park
6. Another adult use-principal
7. An on-sale liquor establishment

(b) Adult use-principal activities, as defined by this Ordinance, shall be classified as one use. No two adult uses-principal shall be located in the same building or upon the same property and each use shall be subject to §1007.052 (2)(a).

(c) Adult use-principal shall, in addition to other sign requirements established by City Code, adhere to the following signing regulations:

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1. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted.

2. Shall not contain material classified as advertising.

3. Shall comply with the requirements of size and number for the district in which they are located.

(3) *Adult Uses - Accessory.*

(a) Adult use-accessory shall:

1. Comprise no more than ten (10) percent of the floor area of the establishment in which it is located.

2. Comprise no more than twenty (20) percent of the gross receipts of the entire business operation.

3. Not involve or include any activity except the sale or rental of merchandise.

(b) Adult use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:

1. *Movie Rentals.* Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.

2. *Magazines.* Publications classified or qualifying as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

3. *Other Use.* Adult uses-accessory not specifically cited shall comply with the intent of this section subject to the approval of the Zoning Administrator.

(c) Adult use-accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

(d) Adult use-accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

§ 1007.053 ANTENNAS.

(1) *Purpose and Intent.* The purpose of this section is to establish predictable and balanced regulations for the siting and screening of wireless communications equipment in order to accommodate the growth of wireless communication systems within the City of Lino Lakes while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare. The provisions of the section are intended to maximize the use of existing towers, structures, and buildings to accommodate new wireless telecommunication antennas in order to minimize the number of towers needed to serve the community.

(2) *General Standards.* The following standards shall apply to all personal wireless service telephone, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish and short-wave radio transmitting and receiving antenna.

(a) All obsolete and unused antennas and towers shall be removed within twelve (12) months of cessation of operation at the site by the antenna or tower owner, unless an exemption is granted by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associate facilities when they are abandoned, unused or become hazardous shall be submitted to the City.

(b) All antennas and towers shall be in compliance with all State Building and Electrical Code requirements and as applicable shall require related permits. Applications to erect new antennas and/or towers shall be accompanied by any required federal, state, or local agency licenses.

(c) Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications and as may be necessary, as determined by the City Engineer, shall be verified and approved by a professional engineer.

(d) When applicable, written authorization for antenna and/or tower erection shall be provided by the property owner.

(e) No advertising message shall be affixed to the antenna and/or tower structure.

(f) Antennas and/or towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety.

(g) If a new tower of seventy-five (75) feet or greater in height is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and antennas for at least one (1) additional use, including but not limited to other personal wireless service communication companies, local police, fire and ambulance companies. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(h) Towers shall be painted a non-contrasting color consistent with the surrounding area such as blue, gray, brown, or silver or have a galvanized finish to reduce visual impact, unless otherwise required by a governmental agency.

(i) All antennas and towers shall be reasonably posted and secured to protect against trespass, including appropriate measures to prevent unauthorized persons from climbing any tower.

(j) Towers shall comply with all applicable Federal Aviation Administration (FAA) regulations.

(k) Amateur radio towers shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

(l) Except as may be applicable in case where a conditional use permit is required, antennas and support structures for federally licensed amateur radio stations and used in the amateur radio service shall be exempt from the following: §1007.053 (2)(c); §1007.053 (2)(h); §1007.053 (4); and §1007.053 (5).

(3) *Certification, Inspection and Maintenance.*

(a) All towers, antenna support structures, and related equipment or structures shall be kept and maintained in good condition, order, and repair so as not to menace or endanger the life or property of any person.

(b) All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the State Building Code and federal and state law.

(c) The City shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the State Building Code and all other construction standards provided by the City's Code, federal and state law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses related to such inspecting by the City shall be borne by the owner.

(4) *Tower Design.* Where allowed, wireless communication towers shall be of a monopole design unless the City Council determines that an alternative design requested by the applicant would better blend into the surrounding environment.

(5) *Co-Location Requirement.* An application for a new tower shall not be approved unless the applicant demonstrates that the antennas cannot be accompanied on an existing or approved tower, building, or structure within a two (2) mile search radius of the proposed tower due to one or more of the following reasons:

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(a) The planned equipment would exceed the structural capacity of the existing or approved tower, building, or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified engineer and interference cannot be prevented at a reasonable cost.

(c) Other unforeseen reasons that make it unfeasible to locate the antennas upon an existing or approved tower or structure.

(d) Existing or approved towers, buildings, or other structures do not exist in the search area, or do not meet the needs of the user. Documentation shall be provided at the time of application clearly demonstrating why existing structures do not meet the needs to the users.

(e) The applicant shall demonstrate that a good faith effort to co-locate on existing towers or structures was made, but an agreement could not be reached.

(6) *Accessory Antennas.* The following standards shall apply to all accessory antennas including radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers.

(a) Accessory antennas shall not be erected in any required yard (except a rear yard) or within public or private utility and drainage easements, and shall be set back a minimum of five (5) feet from all lot lines.

(b) Guy wires or guy wire anchors shall not be erected within public or private utility and drainage easements, and shall be set back a minimum of one (1) foot from all lot lines.

(c) Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district, except support structures and antennas used in the amateur radio service may extend a maximum of two (2) times the normal height restriction for the affected zoning district.

(d) The installation of more than one (1) accessory structure and support structure per property shall require the approval of a conditional use permit.

(7) *Personal Wireless Service Antennas.*

(a) *Rural, Residential and Business District Standards.*

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1. *Antennas Located Upon an Existing Tower or Structure.* Personal wireless service antennas as a permitted secondary use may be located upon existing towers or structures shall require the processing of an administrative permit and shall comply with the following standards:

a. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable accessory building setback requirements, and shall be screened from view by landscaping where appropriate.

b. An administrative permit is issued by the Zoning Administrator, subject to the following conditions:

i. Antennas mounted on buildings or structures shall not extend more than fifteen (15) feet above the structural height of the building or structure to which they are attached.

ii. Wall or facade mounted antennas may not extend more than five (5) feet above the cornice line and shall be constructed of a material or color which matches the exterior of the building.

c. In no case shall a personal wireless service antenna be located upon or affixed to a detached single family residential dwelling.

2. *New Towers.* The erection of new personal wireless service antenna towers within Rural, Residential and Business Zoning Districts of the City is prohibited.

(b) *Industrial District Standards.*

1. *Antennas Located Upon an Existing Structure or Existing Tower.* Personal wireless service telephone antennas as a permitted secondary use may be located upon an existing structure or co-located on an existing tower shall require the processing of an administrative permit and shall comply with the following standards:

a. An administrative permit is issued by the Zoning Administrator.

b. Antennas mounted on buildings or structures shall not extend more than fifteen (15) feet above the structural height of the building or structure to which they are attached.

c. Wall or facade mounted antennas may not extend more than five (5) feet above the cornice line and must be constructed of a material or color which matches the exterior of the building.

2. *New Towers.* New towers as a permitted secondary use shall require approval of an administrative permit and shall comply with the following standards:

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a. The applicant shall demonstrate to the satisfaction of the City that location of the antennas as proposed is necessary to provide adequate portable personal wireless service telephone coverage and capacity to areas which cannot be adequately served by locating the antennas on an existing tower or support structure.

b. If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that:

i. Towers with a maximum capacity to support two (2) antennas shall not exceed one hundred forty (140) feet in height. Towers with a minimum capacity to support three (3) antennas shall not exceed one hundred sixty (160) feet in height.

ii. The setback of the tower from the nearest property line is not less than the height of the antenna. Exceptions to such setback may be granted in such cases when a qualified structural engineer specifies in writing that any failure of the pole will occur within a lesser distance under all foreseeable circumstances. The setback shall not be reduced in cases where the subject site abuts a residential zoning district. The setback requirements shall not be reduced below the minimum accessory building setback requirements of the base zoning district or the failure area of the tower, whichever is greater.

c. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable necessary building setback requirements, and shall be screened from view by landscaping where appropriate.

d. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure, as well as no climb security measures shall be provided on the tower or support structure.

3. *Temporary Mobile Towers.* Personal wireless service antennas located upon a temporary mobile tower as a permitted secondary use may be used on an interim basis until a permanent site is constructed shall require the approval of an administrative permit and shall comply with the following standards:

a. Temporary mobile towers are exempt from co-location and permanent tower structure design standards provided for in the following sections: §1007.053 (2)(h); §1007.053 (2)(i); §1007.053 (4); and §1007.053 (5).

b. The termination date of the permit shall not exceed one hundred twenty (120) days. Temporary mobile towers located on a site longer than one hundred twenty (120) days shall require the processing of an interim use permit subject to the standards contained in §1007.017 of this Ordinance.

- c. Guyed towers are prohibited.
- d. Mobile units shall have a minimum tower design wind load of eighty (80) miles per hour, or be set back from all structures a distance equal to the height of the tower.
- e. All towers shall be protected against unauthorized climbing.
- f. The height of the tower shall not exceed one hundred (100) feet.

(c) *Public/Semi-Public District Standards.*

1. *Antennas Located Upon an Existing Tower or Structure.* Personal wireless service antennas as a permitted accessory use may be located upon public structures or existing towers shall require the processing of an administrative permit and shall comply with the following standards:

a. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable accessory building setback requirements, and shall be screened from view by landscaping where appropriate.

b. An administrative permit is issued by the Zoning Administrator, subject to the following conditions:

i. Antennas mounted on buildings or structures shall not extend more than fifteen (15) feet above the structural height of the building or structure to which they are attached.

ii. Wall or facade mounted antennas may not extend more than five (5) feet above the cornice line and shall be constructed of a material or color which matches the exterior of the building.

2. *New Towers.* New towers as a permitted secondary use shall require approval of an administrative permit and shall comply with the following standards:

a. The applicant shall demonstrate to the satisfaction of the City that location of the antennas as proposed is necessary to provide adequate portable personal wireless service telephone coverage and capacity to areas which cannot be adequately served by locating the antennas on an existing tower or support structure.

b. If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that:

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i. Towers with a maximum capacity to support two (2) antennas shall not exceed one hundred forty (140) feet in height. Towers with a minimum capacity to support three (3) antennas shall not exceed one hundred sixty (160) feet in height.

ii. The setback of the tower from the nearest property line is not less than the height of the antenna. Exceptions to such setback may be granted in such cases when a qualified structural engineer specifies in writing that any failure of the pole will occur within a lesser distance under all foreseeable circumstances. The setback shall not be reduced in cases where the subject site abuts a residential zoning district. The setback requirements shall not be reduced below the minimum accessory building setback requirements of the base zoning district or the failure area of the tower, whichever is greater.

c. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable necessary building setback requirements, and shall be screened from view by landscaping where appropriate.

d. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure, as well as no climb security measures shall be provided on the tower or support structure.

(8) *Commercial and Public Radio and Television Transmitting Antennas, and Public Utility Microwave Antennas.* Commercial and public radio and television transmitting and public utility microwave antennas shall comply with the following standards:

(a) Such antenna shall be considered an allowed conditional use within all rural and industrial districts of the City and shall be subject to the regulations and requirements of §1007.016 of this Ordinance.

(b) The antennas, transmitting towers, or array of towers shall be located on a continuous parcel having a dimension equal to the height of the antenna, transmitting tower, or array of towers measured between the base of the antenna or tower located nearest a property line and said property line, unless a qualified structural engineer specifies in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.

(c) Unless the antenna is mounted on an existing structure, at the discretion of the City, a fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure and other equipment, as well as no climb security measures shall be provided on the tower or structure.

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§1007.054 ACCESSORY OUTDOOR DINING OR SEATING FACILITIES.

(1) *Purpose and Intent.* The purpose of this section is to provide standards for the establishment and use of accessory outdoor dining or seating facilities that are intended for consumption of food or beverages purchased at the principal use on the site. This section is intended to apply to dining or seating facilities associated with and accessory to principal uses such as restaurants and retail establishments that offer food or beverages, whether or not service is provided to the outdoor seating area. This section is not intended to apply to outdoor seating such as park benches or picnic tables in parks or other public gathering and recreation areas. When an administrative permit for outdoor dining or seating is required, it may be incorporated into another approval such as but not limited to a site plan, planned unit development, or building permit.

(2) *Requirements.*

(a) The applicant shall submit a site plan and other pertinent information demonstrating the location and type of all tables, chairs, benches, refuse receptacles, wait stations, fencing, planters, and other elements of the outdoor area. This submittal information must sufficiently demonstrate that all requirements are met. The information can be included as part of a submittal for another permit or approval.

(b) If alcoholic beverages are served or consumed in the outdoor area, the proper license required by Chapter 700 of the City Code must be current.

(c) All lighting be hooded and directed away from adjacent residential uses in accordance with §1007.043 (6) of this Ordinance.

(d) The site plan shall demonstrate that pedestrian circulation is not disrupted as a result of the outdoor dining/seating area by providing the following:

1. The outdoor dining/seating area shall be at least partially segregated from through pedestrian circulation by means of temporary or permanent fencing, bollards, ropes, plantings, or other methods. If the outdoor seating consists of four or fewer tables and there is no outdoor service, this requirement may be waived if other requirements are met to sufficiently avoid disruption of circulation.

2. The minimum clear passage zone for pedestrians at the perimeter of the outdoor seating/dining area shall be at least five (5) feet without interference from tables, chairs, planters, parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.

3. Overstory canopy trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above the sidewalk.

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(e) The dining/seating area shall be surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

(f) A minimum width of thirty-six (36) inches shall be provided within aisles of the outdoor dining/seating area.

(g) Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture must be reviewed as part of the administrative permit application.

(h) Additional Off-Street Parking:

1. For accessory outdoor dining/seating areas that are 500 square feet or less in size, no additional off-street parking spaces shall be required.

2. For accessory outdoor dining/seating areas that are greater than 500 square feet in size, one (1) additional parking space for every 100 square feet of outdoor dining area in excess of the first 500 square feet shall be required.

(Ord No.09-18, passed 07-23-2018)

(i) The outdoor dining/seating area shall be designed to avoid potential conflict with motor vehicle parking or circulation.

(j) Refuse containers shall be provided for self-service outdoor dining/seating areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation, and must be designed to prevent spillage and blowing litter.

(k) The outdoor area shall be kept clean and otherwise maintained in an orderly, sanitary, attractive condition.

(Ord. No. 09-18, passed 7-23-2018)

§1007.055 BATCH PLANTS.

(1) *Purpose.* The purpose of this section is to provide standards for the establishment and use of Batch Plants intended to provide construction materials for a defined project within a limited timeframe.

(2) *Application.* In order to operate within the city a Batch Plant must be located within the Light Industrial, General Industrial, Rural Business Reserve, Rural Executive or Rural zoning districts, and must obtain an Interim Use Permit per §1007.017.

(3) *Requirements.* In addition to the General Standards contained within §1007.017, Temporary Batch Plants are also required to comply with the following conditions and performance standards in order to obtain an Interim Use Permit:

(a) The Batch Plant shall be located on the site so as to minimize the disturbance of surrounding dwelling units or commercial businesses.

(b) The Batch Plant shall maintain a 50 foot setback from any wetland.

(c) The project intended to be served by the batch plant and a deadline for removal shall be clearly defined.

(d) The Hours of Operation shall be clearly defined.

(e) Access to and from the site shall be reviewed and approved by the City Engineer prior to any site disturbance.

(f) A grading, erosion and sediment control plan shall be submitted and approved by the City prior to any site disturbance.

(g) A Storm Water Pollution Prevention plan shall be submitted and approved by the City prior to any site disturbance.

(h) A restoration plan shall be submitted and approved by the City prior to any site disturbance.

(i) All applicable Minnesota Pollution Control Agency requirements are satisfactorily met.

(j) All applicable Rice Creek Watershed District requirements are satisfactorily met.

(k) So as to maintain compatibility with the surrounding area and to protect the health, safety and general welfare of the public, the City Council may impose additional limitations, conditions or requirements as it deems necessary.

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(l) The operator and property owner shall enter into a Performance Agreement with the City, and financial sureties shall be posted prior to any site disturbance.

§1007.056 OPT OUT OF MINN. STAT. 462.3593.

(1) Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Lino Lakes opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

(Ord. No. 09-16, passed 9-12-2016)

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§1007.057 AIR PARK HANGAR AND ACCESS PERFORMANCE STANDARDS.

(1) *Purpose.* The purpose of this section is to provide standards for the size of airplane hangars and access to airplane hangars constructed on single family lots that have taxiway access to an approved private use airport.

(2) *Definitions.* The following definitions apply to this section:

Air Park. A residential subdivision with permitted access to a private use airport.

Airplane Hangar. An accessory building constructed on a single family lot where aircraft are stored. Such use is considered a residential accessory use incidental to the dwelling.

Single Family Lot. A parcel of record or platted parcel containing a single family detached dwelling.

(3) *General Standards.* The following standards shall apply to all air park single family lots:

(a) *Airplane Hangar.* Air Park lots may have one airplane hangar not exceeding 3,200 square feet, provided that:

1. The airplane hangar location has direct taxiway access to the runway.
2. The airplane hangar be earth tone in color.

(b) *Driveways* shall not be constructed closer than three feet to the property line.

Exception. Encroachment into the three foot setback may be allowed for purposes of constructing a shared driveway with the abutting property owner provided that any shared driveway shall include a maintenance and access agreement executed by each property owner and recorded against each property with Anoka County.

(c) The plans for driveways proposed to be placed within a drainage and utility easement must meet drainage requirements and be approved by the City Engineer prior to construction. Driveways placed within a drainage and utility easement are placed, by the owner, at the owner's risk of removal by the City or other agencies that may have legal use of the easement. Replacement of driveways removed for drainage or utility work shall be at the owner's expense.

(d) All driveways and approaches shall be hard surfaced in accordance with Section 1007.044(3)(h)16.

(e) An air park single family lot may have one secondary public street driveway access subject to approval of the City Engineer and the following conditions:

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1. The property owner demonstrates that the principal driveway access serving the single family dwelling cannot be extended or expanded to serve an airplane hangar without encroaching into required setbacks or abutting property or without violating section 1007.044(5)(g).
2. Secondary driveway width shall not exceed 12 feet.
3. No secondary driveway shall be within three feet of the property line unless a shared driveway access and maintenance agreement is executed by each property owner and recorded against each property with Anoka County.
 - (f) Impervious Surface Coverage Area. The impervious surface of the property shall not exceed 65%.
 - (g) All other provisions of Chapter 1007 and the City Code shall be applicable to the extent not in conflict with this section.

(Ord. No. 07-18, passed 6-11-2018)

§ 1007.058 COMMERCIAL STABLES.

(1) *Purpose.* The purpose of this section is to provide performance standards for the operation of commercial stables.

(2) *Definitions.* The following definitions apply to this section:

Commercial Stable. A commercial stable is any structure, barn, or place where the stabling, boarding, training, and feeding of horses takes place.

(3) *General Standards.* The following standards shall apply to all commercial stables:

(a) Commercial stables offering services to the public, and having the facilities to maintain or care for ten (10) or more horses, must have their principal entrance located on a state highway, county road, or city collector street.

(b) Commercial stables that offer boarding, training, or other services to the public shall provide sanitary facilities for the public's use. The sanitary facilities must be constructed in accordance with the state building code, and connected to an individual sewage treatment system or the municipal sanitary sewer system.

(c) Adjacent parcels of land under common ownership may be used to determine the maximum number of animal units allowed, if the parcels are operated as a single enterprise.

1. In instances where a parcel of land consists of a fraction of an acre, the property size shall be rounded to the nearest whole number to determine the number of animal units allowed.

2. Adjacent parcels of land shall not be separated by public right-of-way.

(d) Up to double the animal unit density may be allowed subject to an approved facility management and waste handling plan.

(e) Buildings housing domestic livestock, including barns, stables, sheds, and similar facilities shall be located no nearer than 100 feet from any inhabited, neighboring dwelling.

(Ord. No. 10-18, passed on 7-23-2018)

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§ 1007.059 WIND ENERGY CONVERSION SYSTEM (WECS)

WECS that have a combined nameplate capacity of 5,000 kilowatts or more are regulated by the state, and are preempted from the regulations of this Section. This Section applies only to WECS that have a combined nameplate capacity of less than 5,000 kilowatts.

(1) Purpose. The purpose of this Section is to establish predictable and balanced regulations for the establishment of WECS in the locations and circumstances under which the use may be established without detriment to the public health safety and welfare of neighboring property owners or occupants.

(2) General Requirements. The following requirements shall apply to all WECS:

a) WECS shall be allowed as an accessory structure.

b) The monopole or building upon which the proposed WECS is to be mounted shall have the structural integrity to carry the weight and wind loads of the WECS and to accommodate its vibration impacts, as documented in writing by a licensed structural engineer.

c) WECS and any related equipment shall comply with the noise regulations established in Section 1043.007 of the City Code.

d) WECS shall be equipped with an overspeed control device.

e) WECS, including the blades or rotors, shall be grounded and shielded in conformance with the National Electrical Code.

f) The compatibility of the blades or rotors with the generator shall be certified by a licensed engineer.

g) WECS shall be filtered, shielded or otherwise designed and constructed so as not to cause electrical, radio frequency, television, or other communication signal interference.

h) WECS and their related support and equipment shall be a non-contrasting color such as pale grey or white or shall have a galvanized finish to reduce visual impact, unless otherwise required by the Federal Aviation Administration.

i) Except those devices required by the Federal Aviation Administration, no lights, reflectors, flashers or any other type of illumination shall be attached to a WECS or related support or equipment.

j) Except for required safety signage, no other signage, writing, pictures, flags, streamers, or decorative items shall be attached to a WECS or related support or equipment.

k) WECS shall be self-supporting without the use of guy wires or similar features.

1) Obsolete WECS and any related support or equipment shall be removed within twelve months of cessation of operating, unless an exemption is granted by the Zoning Administrator.

(3) Freestanding WECS. In addition to the general requirements specified in this Section, freestanding WECS shall comply with the following requirements:

a) Freestanding WECS shall be constructed using a monopole design of tubular steel.

b) Not more than one freestanding WECS shall be permitted per lot.

c) Freestanding WECS shall not exceed 50 feet in height, as measured from the grade level at the base of the tower to the highest possible extension of the blades, rotors or similar feature of the WECS.

d) Freestanding WECS shall not be located within a front yard, unless the yard qualifies as an equivalent side or rear yard.

e) Freestanding WECS shall be set back from all lot lines, from any habitable structure (e.g., dwelling, school, business), from any recreational facility (e.g., playfield, rink), and from lakes, wetlands, and ponds a distance that is at least equal to the height of the WECS.

f) Lot line setbacks may be reduced for projects with joint ownership of a freestanding WECS between two or more abutting landowners. Prior to issuance of a building permit, the applicant shall submit recorded copies of covenants or easements prohibiting the construction of habitable buildings within a distance equal to the height of the WECS on all affected properties.

g) Freestanding WECS shall not be located within a required wetland buffer strip, within a bluff impact zone, or on slopes within the shoreland management overlay district that are over 12 percent as measured over horizontal distances of 50 feet or more.

h) No portion of a freestanding WECS including the full arc area created by any blade, rotor or other portion of the WECS shall extend over a drainage or utility easement, over a parking lot, over an accessory building, or over or under an overhead utility line.

i) The lowest extent of any blade or rotor on a freestanding WECS shall be not less than 30 feet above the ground.

j) Freestanding WECS shall not include tower climbing apparatus within twelve feet of the ground.

k) Freestanding WECS shall display a sign posted at the base of the tower, not to exceed two square feet in area, containing the following information.

i. A warning of danger to unauthorized persons.

ii. The WECS manufacturer's name.

iii. Emergency shutdown procedures.

(4) Rooftop WECS. In addition to the general requirements specified in this Section, rooftop WECS shall comply with the following requirements:

a) Not more than one rooftop WECS shall be permitted per single-family dwelling. The number of rooftop WECS shall not be limited for other principal buildings.

b) Rooftop WECS shall not exceed 15 feet in height, as measured from the highest element of the roof segment to which the WECS is attached (e.g., peak for pitched roofs, parapet for flat roofs) to the highest possible extension of the blades, rotors or similar feature of the WECS.

c) Rooftop WECS shall be set back not less than ten feet from exterior walls of the building.

(5) Submittal Requirements. An applicant for a WECS shall provide the following:

a) Information that demonstrates conformance to the requirements specified in this Section, as applicable.

b) Application materials required for an administrative permit of this Chapter.

c) Technical specifications for the WECS including, but not limited to, height, blade or rotor length, operating parameters, lightning protection, anticipated noise levels at the lot lines, and other information deemed necessary to review the application.

d) For freestanding WECS, a certified survey showing lot lines, existing structures, easements, above-ground utilities, elevations, wetlands, ponds, lakes, streams, and the proposed location for the WECS, including the dimensions between lot lines and the nearest projection of WECS blades or rotors.

For freestanding WECS, an inventory of significant trees proposed to be removed within the construction area for the WECS shall be provided for all uses except single-family residential uses.

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§ 1007.060 MODEL HOMES/TEMPORARY REAL ESTATE OFFICES

a) *Purpose.* The purpose of this section is to provide for the erection of model homes and temporary real estate offices in new subdivisions without adversely affecting the character of surrounding residential neighborhoods or creating a general nuisance. As model homes represent a unique temporary commercial use, special consideration must be given to the peculiar problems associated with them and special standards must be applied to ensure reasonable compatibility with their surrounding environment.

b) *Procedure.* The erection of a model home(s) and temporary real estate office(s) shall require an administrative permit, as may be issued by the Zoning Administrator.

c) Special Requirements.

(1) Model homes and temporary real estate offices shall be allowed as provided for in the applicable zoning district in which they are located. Any such model home or temporary real estate office shall comply with the Minnesota State Building Code.

(2) Temporary parking facilities shall be provided on the site and shall include at least four off-street parking spaces per model home unit or temporary real estate office. Such temporary parking facilities shall provide handicap accessible parking and accessible routes as required by the Minnesota State Building Code. The overall design, drainage, and surfacing of the temporary parking facility shall be subject to the approval of the Zoning Administrator.

(3) Access from a temporary parking facility onto a local, residential street shall be minimized. Where this requirement is physically impractical, access shall be directed away from residential neighborhoods to the greatest extent possible.

(4) No model home or temporary real estate office shall incorporate outside lighting which creates a nuisance due to glare or intensity.

(5) All model home and temporary real estate office signage shall comply with the sign regulations as contained in Chapter 1010.

(6) The administrative permit shall terminate three years from its date of issuance or until 85 percent of the development is completed, whichever occurs first

(7) No residential occupancy permit shall be issued for a model home until such time as the structure has been fully converted to a residence. Such conversion shall include but not be limited to parking lot restoration and the removal of signage and lighting.

(8) The restoration of all temporary parking areas with appropriate landscaping shall be completed by the end of the next growing season.

(9) All criteria for interim use consideration but not procedural requirements, shall be considered and satisfactorily met.

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§ 1007.061 TEMPORARY STRUCTURES

a) Purpose. The purpose of this section is to provide for the erection of temporary structures (not including model homes, temporary real estate offices, construction trailers or temporary classroom structures for use by a public or private school) needed for emergency purposes.

b) Procedure. The erection of a temporary structure shall require an administrative permit, as may be issued by the Zoning Administrator, except as otherwise provided by this Chapter.

c) Special Requirements.

(1) Temporary structures shall be allowed as provided for in the applicable zoning district in which they are located.

(2) No administrative permit shall be issued for a temporary structure unless a site plan has also been approved if applicable, or unless a building permit has been issued for a new structure, addition or remodeling of an existing structure on the property.

(3) The administrative permit shall terminate six (6) months from its date of issuance, or within thirty (30) days after a certificate of occupancy has been issued by the Building Official for the permanent structure, whichever occurs first. The permit may be extended for an additional 90 days at the discretion of the Zoning Administrator.

(4) Temporary structures may be placed in a required yard area, provided that no such structure may be placed within 30 feet of a public right-of-way or obstruct visibility at any intersection or driveway.

(5) All applicable requirements of the State Building Code shall be met.

(6) Whenever an administrative permit for erection of a temporary structure has been issued, a similar application for an administrative permit for erection of a temporary structure shall not be considered again by the Zoning Administrator for at least one (1) year from the date of approval.

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§ 1007.062 MOTOR FUEL STATION

The purpose of this section is to establish standards and procedures under which motor fuel stations can be conducted within the City without jeopardizing the health, safety and general welfare of the surrounding neighborhood. This section establishes the City's minimum requirements for the establishment and operation of a motor fuel station.

1. *Motor Fuel Facilities.* Motor fuel facilities shall be installed in accordance with State and City standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

2. *Architectural Standards.*

a. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.

b. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.

c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to §1007.043 (2) of this Ordinance.

d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.

e. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc., such colors are limited to brown, black, gray, tan, beige, brick red, soft green, soft blue, or white.

f. Ten (10) percent of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four (4) inches. The color bands shall not be illuminated.

3. *Canopy.* A protective canopy structure may be located over the pump island(s), as an accessory structure. The canopy shall meet the following performance standards:

a. The edge of the canopy shall be thirty (30) feet or more from the front and/or side lot line, provided that adequate visibility both on-site and off-site is maintained.

b. The canopy shall not exceed eighteen (18) feet in height and must provide fourteen (14) feet of clearance to accommodate a semi-trailer truck passing underneath.

c. The canopy fascia shall not exceed three (3) feet in vertical height.

d. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source of fixture may extend below the ceiling of the canopy. Total canopy illumination may not exceed one hundred fifteen (115) foot candles below the canopy at ground level.

e. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.

f. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:

i. The individual canopy sign does not exceed more than twenty (20) percent of the canopy facade facing a public right-of-way.

g. Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.

4. Pump Islands. Pump islands shall comply with the following performance standards:

a. Pump islands shall be elevated six (6) inches above the traveled surface of the site.

b. All pump islands shall be set at least thirty (30) feet back from any property line. Additionally, the setback between the pump islands curb face must be at least twenty-four (24) feet.

5. Dust Control and Drainage. The entire site other than taken up by a building, structure, or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick. Plans for surfacing and drainage shall be subject to approval of the City Engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:

a. A minimum of four hundred (400) cubic feet of permanent pool storage capacity per acre of drainage area.

b. A minimum pool depth of four (4) feet.

c. A minimum oil containment capacity of eight hundred (800) gallons.

d. Minimum maintenance/inspection of two (2) times per year and/or after measurable spill events. A measurable spill shall be defined by the Minnesota Pollution Control Agency (MPCA). Any measurable spill event must be reported to the MPCA.

6. Landscaping.

a. At least thirty-five (35) percent of the lot, parcel or tract of land used exclusively for the gas sales facility shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and side yards abutting streets or residential property.

b. At the boundaries of the lot, the following landscape area shall be required:

i. From side and rear property lines, an area of not less than ten (10) feet wide shall be landscaped in compliance with §1007.043 (17) of this Ordinance.

ii. From all road rights-of-way, an area of not less than fifteen (15) feet wide shall be landscaped in compliance with §1007.043 (17) of this Ordinance.

iii. Where lots abut residentially zoned property, a buffer yard of not less than twenty (20) feet wide shall be landscaped and screened in accordance with §1007.043 (17) of this Ordinance.

iv. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

7. Exterior Lighting. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with §1007.043 (6) of this Ordinance. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:

a. Canopy Lighting. Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy may not exceed one hundred fifteen (115) foot candles at ground level.

b. Perimeter Lighting. Lighting at the periphery of the site and building shall be directed downward, and individual lights shall not exceed fifteen (15) foot candles at ground level.

c. Illumination. Maximum site illumination shall not exceed four-tenths (0.4) foot candle at ground level when measured at any boundary line with an adjoining residential property or any public property.

d. Access. Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with §1007.044 of this Ordinance.

8. Circulation and Loading. The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas must be exclusive

of off-street parking stalls and drive aisles. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.

9. Parking.

a. Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s).

b. Parking spaces shall be screened from abutting residential properties in compliance with §1007.043 (19) of this Ordinance.

10. Noise. Public address system shall not be audible at any property line. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in §1007.043 (10) of this Ordinance.

11. Outside Storage, Sales and Service. No outside storage or sales shall be allowed, except as follows:

a. Public phones may be located on site as long as they do not interrupt on-site traffic circulation, and are not located in a yard abutting residentially zoned property.

b. Propane sales of twenty (20) pound capacity tanks may be located outside provided the propane tanks are secured in a locker and meets all State Uniform Building and Fire Codes.

c. Large, bulk sale propane tanks must meet all applicable building and fire code requirements.

d. A compressed air service area may be located on site as long as it does not interrupt on-site traffic circulation.

e. Accessory outdoor services, sales, or rental as regulated by §1007.111 (7)(e) of this Ordinance.

12. Litter Control. The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at a convenient location on site to facilitate litter control.

13. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

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§ 1007.063 DAY CARE FACILITIES

a) *Purpose.* The purpose of this section is to establish standards and procedures under which day care facilities can be conducted within the City without jeopardizing the health, safety and general welfare of the day care participants and/or the surrounding neighborhood. This section establishes the City's minimum requirements for the establishment and operation of state licensed day care facilities which are not defined as permitted uses by State Statute.

b) *Application.* Day care facilities that are allowed by conditional use permit by this Chapter shall be subject to the general provisions of this section and to the regulations and requirements set forth in Section 21015 of this Chapter. In addition, all day care facility operations shall comply with the minimum requirements of the Minnesota Department of Human Services, as may be amended.

c) *Declaration of Conditions.* The City Council may impose such conditions on the granting of a day care facility conditional use permit as may be necessary to carry out the purpose and provisions of this section.

d) *General Provisions.* Day care facilities that are allowable by conditional use permit shall meet the following applicable general provisions:

(1) *Sewer and Water.* All day care facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.

(2) *Buffering.* Unless exempted by the Zoning Administrator, where an outdoor play area of a day care facility abuts any commercial or industrial use or zone, or public right-of-way, the day care facility shall provide screening along the shared boundary of such uses, zones, or public rights-of-way. All of the required fencing and screening shall comply with the fencing and screening requirements of Section 1007.043(17) of this Chapter.

(3) *Parking.*

i. There shall be adequate off-street parking which shall be located separately from any outdoor play area and shall be in compliance with Section 1007.044 of this Chapter. Parking areas shall be screened from view of surrounding and adjoining residential uses in compliance with Section 1007.043(17) of this Chapter.

ii. When a day care facility is an accessory use within a structure containing another principal use, parking for each use shall be calculated separately for determining the total off-street parking spaces required. An exception to this requirement may be granted by the Zoning Administrator in instances where no increase in off-street parking demand will result.

(4) *Off-Street Loading.* Off-street loading space in compliance with Section 1007.045 of this Chapter shall be provided.

(5) Signage. All signing and informational or visual communication devices shall be in compliance with Chapter 1010.

(6) Compliance with State Requirements. The structure and operation shall be in compliance with State of Minnesota Department of Human Services regulations and shall be licensed accordingly.

e) Inspection. The City hereby reserves the right upon issuing any day care facility conditional use permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this section or any conditions additionally imposed.

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§ 1007.064 ESSENTIAL SERVICES

a) Purpose. The purpose of this section is to provide for the installation of essential services such as telephone lines, pipelines, electric transmission lines, substations, and accessories therewith in such a manner that the health, safety, and welfare of the City will not be adversely affected. Essential services shall also be installed in recognition of existing and projected demands for such services.

b) Special Permit Required. All communication lines, pipelines for distribution to individual properties within the City, and all, underground electric transmission lines, overhead utility lines, radio receivers and transmitters, electric transmission lines, and substations less than 33 KV, when installed in any location in the City, shall require a permit subject to the approval of the City Engineer and shall be processed according to the following:.

(1) Prior to the installation of any of the essential services defined above, the owner of such service shall file with the City Engineer, all maps and other pertinent information as deemed necessary by the City Engineer for review the proposed project.

(2) The City Engineer shall document in writing the findings as to the compliance of the proposed project with the Comprehensive Plan and City Code provisions.

(3) In considering applications for the placement of essential services, as regulated in this section, the City Engineer shall consider the effect of the proposed project upon the health, safety and general welfare of the City, as existing and as anticipated, and the effect of the proposed project upon the Comprehensive Plan. Additionally, radio transmitters and receivers accessory to an essential service may be located on existing utility poles or light standards within public right-of-way provide the radio transmitters and receivers comply with the following standards:

i. Radio transmitters and receivers located on a utility pole/tower or light standard shall be at least fifteen (15) feet above grade.

ii. Radio transmitter and receiver devices shall not exceed eighteen (18) inches in length or width, or extend more than eighteen (18) inches from the pole. Antennas may not extend more than twenty-four (24) inches from the equipment.

iii. The applicant shall submit a map prior to issuance of a permit showing the location of all proposed radio transmitters and receivers. The map shall be accompanied by a list of all sites referenced by the closest street address or property identification number. The list of sites must also describe the type of pole to be used.

iv. The applicant shall notify the City of any changes to the approved list prior to erecting or placing any additional equipment in the right-of-way.

v. The applicant shall notify the City, at the time of permit application, of any obstructions that would cause traffic to be rerouted or stopped.

vi. In addition to receiving the necessary permits and approvals, the City may require the applicant to enter into an encroachment agreement.

(4) Upon approval of the City Engineer, a permit for the installation and operation of the applicant's essential services shall be issued. If the Engineer denies the permit, the applicant may appeal said decision to the Board of Appeals and Adjustments under the rules and procedures set forth in Section 21035 of this Chapter.

(5) The City Engineer may deny a permit or attach conditions to the permit approval to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when necessary to protect the right-of-way and its users. The City Engineer may consider one or more of the following factors:(a)the extent to which right-of-way space where the permit is sought is available;(b)the competing demands for the particular space in the right-of-way;(c)the availability of other locations in the right-of-way or in other rights-of-way for the equipment of the permit applicant;(d)the applicability of ordinance or other regulations of the right-of-way that affect location of equipment in the right-of-way.

(6) The permittee shall notify the City Engineer upon completion of the work specified in the permit.

Zoning Ordinance Update

Work Session
October 4, 2021



Background

- On March 8th , the Council authorized the update to the Zoning Ordinance and Zoning Map to implement the 2040 Comprehensive Plan
- Staff has been working with P&Z to review PUD standards and General Provisions
- New Zoning Ordinance and map for review in December/January for adoption in March/April 2022

PUD Updates

- Purpose of PUD ordinance changes is to make it clear and concise while retaining the public benefits sought for in PUD's:
 - Implementation of a master plan consistent with the Planning District objectives of the Comprehensive Plan.
 - Innovations in development that address growing demands for all styles of economic expansion, greater variety in lot size, configuration, home type, design, enhanced architectural standards, and siting of structures through the conservation and more efficient use of land in such developments
 - The preservation and enhancement of desirable site characteristics such as wildlife habitat, unique natural resources, existing vegetation, natural topography, geologic features and reduction of negative impacts on the environment.
 - A creative use of land and related physical development which allows a phased and orderly transition of varying land uses in close proximity to each other.
 - An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.
 - A mix of land use types.
 - Provision of a housing type or target housing price that is desirable to the City;
 - Other public benefits as recognized by the City.

PUD Types

- Residential, Commercial, Industrial, Business Park or a mix of any of these uses can be included within a PUD.
 - Lyngblomsten PUD
 - allowed a mix of uses and redevelopment consistent with the Hodgson/CR 19 Master Plan
 - Watermark
 - mix of housing types and creation of open space
 - Commercial and Industrial PUDs
 - Benefits may include infrastructure, greenway corridors or redevelopment opportunities
 - Each PUD will be different base on the site and the development objectives from City and developer
- PUDs are a negotiated zoning district
 - City has greater discretion than through standard development

PUD Open Space

- Some of the goals for open space in a PUD can include:
 - Preserve natural open space
 - Restore/enhance ecological systems on the site
 - Protect off-site ecological systems
 - Ensure long-term natural resource stewardship
 - Provide public park and trail opportunities
 - Manage stormwater (flow rates and quality)
 - Preserve open space aesthetic
 - Maintain natural buffer between established and new developments

Greenway Plan

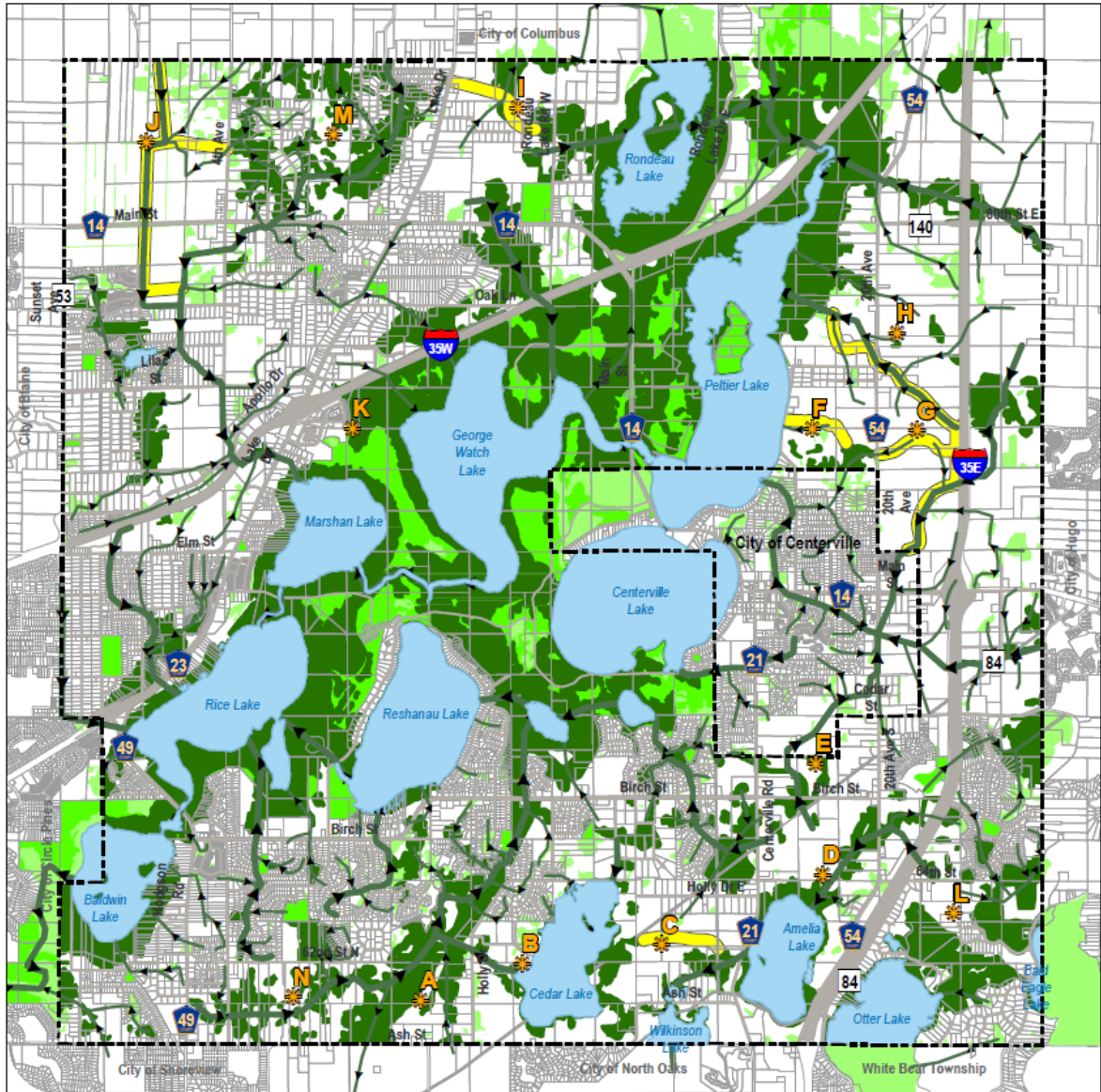
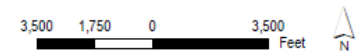
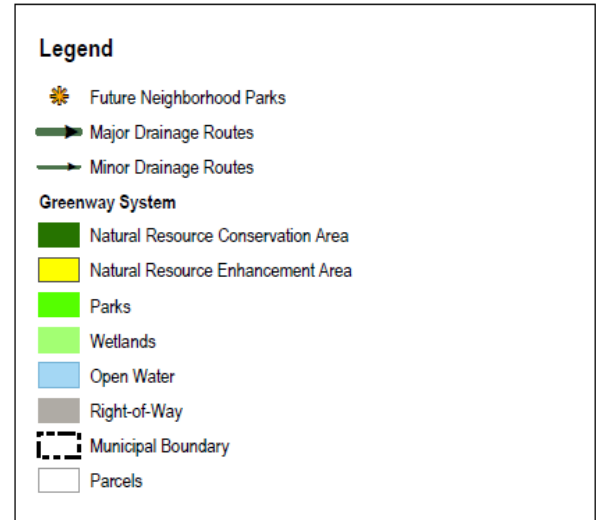


Figure 10-3
Greenway System Plan



Greenway (Natural Open Space) System

Natural Resource Protected Area

Generally consists of water bodies and land areas that have some level of protection under current regulatory ordinances and controls. Specific areas included:

- Designated lakes and water bodies
- Park land (regional and local parks)
- Wetland systems
- Relevant plant communities listed on the County Biological Survey

Natural Resource Conservation Area

Consists of largely upland areas as defined under various natural vegetative cover or soil types. Specific areas included:

- Unique banded soils areas that support rare species
 - Blanding turtle breeding site and corridor
- Oak forest, aspen, maple-basswood, tamarack swamp, and lowland forest areas that are significant natural resource areas
- Floodplain areas
 - Previously restored natural areas
- Select County ditches or streams

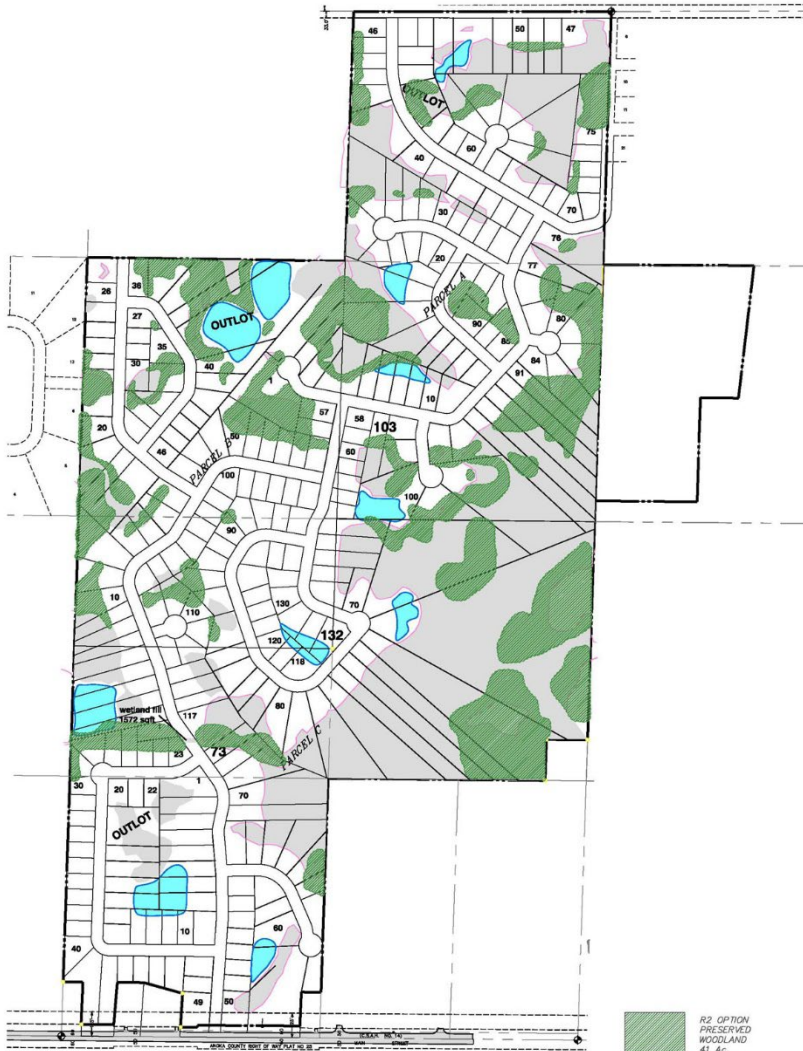
Natural Resource Enhancement Corridors

Consists of areas that fill gaps in the greenway system and/or provide a corridor for the greenway-based trails

**These areas
are not
inherently
protected !**

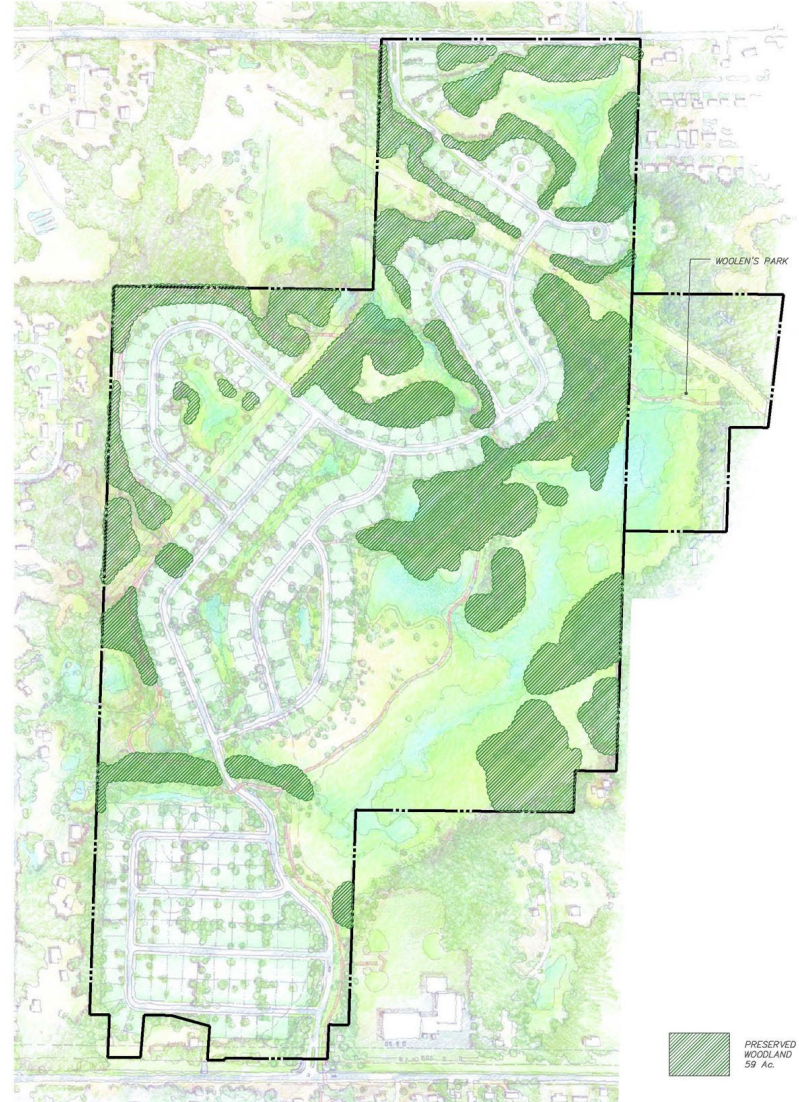
PUD Example

Traditional Development (300)



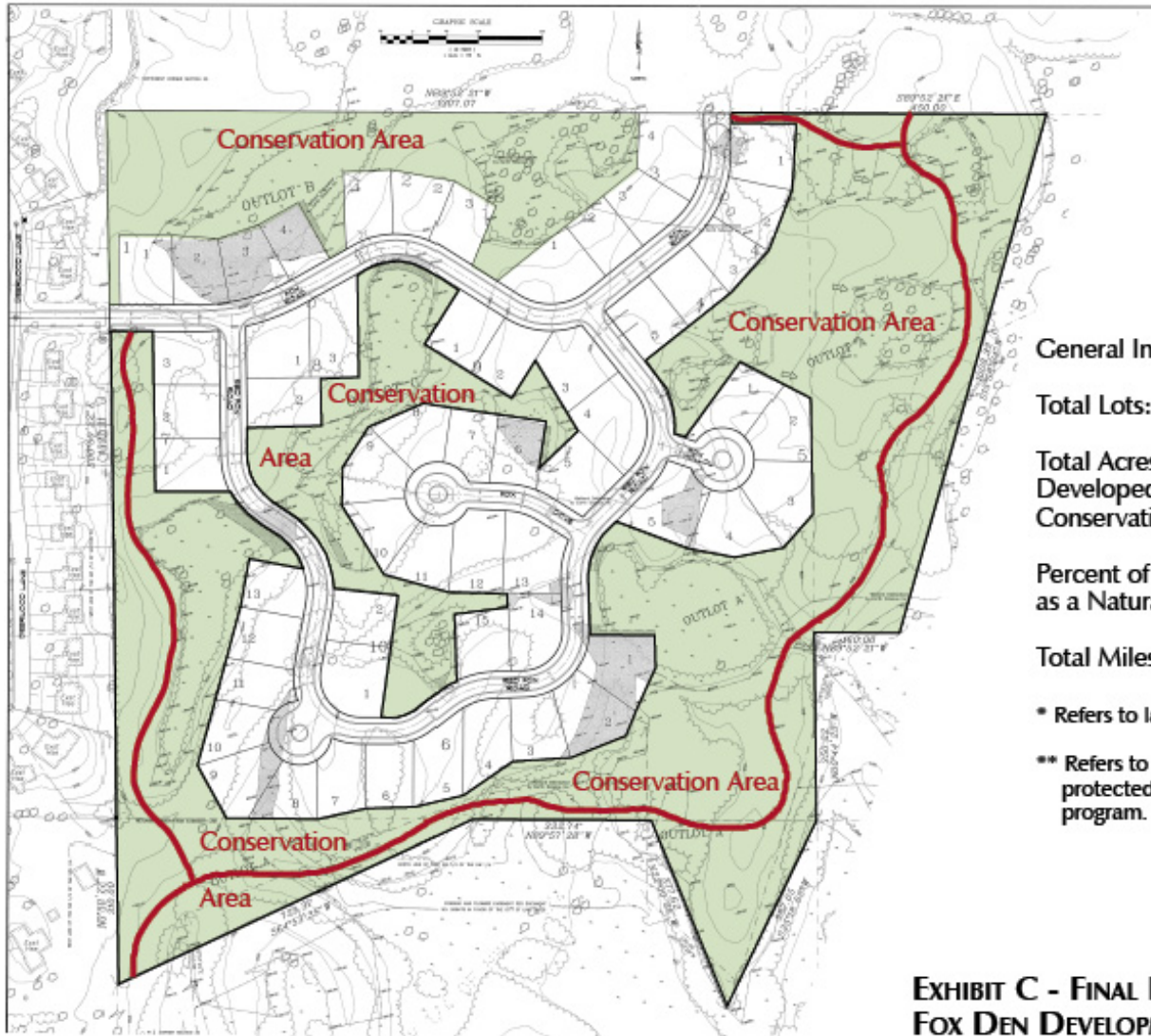
Nature's Refuge Development

Conservation Development (278)



PUD Example

Fox Den Development



General Information:

Total Lots:	57
Total Acres:	50.0
Developed Acres*:	21.53
Conservation Area Acres**:	28.47
Percent of Property Protected as a Natural Area:	57%
Total Miles of Public Trail:	0.80

* Refers to land under private ownership.

** Refers to land that is permanently protected and falls under the stewardship program.

**EXHIBIT C - FINAL PROPOSAL
FOX DEN DEVELOPMENT**

Ordinance Update – PUD

- Draft shows redlined changes
- Key updates:
 - Eliminated the PUD by conditional use permit and requires them all to be done as a rezoning to the PUD zoning district
 - Added table to identify base zoning district used as starting point for development guidelines
 - Moving rural residential PUD requirements to the Subdivision Ordinance to allow it by right
 - Revisions to subdivision to be provided at future meeting
 - Clarify open space performance standards and calculations for urban residential PUDs
 - Creating an additional requirement for commercial and industrial PUDs to have harmonious and integrated design for all buildings in the development.

Ordinance Update – PUD

- Key updates:

- Added a requirement that the developer hold a neighborhood meeting prior to submittal of a PUD concept plan application
- Streamlined the submittal requirements to eliminate unnecessary requirements
- Eliminated redundancies
- PUD Final Plan will go straight to City Council
 - Review for consistency with preliminary plat
 - Standard process in other communities
 - Would come to P&Z if there were major changes from preliminary
- Creating a process for plan modifications or amendments to a PUD

Ordinance Update – General Provisions

- Changes are recommendations from staff and P&Z
- Key updates:
 - Update Nonconformities section to comply with 2009 updates to State Statutes
 - Garage size standardized across districts
 - Update size not requiring building permit to 200 sq. ft. per MN Building Code
 - Allow one 120 sq. ft. accessory building by right
 - Added private drive standards
 - Added new language for Wind Energy Conversion Systems (WECS)
 - Will add for Solar
 - Add new language for model homes and temporary real estate offices
 - Add language for temporary structures
 - Add performance standards for motor fuel stations and daycare facilities
 - Added new language to allow Essential Services
 - Expand the language to provide flexibility to approve metal roofs other than just standing seam metal roofs

Summary

- The drafts are as reviewed by P&Z
 - Will be incorporated into new draft
 - Staff will continue to revise content and format and provide updates
- P&Z will review district standards at the October meeting
- Full draft will be presented at December P&Z meeting and January Council meetings
- The Council should review the changes recommended by P&Z Board and provide comments

WORK SESSION STAFF REPORT
Work Session Item No. 2

Date: October 4, 2021
To: City Council
From: Hannah Lynch, Finance Director
Re: American Rescue Plan Act (ARPA) Eligible Expenditures

Background

The City of Lino Lakes received the first half of the ARPA funds on July 27, 2021 in the amount of \$1,170,283.35. The second half will be received one year after the receipt of the first half. No funds have been expended or committed to be spent at this time. Staff has been working through U.S. Treasury guidance to determine eligible expenditures.

Eligible Expenditures

The funds must be used in one of the four eligible use categories specified in the American Rescue Plan Act and implemented in the Interim Final Rule. Staff has prepared a summary of the categories and potential uses in the Lino Lakes Potential ARPA Expenditures attachment. The examples given under each use are broad and are taken from current U.S. Treasury Guidance. Staff is continuing to evaluate specific projects or purchases that would apply.

Re-Opening the Recreation Facility

Staff believes re-opening costs for the recreation facility fall under the first eligible use category. The use towards the recreation facility is not identified on the U.S. Treasury's non-exclusive list, but the Interim Final Rule provides flexibility if the objectives of the eligible use is met.

The American Rescue Plan Act of 2021 allows funds to be used “to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality”.

North Metro TV originally covered the closure of the Lino Lakes YMCA and reported “the location closed March 15, 2020 due to the COVID-19 pandemic and statewide shutdown, and has not since re-opened. According to a statement from Chief Operating Officer Greg Waibel, 2020 started off strong for the organization, but the pandemic has hit hard with many financial and organization struggles. As a result, the YMCA locations in Downtown St. Paul, Prior Lake, and Lino Lakes will be transitioning away from

fitness and wellbeing centers and will be re-imagined as community response hubs.” The reimagining process did not bring about any solutions to reopening the facility and pursuant to the original agreement with the YMCA the facility was conveyed to the City on March 1, 2021.

The City of Lino Lakes originally invested \$2.4 million in the Lino Lakes YMCA to serve residents with a recreational facility. Now that the facility is closed, the City would like to see the facility reopened to support physical, mental, and emotional well-being in the community.

Anoka County Public Health identifies Areas of Public Health Responsibility and Essential Public Health Services. One of those areas is promoting healthy communities and healthy behavior which staff feels would be met by re-opening the Lino Lakes Recreation Facility.

The ARPA funds would be used to re-open the unoccupied facility with the goal of creating a community space which promotes physical health and mental well-being. Re-opening costs consist of creating a sustainable recreation facility and setting up for a new management model. Physical adaptations for COVID-19 will be considered throughout the project as well as the long-term success of promoting a healthy community.

Requested Council Direction

Staff is prepared to discuss the Lino Lakes Potential ARPA Expenditures.

Attachments

Lino Lakes Potential ARPA Expenditures

Lino Lakes Potential ARPA Expenditures

10/4/2021

Fiscal Recovery Funds must be used in one of the four eligible use categories specified in the American Rescue Plan Act and implemented in the Interim Final Rule:

- 1) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;**
 - (a) Purchases of personal protective equipment
 - (b) Adaptions to public buildings to implement COVID-19 mitigation tactics
 - (c) Support for isolation or quarantine
 - (d) Rehiring public sector staff up to the pre-pandemic staffing level of the government (payroll, covered benefits, and other costs associated)
 - (e) Decreases to a state or local government's ability to effectively administer services

- 2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;**

- 3) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and**
 - (a) Provision of government services which include but are not limited to:
 - (i) Maintenance of infrastructure
 - (ii) Pay-go spending for building new infrastructure or purchasing capital equipment

- 4) To make necessary investments in water, sewer, or broadband infrastructure.**
 - (a) Eligible projects under EPA's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF)
 - (i) Funds may be used for road repairs directly related to an eligible water or sewer project
 - (b) Deliver minimum broadband speeds of 100 Mbps download and 20 Mbps upload speed and be scalable to 100 Mbps upload speed
 - (i) Designed to serve unserved or underserved households and businesses not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed