

EXPANDED AGENDA



**CITY COUNCIL AGENDA**

**Monday, November 28, 2022**

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**6:30 p.m.**

*(Scheduled to be broadcast on Channel 16)*

**City Council: Mayor Rafferty, Councilmembers Cavegn, Lyden, Ruhland and Stoesz**  
**City Administrator: Sarah Cotton**

**COUNCIL WORK SESSION, 6:00 P.M.**

**Council Chambers (not televised)**

1. Review Regular Agenda

**CITY COUNCIL MEETING, 6:30 P.M.**

- Call to Order and Roll Call – **Stoesz, Cavegn, Ruhland, Lyden, Rafferty were present**
- Pledge of Allegiance
- Open Mike / Public Comment *(in person or received in writing prior to meeting)*  
**There were no comments**
- Setting the Agenda: Addition or Deletion of Agenda Items  
**The agenda was amended to remove Item 5B at the request of staff**

**1. CONSENT AGENDA**

- A) Consider Approval of Expenditures for November 28, 2022 (Check No. 117584 through 117665) in the Amount of \$605,206.43
- B) Consider Approval of November 14, 2022 Work Session Minutes
- C) Consider Approval of November 14, 2022 Council Meeting Minutes
- D) Consider Approval of November 7, 2022 Council Work Session Minutes

**Action Taken: Motion by Cavegn, seconded by Lyden, to approve Consent Agenda Items 1A through 1D, as presented, was adopted**

**2. FINANCE DEPARTMENT REPORT**

No report

**3. ADMINISTRATION DEPARTMENT REPORT**

- A) Consider 1st Reading of Amendments to the Code of Ordinances, Julie Bartell
  - i. Ordinance No. 05-22, Amending Chapter 701 regarding Liquor Licensing
  - ii. Ordinance No. 06-22, Amending Chapter 602 regarding Tobacco Products

**Action Taken: Motion by Ruhland, seconded by Cavegn, to approve the 1<sup>st</sup> Reading of Ordinance No 05-22 and 06-22 as presented, was adopted**

- B) Consider Appointment of Utilities Maintenance Worker, Meg Sawyer  
**Action Taken: Motion by Ruhland, seconded by Cavegn, to approve the appointment of Will Peterson as recommended, was adopted**
- C) Consider Appointment of Office Specialist, Meg Sawyer  
**Action Taken: Motion by Cavegn, seconded by Ruhland, to approve the appointment of Dana Ram as recommended, was adopted**
- D) Consider Appointment of Part-Time Firefighter, Meg Sawyer  
**Action Taken: Motion by Lyden, seconded by Cavegn, to approve the appointment of Anthony Wald as recommended, was adopted**
- E) Consider Appointment of Building Custodial Maintenance Worker, Meg Sawyer  
**Action Taken: Motion by Ruhland, seconded by Lyden, to approve the appointment of Gary Williams as recommended, was adopted**

#### 4. PUBLIC SAFETY DEPARTMENT REPORT

- A) Consider Resolution No. 22-141, Supporting the MN Statute 383E.21 Establishing a County Public Safety Levy, John Swenson  
**Action Taken: Motion by Ruhland, seconded by Cavegn, to approve Resolution No. 22-141 as presented, was adopted**

#### 5. PUBLIC SERVICES DEPARTMENT REPORT

- A) Consider Resolution No. 22-139, Approving Payment No. 3 and Final, 2022 Parking Lot Improvement Project, Diane Hankee  
**Action Taken: Motion by Lyden, seconded by Stoesz, to approve Resolution No. 22-139 as presented, was adopted**
- B) Consider 1<sup>st</sup> Reading of Ordinance No. 09-22, Amending Section 507.06 of City Code Relating to Solid Waste Storage, Justin Williams  
**(removed from agenda)**

#### 6. COMMUNITY DEVELOPMENT REPORT

- A) Zoning Ordinance Text and Map Amendment, Katie Larsen
- i. Consider 2<sup>nd</sup> Reading of Ordinance No. 08-22, Zoning Ordinance Text and Map Amendment  
**Action Taken: Motion by Cavegn, seconded by Stoesz, to approve the 2<sup>nd</sup> Reading and adoption of Ordinance No. 08-22 as presented, was adopted: Yeas, 4; Nays, 1 (Lyden)**
- ii. Consider Resolution No. 22-140, Authorizing Summary Publication  
**Action Taken: Motion by Cavegn, seconded by Stoesz, to approve Resolution No. 22-140 as presented, was adopted**

- B) Consider Resolution No. 22-142, Authorizing Preparation of Plans and Specifications, 2023 Lake Drive Trunk Water Main Improvements, Diane Hankee

**Action Taken: Motion by Lyden, seconded by Ruhland, to approve Resolution No. 22-142 as presented, was adopted**

**7. UNFINISHED BUSINESS**

None

**8. NEW BUSINESS**

None

**Adjournment**

**Motion by Ruhland, seconded by Lyden, to adjourn at 7:05 pm was adopted**

*Following adjournment of the regular city council meeting, the Council will reconvene in a closed session to discuss labor negotiation strategy.*

<i>Community Calendar – A Look Ahead</i>		
November 28, 2022 through December 12, 2022		
✚ Wednesday, November 30	6:30 pm, Council Chambers	Environmental Board
✚ Thursday, December 1	8:00 am, Community Room	EDAC
✚ Monday, December 5	6:00 pm, Community Room	Council Work Session
✚ Monday, December 12	6:00 pm, Community Room	Council Work Session
✚ Monday, December 12	6:30 pm, Council Chambers	City Council Meeting



# CITY COUNCIL AGENDA

**Monday, November 28, 2022**

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## **COUNCIL WORK SESSION, 6:00 P.M.**

### **Council Chambers (not televised)**

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## **CITY COUNCIL MEETING, 6:30 P.M.**

- Call to Order and Roll Call
- Pledge of Allegiance
- Open Mike / Public Comment *(in person or received in writing prior to meeting)*
- Setting the Agenda: Addition or deletion of agenda items

### **1. CONSENT AGENDA**

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### **2. FINANCE DEPARTMENT REPORT**

No report

### **3. ADMINISTRATION DEPARTMENT REPORT**

- A) Consider 1st Reading of Amendments to the Lino Lakes Code of Ordinances, Julie Bartell
  - i. Ordinance No. 05-22, Amending Chapter 701 regarding Liquor Licensing
  - ii. Ordinance No. 06-22, Amending Chapter 602 regarding Tobacco Products
- B) Consider Appointment of Utilities Maintenance Worker, Meg Sawyer
- C) Consider Appointment of Office Specialist, Meg Sawyer
- D) Consider Appointment of Part-Time Firefighter, Meg Sawyer

- E) Consider Appointment of Building Custodial Maintenance Worker, Meg Sawyer

**4. PUBLIC SAFETY DEPARTMENT REPORT**

- A) Consider Resolution No. 22-141, Supporting the MN Statute 383E.21 Establishing a County Public Safety Levy, John Swenson

**5. PUBLIC SERVICES DEPARTMENT REPORT**

- A) Consider Resolution No. 22-139, Approving Payment No. 3 and Final, 2022 Parking Lot Improvement Project, Diane Hankee
- B) Consider 1<sup>st</sup> Reading of Ordinance No. 09-22, Amending Section 507.06 of City Code Relating to Solid Waste Storage, Justin Williams

**6. COMMUNITY DEVELOPMENT REPORT**

- A) Zoning Ordinance Text and Map Amendment, Katie Larsen
  - i. Consider 2<sup>nd</sup> Reading of Ordinance No. 08-22, Zoning Ordinance Text and Map Amendment
    - \*Council may vote to dispense with full reading of ordinance*
    - \* Roll call vote is required for adoption of the ordinance*
  - ii. Consider Resolution No. 22-140, Authorizing Summary Publication
- B) Consider Resolution No. 22-142, Authorizing Preparation of Plans and Specifications, 2023 Lake Drive Trunk Water Main Improvements, Diane Hankee

**7. UNFINISHED BUSINESS**






None

**8. NEW BUSINESS**

None

**Adjournment**

*Following adjournment of the regular city council meeting, the Council will reconvene in a closed session to discuss labor negotiation strategy.*

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	Monday, December 12	6:00 pm, Community Room
	Monday, December 12	6:30 pm, Council Chambers
		Environmental Board
		EDAC
		Council Work Session
		Council Work Session
		City Council Meeting



# **Expenditures**

November 28, 2022

Check #117584 to #117665

\$605,206.43

# Accounts Payable

## Check Detail

User: jessica.eller  
Printed: 11/22/2022 - 4:05PM



Check Number	Check Date		Amount
<b>2 - 1st Choice Document Destruction Line Item Account</b>			
117587	11/28/2022		
Inv	22-2454		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/19/2022	2420 lbs recycled paper & cardboard	101-462-4410-000	840.00
Inv 22-2454 Total			840.00
117587 Total:			840.00
<b>2 - 1st Choice Document Destruction Total:</b>			840.00
<b>13 - AFLAC Line Item Account 101-000-2040-000</b>			
117588	11/28/2022		
Inv	638086		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/12/2022	November Insurance Premiums	101-000-2040-000	310.22
Inv 638086 Total			310.22
117588 Total:			310.22
<b>13 - AFLAC Total:</b>			310.22
<b>14 - AFSCME Council #5 Line Item Account 101-000-2040-000</b>			
117584	11/11/2022		
Inv			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/09/2022	PR Batch 00002.11.2022 Union Dues AFSCME	101-000-2040-000	376.32
Inv Total			376.32
117584 Total:			376.32
<b>14 - AFSCME Council #5 Total:</b>			376.32
<b>16 - Aid Electric Corporation Line Item Account</b>			
117589	11/28/2022		

Check Number	Check Date		Amount
Inv 71789			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/02/2022	Troubleshoot lights in PD Investigators room	101-432-4300-503	264.20
Inv 71789 Total			264.20
Inv 71881			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/10/2022	Generator Replacement - Clearwater Creek Lift Station #7	602-495-5000-000	33,484.00
Inv 71881 Total			33,484.00
117589 Total:			33,748.20
<b>16 - Aid Electric Corporation Total:</b>			33,748.20
<b>20 - Allied Blacktop, Inc. Line Item Account</b>			
117590	11/28/2022		
Inv 9258			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/14/2022	Fall street sweeping	603-496-4410-000	3,120.00
Inv 9258 Total			3,120.00
117590 Total:			3,120.00
<b>20 - Allied Blacktop, Inc. Total:</b>			3,120.00
<b>1020 - Allina Health System Line Item Account</b>			
117591	11/28/2022		
Inv CI00028875			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/31/2022	4th Qtr Education	101-421-4330-000	480.00
10/31/2022	4th Qtr Education	101-420-4330-000	480.00
Inv CI00028875 Total			960.00
117591 Total:			960.00
<b>1020 - Allina Health System Total:</b>			960.00
<b>873 - Ancom Communications Line Item Account</b>			
117592	11/28/2022		
Inv 111553			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/10/2022	Repaired headsets #622	101-431-4410-000	177.50
Inv 111553 Total			177.50



117592 Total:	177.50
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<b>873 - Ancom Communications Total:</b>	177.50
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**42 - Anoka County Property Records & Taxation Line Item Account**

117593	11/28/2022	
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Inv	22-51065
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<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/04/2022	Resolution No. 22-95 - CUP (Commercial Car Wash) for Kwik Trip	801-000-2300-000	46.00
10/04/2022	Resolution No. 22-94 - CUP (Motor Fuel Station) for Kwik Trip	801-000-2300-000	46.00
10/04/2022	Easement Encroachment Agreements	101-000-2081-000	92.00

Inv 22-51065 Total	184.00
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Inv	22-53707
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<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/20/2022	Easement Encroachment Agreements	101-000-2081-000	230.00

Inv 22-53707 Total	230.00
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117593 Total:	414.00
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<b>42 - Anoka County Property Records &amp; Taxation Total:</b>	414.00
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**44 - Anoka County Treasury Office Line Item Account**

117594	11/28/2022	
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Inv	B221115L
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<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/16/2022	Site 115 Dec 2022 CAC Fiber	101-432-4300-500	75.00
11/16/2022	Site 117 Dec 2022 CAC Fiber	101-432-4300-503	75.00
11/16/2022	Site 116 Dec 2022 CAC Fiber	101-432-4300-501	75.00

Inv B221115L Total	225.00
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117594 Total:	225.00
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<b>44 - Anoka County Treasury Office Total:</b>	225.00
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**54 - Aspen Mills, Inc. Line Item Account**

117595	11/28/2022	
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Inv	303267
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<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/02/2022	Dept Exp - I. Simon	101-420-4370-000	195.15

Inv 303267 Total	195.15
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Check Number	Check Date		Amount
Inv	304126		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/17/2022	Dept Exp - J. Zimmerman	101-420-4370-000	1,076.65
Inv 304126 Total			1,076.65
			<hr/>
117595 Total:			1,271.80
			<hr/>
<b>54 - Aspen Mills, Inc. Total:</b>			1,271.80
<b>68 - Bartell, Julianne Line Item Account</b>			
117596	11/28/2022		
Inv	11/8/2022		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/08/2022	Mileage - J. Bartell	101-403-4330-000	87.75
11/08/2022	Election judge supplies	101-403-4200-000	93.04
Inv 11/8/2022 Total			180.79
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117596 Total:			180.79
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<b>68 - Bartell, Julianne Total:</b>			180.79
<b>1028 - Baycom, Inc. Line Item Account</b>			
117597	11/28/2022		
Inv	EQUIPINV_040685		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/08/2022	Mag mount & stud plate	101-420-4370-000	55.00
Inv EQUIPINV_040685 Total			55.00
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117597 Total:			55.00
			<hr/>
<b>1028 - Baycom, Inc. Total:</b>			55.00
<b>1894 - Best Outdoor Services Line Item Account</b>			
117598	11/28/2022		
Inv	24226		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/07/2022	Repair damaged irrigation line	101-430-4410-000	95.00
Inv 24226 Total			95.00
			<hr/>
117598 Total:			95.00
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<b>1894 - Best Outdoor Services Total:</b>			95.00

**115 - Centennial Utilities Line Item Account**

117599            11/28/2022

Inv    October 2022

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/31/2022	Natural Gas	101-432-4383-503	1,730.28
10/31/2022	Natural Gas	101-450-4383-000	25.40
10/31/2022	Natural Gas	101-450-4383-000	69.36
10/31/2022	Natural Gas	202-451-4383-000	1,940.70
10/31/2022	Natural Gas	101-450-4383-000	47.28
10/31/2022	Natural Gas	602-495-4383-000	20.01

Inv October 2022 Total 3,833.03

117599 Total: 3,833.03

**115 - Centennial Utilities Total:**

3,833.03

**121 - CenturyLink Line Item Account 101-432-4321-503**

117600            11/28/2022

Inv    333266979

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/10/2022	Phone & Internet Services	202-451-4321-000	62.76

Inv 333266979 Total 62.76

Inv    6517843659805

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/10/2022	Phone & Internet Services	101-432-4321-503	63.61

Inv 6517843659805 Total 63.61

Inv    7637846219687

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/10/2022	Pool Emergency Phone Service	202-451-4321-000	69.35

Inv 7637846219687 Total 69.35

117600 Total: 195.72

**121 - CenturyLink Total:**

195.72

**761 - Comcast Line Item Account 101-432-4321-502**

117601            11/28/2022

Inv    0163083

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/05/2022	Phone & Internet Services	601-494-4321-000	115.82

Inv 0163083 Total 115.82

117601 Total:		115.82
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<b>761 - Comcast Total:</b>		115.82
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**1278 - Core & Main LP Line Item Account**

117602            11/28/2022

Inv    R892294

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/04/2022	Meters	601-494-4215-000	252.85

Inv R892294 Total		252.85
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Inv    R892410

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/07/2022	Meters	601-494-4215-000	3,412.30

Inv R892410 Total		3,412.30
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Inv    R925944

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/14/2022	Meters	601-494-4215-000	1,549.97

Inv R925944 Total		1,549.97
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117602 Total:		5,215.12
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<b>1278 - Core &amp; Main LP Total:</b>		5,215.12
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**1821 - Craig Rapp, LLC Line Item Account**

117603            11/28/2022

Inv    CR-LIN-11.11.22

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/11/2022	Tuition - S. Cotton	101-402-4330-000	200.00

Inv CR-LIN-11.11.22 Total		200.00
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117603 Total:		200.00
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<b>1821 - Craig Rapp, LLC Total:</b>		200.00
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**157 - Crown Marking, Inc. Line Item Account**

117604            11/28/2022

Inv    OE-86361

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/09/2022	Name Plates - Rookery staff	202-451-4200-000	121.69

Check Number	Check Date		Amount
		Inv OE-86361 Total	121.69
			<hr/>
		117604 Total:	121.69
			<hr/>
		<b>157 - Crown Marking, Inc. Total:</b>	121.69
<b>1012 - Custom Fire Apparatus, Inc. Line Item Account</b>			
117605	11/28/2022		
		Inv 0021809-IN	
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
09/27/2022	Engine 2 crash damage repair	101-431-4363-000	5,234.22
		Inv 0021809-IN Total	5,234.22
			<hr/>
		117605 Total:	5,234.22
			<hr/>
		<b>1012 - Custom Fire Apparatus, Inc. Total:</b>	5,234.22
<b>167 - Dalco, Inc. Line Item Account</b>			
117606	11/28/2022		
		Inv 4006830	
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/07/2022	Vinyl shower curtain (3)	202-451-4211-000	171.36
		Inv 4006830 Total	171.36
			<hr/>
		Inv 4010144	
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/14/2022	Purell floor stand (2)	202-451-4211-000	221.66
		Inv 4010144 Total	221.66
			<hr/>
		Inv 4010232	
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/14/2022	Toilet tissue, paper towel, can liners & hand wash	101-432-4211-000	738.54
		Inv 4010232 Total	738.54
			<hr/>
		117606 Total:	1,131.56
			<hr/>
		<b>167 - Dalco, Inc. Total:</b>	1,131.56
<b>175 - Delta Dental of Minnesota Line Item Account</b>			
117607	11/28/2022		
		Inv December 2022	
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
12/01/2022	Dental Insurance Premiums	101-463-4134-000	11.24

Check Number	Check Date			Amount
12/01/2022		Dental Insurance Premiums	101-420-4134-000	1,148.24
12/01/2022		Dental Insurance Premiums	101-000-2044-000	1,263.96
12/01/2022		Dental Insurance Premiums	101-416-4134-000	44.94
12/01/2022		Dental Insurance Premiums	101-407-4134-000	78.65
12/01/2022		Dental Insurance Premiums	101-402-4134-000	-44.94
12/01/2022		Dental Insurance Premiums	101-418-4134-000	44.94
12/01/2022		Dental Insurance Premiums	603-496-4134-000	58.43
12/01/2022		Dental Insurance Premiums	101-422-4134-000	134.83
12/01/2022		Dental Insurance Premiums	602-495-4134-000	129.21
12/01/2022		Dental Insurance Premiums	601-494-4134-000	129.21
12/01/2022		Dental Insurance Premiums	101-421-4134-000	65.16
12/01/2022		Dental Insurance Premiums	101-431-4134-000	56.18
12/01/2022		Dental Insurance Premiums	101-450-4134-000	195.51
12/01/2022		Dental Insurance Premiums	101-430-4134-000	190.99
12/01/2022		Dental Insurance Premiums	101-462-4134-000	8.99
12/01/2022		Dental Insurance Premiums	202-451-4134-000	202.25
12/01/2022		Dental Insurance Premiums	101-451-4134-000	4.49
12/01/2022		Dental Insurance Premiums	101-461-4134-000	13.47
12/01/2022		Dental Insurance Premiums	101-000-2040-000	1,000.58
Inv December 2022 Total				4,736.33
117607 Total:				4,736.33
<b>175 - Delta Dental of Minnesota Total:</b>				4,736.33
<b>1953 - DigiQuatics Line Item Account</b>				
117608	11/28/2022			
Inv	2708			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>		
09/01/2022	Annual subscription	202-451-4310-000		915.30
Inv 2708 Total				915.30
117608 Total:				915.30
<b>1953 - DigiQuatics Total:</b>				915.30
<b>1952 - DRH Inc. Controlled Disb. Acct. Line Item Account</b>				
117609	11/28/2022			
Inv	11/7/2022			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>		
11/07/2022	Long Term Escrow Closure - Woods Edge 2nd Addition	801-000-2311-101		949.10
11/07/2022	Long Term Escrow Closure - Woods Edge 2nd Addition	801-000-2311-106		2,500.00
11/07/2022	Long Term Escrow Closure - Woods Edge 2nd Addition	801-000-2311-103		10,411.50
11/07/2022	Long Term Escrow Closure - Woods Edge 2nd Addition	801-000-2311-102		2,282.25
Inv 11/7/2022 Total				16,142.85
117609 Total:				16,142.85

<b>1952 - DRH Inc. Controlled Disb. Acct. Total:</b>	16,142.85
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**187 - Earl F. Andersen Line Item Account**

117610            11/28/2022  
 Inv    0131477-IN

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/16/2022	Replacement street name signs (4)	101-430-4223-000	187.50

Inv 0131477-IN Total	187.50
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117610 Total:	187.50
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<b>187 - Earl F. Andersen Total:</b>	187.50
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**204 - Factory Motor Parts Company Line Item Account**

117611            11/28/2022  
 Inv    1-8148033

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/08/2022	Rear brake pads #317	101-431-4221-000	53.96

Inv 1-8148033 Total	53.96
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117611 Total:	53.96
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<b>204 - Factory Motor Parts Company Total:</b>	53.96
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**216 - First Advantage Occ. Line Item Account**

117612            11/28/2022  
 Inv    2506342210

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/31/2022	Annual Enrollment - K. Gray	101-402-4300-000	35.30

Inv 2506342210 Total	35.30
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117612 Total:	35.30
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<b>216 - First Advantage Occ. Total:</b>	35.30
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**218 - Fogarty, Mary Line Item Account**

117613            11/28/2022  
 Inv    11/8/2022

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/08/2022	Mileage - M. Fogarty	101-403-4330-000	57.50

Inv 11/8/2022 Total	57.50
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Check Number	Check Date		Amount
117613 Total:			57.50
<b>218 - Fogarty, Mary Total:</b>			57.50
<b>1938 - G. L. Contracting, Inc. Line Item Account</b>			
117614	11/28/2022		
Inv	019286-000-2		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/17/2022	Woods of Baldwin Lake Park Improvement Project	405-499-5000-144	60,851.41
Inv 019286-000-2 Total			60,851.41
117614 Total:			60,851.41
<b>1938 - G. L. Contracting, Inc. Total:</b>			60,851.41
<b>242 - Goodin Company Wholesalers Line Item Account</b>			
117615	11/28/2022		
Inv	01246931-00		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/31/2022	Irrigation system - Sunrise Park	101-450-4410-000	2,629.51
Inv 01246931-00 Total			2,629.51
117615 Total:			2,629.51
<b>242 - Goodin Company Wholesalers Total:</b>			2,629.51
<b>1264 - Hach Company Line Item Account</b>			
117616	11/28/2022		
Inv	13314087		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/01/2022	Reagents for sampling	601-494-4222-000	488.22
Inv 13314087 Total			488.22
117616 Total:			488.22
<b>1264 - Hach Company Total:</b>			488.22
<b>271 - Hawkins, Inc. Line Item Account</b>			
117617	11/28/2022		
Inv	6336033		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/14/2022	Chlorine, Hydrofluosilicic Acid & LPC-5	601-494-4222-000	8,286.08



Check Number	Check Date		Amount
Inv 6336033		Total	8,286.08
Inv 6336398			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/15/2022	Chlorine Cylinders	601-494-4222-000	130.00
Inv 6336398		Total	130.00
Inv 6339094			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/15/2022	Pool chemical supplies	202-451-4222-000	1,543.56
Inv 6339094		Total	1,543.56
117617	Total:		9,959.64
<b>271 - Hawkins, Inc. Total:</b>			9,959.64
<b>1941 - Horizon Chemical LLC Line Item Account</b>			
117618	11/28/2022		
Inv INV27608			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/04/2022	Gasket (2)	202-451-4211-000	159.28
Inv INV27608		Total	159.28
117618	Total:		159.28
<b>1941 - Horizon Chemical LLC Total:</b>			159.28
<b>1825 - Hotsy Minnesota Line Item Account</b>			
117619	11/28/2022		
Inv 15112			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/15/2022	Repair leaking tank & fill soap tank	101-432-4300-500	1,020.86
Inv 15112		Total	1,020.86
117619	Total:		1,020.86
<b>1825 - Hotsy Minnesota Total:</b>			1,020.86
<b>1955 - Infinite Health Collaborative, PA Line Item Account</b>			
117620	11/28/2022		
Inv TCOINV05796			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/31/2022	Provecta presentations	101-421-4330-000	1,125.00

Check Number	Check Date		Amount
		Inv TCOINV05796 Total	1,125.00
		117620 Total:	1,125.00
		<b>1955 - Infinite Health Collaborative, PA Total:</b>	1,125.00
		<b>1177 - Innovative Office Solutions LLC Line Item Account</b>	
117621	11/28/2022	Inv SUM-070535	
		<u>Line Item Date</u>	<u>Line Item Description</u>
		10/31/2022	Toner, paper, folder, pens & highlighters
		10/31/2022	Paper
		10/31/2022	Returned tape
			<u>Line Item Account</u>
			101-432-4200-000
			202-451-4200-000
			101-432-4200-000
		Inv SUM-070535 Total	491.61
		117621 Total:	491.61
		<b>1177 - Innovative Office Solutions LLC Total:</b>	491.61
		<b>311 - Instrumental Research, Inc. Line Item Account</b>	
117622	11/28/2022	Inv 4511	
		<u>Line Item Date</u>	<u>Line Item Description</u>
		11/04/2022	October Water Testing
			<u>Line Item Account</u>
			601-494-4410-000
		Inv 4511 Total	257.00
		117622 Total:	257.00
		<b>311 - Instrumental Research, Inc. Total:</b>	257.00
		<b>312 - International Union Line Item Account 101-000-2040-000</b>	
117585	11/11/2022	Inv	
		<u>Line Item Date</u>	<u>Line Item Description</u>
		11/09/2022	PR Batch 00002.11.2022 Union Dues 49ers
			<u>Line Item Account</u>
			101-000-2040-000
		Inv Total	560.00
		117585 Total:	560.00
		<b>312 - International Union Total:</b>	560.00
		<b>338 - Kennedy &amp; Graven, Chartered Line Item Account</b>	

Check Number	Check Date		Amount
117623	11/28/2022		
Inv	170936		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/15/2022	Lino Lakes 299A Matters	101-402-4310-000	528.75
Inv 170936 Total			528.75
117623 Total:			528.75
<b>338 - Kennedy &amp; Graven, Chartered Total:</b>			528.75
<b>1853 - Lamey, Lisa Line Item Account</b>			
117624	11/28/2022		
Inv	10/14/2022		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/14/2022	Pumpkins for Bobbing for Pumpkins event	202-451-4200-606	119.80
Inv 10/14/2022 Total			119.80
117624 Total:			119.80
<b>1853 - Lamey, Lisa Total:</b>			119.80
<b>359 - Landform Line Item Account</b>			
117625	11/28/2022		
Inv	33694		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/07/2022	Zoning Ordinance & Map Update	484-499-4300-000	3,515.50
Inv 33694 Total			3,515.50
117625 Total:			3,515.50
<b>359 - Landform Total:</b>			3,515.50
<b>365 - Law Enforcement Labor Services Line Item Account 101-000-2040-000</b>			
117586	11/11/2022		
Inv			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/09/2022	PR Batch 00002.11.2022 Union Dues LELS	101-000-2040-000	1,560.00
Inv Total			1,560.00
117586 Total:			1,560.00
<b>365 - Law Enforcement Labor Services Total:</b>			1,560.00

**369 - League of Minnesota Cities Line Item Account**

117626	11/28/2022		
Inv	114731		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/21/2022	Sgt. Office water damage claim #114731	101-000-3730-000	126.89
Inv 114731 Total			126.89
			126.89
117626 Total:			126.89

117627	11/28/2022		
Inv	368674		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/06/2022	2022 Fall Forums	101-402-4330-000	30.00
Inv 368674 Total			30.00
			30.00
117627 Total:			30.00

**369 - League of Minnesota Cities Total:** 156.89

**1762 - LEAST Services/Counseling, LLC Line Item Account**

117628	11/28/2022		
Inv	1067		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
07/11/2022	Counseling Services	101-420-4300-000	460.00
Inv 1067 Total			460.00
Inv	1127		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/07/2022	Counseling Services	101-421-4300-000	280.00
11/07/2022	Counseling Services	101-420-4300-000	1,045.00
Inv 1127 Total			1,325.00
			1,785.00
117628 Total:			1,785.00

**1762 - LEAST Services/Counseling, LLC Total:** 1,785.00

**394 - Macqueen Equipment, Inc. Line Item Account**

117629	11/28/2022		
Inv	P08165		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/09/2022	Fire hose	101-421-4240-000	250.18
Inv P08165 Total			250.18

Check Number	Check Date		Amount
117629	Total:		250.18
<b>394 - Macqueen Equipment, Inc. Total:</b>			250.18
<b>399 - Mansfield Oil Company Line Item Account 101-431-4212-000</b>			
117630	11/28/2022		
Inv	23755932		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/08/2022	Diesel - 1,200 gallons	101-431-4212-000	5,350.96
Inv	23755932	Total	5,350.96
Inv	23755933		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/08/2022	Gasoline - 2,000 gallons	101-431-4212-000	6,498.86
Inv	23755933	Total	6,498.86
117630	Total:		11,849.82
<b>399 - Mansfield Oil Company Total:</b>			11,849.82
<b>416 - Medica Line Item Account</b>			
117631	11/28/2022		
Inv	December 2022		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/12/2022	Health Insurance Premiums	101-463-4131-000	142.68
11/12/2022	Health Insurance Premiums	101-420-4131-000	23,076.74
11/12/2022	Health Insurance Premiums	601-494-4131-000	1,449.77
11/12/2022	Health Insurance Premiums	101-422-4131-000	2,372.64
11/12/2022	Health Insurance Premiums	101-462-4131-000	114.15
11/12/2022	Health Insurance Premiums	101-461-4131-000	171.22
11/12/2022	Health Insurance Premiums	101-416-4131-000	570.72
11/12/2022	Health Insurance Premiums	202-451-4131-000	3,557.43
11/12/2022	Health Insurance Premiums	101-418-4131-000	570.73
11/12/2022	Health Insurance Premiums	101-000-2040-000	4,624.41
11/12/2022	Health Insurance Premiums	101-431-4131-000	807.69
11/12/2022	Health Insurance Premiums	101-430-4131-000	3,090.58
11/12/2022	Health Insurance Premiums	101-421-4131-000	1,537.25
11/12/2022	Health Insurance Premiums	101-000-2041-000	8,145.90
11/12/2022	Health Insurance Premiums	603-496-4131-000	142.68
11/12/2022	Health Insurance Premiums	101-407-4131-000	1,612.83
11/12/2022	Health Insurance Premiums	602-495-4131-000	1,449.75
11/12/2022	Health Insurance Premiums	101-450-4131-000	2,563.21
Inv	December 2022	Total	56,000.38
117631	Total:		56,000.38

**416 - Medica Total:** 56,000.38

**418 - Menards - Forest Lake Line Item Account**

117632      11/28/2022

Inv    95844

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/10/2022	Brass hose Y with shut-off	101-432-4211-503	6.99

Inv 95844 Total 6.99

Inv    96293

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/16/2022	Key safe lock box (3) & water	101-421-4211-000	106.38

Inv 96293 Total 106.38

Inv    96295

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/16/2022	Bungee cord set, clevis pin, shackle, recovery & ratchet straps	402-421-4240-421	140.48

Inv 96295 Total 140.48

Inv    96372

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/18/2022	Windshield washer fluid (24), assorted nuts & bolts	101-431-4221-000	87.42

Inv 96372 Total 87.42

117632 Total: 341.27

**418 - Menards - Forest Lake Total:** 341.27

**420 - Met Council Environmental Services (SAC) Line Item Account**

117633      11/28/2022

Inv    Oct 2022

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/31/2022	October 2022 SAC	101-000-2120-000	201,285.00

10/31/2022	October 2022 SAC	101-000-3414-000	-2,012.85
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Inv Oct 2022 Total 199,272.15

117633 Total: 199,272.15

**420 - Met Council Environmental Services (SAC) Total:** 199,272.15

**421 - Metro Sales Incorporated Line Item Account**

117634      11/28/2022

Check Number	Check Date		Amount
Inv	INV2156498		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/01/2022	Copier Maintenance Contract Ricoh/MP 4055SP Copier	101-420-4410-000	36.00
Inv	INV2156498 Total		36.00
Inv	INV2166887		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/17/2022	Copier Maintenance Contract Ricoh/IM C3500 Color Copier	202-451-4410-000	458.32
Inv	INV2166887 Total		458.32
117634 Total:			494.32
<b>421 - Metro Sales Incorporated Total:</b>			494.32
<b>1107 - MHSRC/Range Line Item Account</b>			
117635	11/28/2022		
Inv	337900-9715		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/10/2022	Tuition - E. Heu, K. Tracy & S. Bonczek	101-420-4330-000	1,470.00
Inv	337900-9715 Total		1,470.00
117635 Total:			1,470.00
<b>1107 - MHSRC/Range Total:</b>			1,470.00
<b>455 - MN Metro North Tourism Board Line Item Account 101-415-4900-000</b>			
117636	11/28/2022		
Inv	Oct 2022		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/31/2022	October 2022 Tourism Tax	101-415-4900-000	5,765.00
Inv	Oct 2022 Total		5,765.00
117636 Total:			5,765.00
<b>455 - MN Metro North Tourism Board Total:</b>			5,765.00
<b>469 - MRPA Line Item Account</b>			
117637	11/28/2022		
Inv	10587		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/04/2022	Job Posting - Warming House Attendant	101-402-4340-000	250.00
Inv	10587 Total		250.00

117637 Total:	250.00
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<b>469 - MRPA Total:</b>	250.00
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**477 - NAC Mechanical & Electrical Line Item Account**

117638                      11/28/2022

Inv    204447

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/02/2022	Annual boiler maintenance	101-432-4410-000	2,500.00

Inv 204447 Total	2,500.00
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117638 Total:	2,500.00
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<b>477 - NAC Mechanical &amp; Electrical Total:</b>	2,500.00
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**1057 - Northland Recreation, LLC Line Item Account**

117639                      11/28/2022

Inv    2734

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/18/2022	Table & benches	405-499-4211-132	5,058.18
11/18/2022	Tables & benches	101-450-4211-000	26,393.82

Inv 2734 Total	31,452.00
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117639 Total:	31,452.00
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<b>1057 - Northland Recreation, LLC Total:</b>	31,452.00
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**508 - Optum Line Item Account**

117640                      11/28/2022

Inv    10199078895

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/07/2022	October Retiree & Cobra Fees	101-402-4410-000	95.00

Inv 10199078895 Total	95.00
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117640 Total:	95.00
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<b>508 - Optum Total:</b>	95.00
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**509 - O'Reilly Automotive Stores Line Item Account**

117641                      11/28/2022

Inv    5914-223602

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
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Check Number	Check Date		Amount
11/08/2022	Serpentine belt #392	101-431-4221-000	15.23
Inv 5914-223602 Total			15.23
Inv 5914-224233			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/14/2022	Diesel fuel treatment for diesel tank	101-431-4221-000	182.98
Inv 5914-224233 Total			182.98
117641 Total:			198.21
<b>509 - O'Reilly Automotive Stores Total:</b>			198.21
<b>511 - Otter Lake Animal Care Center Line Item Account</b>			
117642	11/28/2022		
Inv 229570			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/27/2022	Argos procedure & boarding	211-420-4410-000	472.50
Inv 229570 Total			472.50
117642 Total:			472.50
<b>511 - Otter Lake Animal Care Center Total:</b>			472.50
<b>516 - Patchin Messner Dodd &amp; Brumm Line Item Account</b>			
117643	11/28/2022		
Inv 22265			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/09/2022	Market Value Appraisal - LaMotte Property	406-499-4300-147	3,750.00
Inv 22265 Total			3,750.00
117643 Total:			3,750.00
<b>516 - Patchin Messner Dodd &amp; Brumm Total:</b>			3,750.00
<b>522 - Performance Plus LLC Line Item Account</b>			
117644	11/28/2022		
Inv 123119			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/04/2022	New Hire Testing	101-421-4410-000	1,062.00
Inv 123119 Total			1,062.00
117644 Total:			1,062.00

<b>522 - Performance Plus LLC Total:</b>	1,062.00
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**551 - Premium Waters, Inc. Line Item Account 101-432-4410-500**

117645                      11/28/2022

Inv    608417-10-22

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/31/2022	Kandiyohi water	101-432-4410-500	71.94

Inv 608417-10-22 Total	71.94
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117645 Total:	71.94
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<b>551 - Premium Waters, Inc. Total:</b>	71.94
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**552 - Press Publications, Inc. Line Item Account**

117646                      11/28/2022

Inv    753624

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/20/2022	Rookery ad	202-451-4900-000	865.00

Inv 753624 Total	865.00
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Inv    756874

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/03/2022	Ordinance No. 03-22 - Regulating Cannabinoid Products	101-402-4340-000	53.75

Inv 756874 Total	53.75
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Inv    756875

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/03/2022	Ordinance No. 04-22 - Marketplace PDO Amendment #3	801-000-2300-000	193.50

Inv 756875 Total	193.50
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117646 Total:	1,112.25
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<b>552 - Press Publications, Inc. Total:</b>	1,112.25
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**1092 - Quadient Finance USA, Inc. Line Item Account**

117647                      11/28/2022

Inv    11/14/2022

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/14/2022	Postage Machine Postage	101-432-4322-000	500.00

Inv 11/14/2022 Total	500.00
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Check Number	Check Date		Amount
117647 Total:			500.00
<b>1092 - Quadient Finance USA, Inc. Total:</b>			500.00
<b>1451 - Ritter &amp; Ritter Sewer Service, Inc. Line Item Account</b>			
117648	11/28/2022		
Inv	173230-2		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
06/23/2022	Replace Check #116750 Lift station cleaning	602-495-4300-000	1,630.00
Inv 173230-2 Total			1,630.00
117648 Total:			1,630.00
<b>1451 - Ritter &amp; Ritter Sewer Service, Inc. Total:</b>			1,630.00
<b>1337 - Roadkill Animal Control Line Item Account</b>			
117649	11/28/2022		
Inv	October 2022		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/02/2022	October Animal Pick-up/Disposal	101-430-4410-000	95.00
Inv October 2022 Total			95.00
117649 Total:			95.00
<b>1337 - Roadkill Animal Control Total:</b>			95.00
<b>1410 - Rupp, Anderson, Squires &amp; Waldspurger, P.A. Line Item Account</b>			
117650	11/28/2022		
Inv	16281		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/09/2022	September Legal - Watermark Subdivision	801-000-2355-103	611.00
11/09/2022	September Legal - Miscellaneous	101-414-4301-000	1,326.00
Inv 16281 Total			1,937.00
117650 Total:			1,937.00
<b>1410 - Rupp, Anderson, Squires &amp; Waldspurger, P.A. Total:</b>			1,937.00
<b>588 - Safety-Kleen Systems, Inc. Line Item Account</b>			
117651	11/28/2022		
Inv	CN15747309		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/04/2022	Solvent	101-431-4211-000	50.42

Check Number	Check Date		Amount
		Inv CN15747309 Total	50.42
		117651 Total:	50.42
		<b>588 - Safety-Kleen Systems, Inc. Total:</b>	50.42
		<b>1593 - Shred-it, c/o Stericycle, Inc. Line Item Account</b>	
	11/28/2022	117652	
		Inv 8002726865	
		<u>Line Item Date</u>	<u>Line Item Description</u>
		11/03/2022	Document Destruction
		11/03/2022	Document Destruction
			<u>Line Item Account</u>
			101-420-4410-000
			66.68
			101-402-4410-000
			33.34
		Inv 8002726865 Total	100.02
		117652 Total:	100.02
		<b>1593 - Shred-it, c/o Stericycle, Inc. Total:</b>	100.02
		<b>634 - Staples Business Credit Line Item Account</b>	
	11/28/2022	117653	
		Inv 1645025573	
		<u>Line Item Date</u>	<u>Line Item Description</u>
		10/25/2022	Label tape, steno book, memo pads & dry erase markers
		10/25/2022	Office chair
			<u>Line Item Account</u>
			101-420-4200-000
			76.55
			101-432-4200-000
			380.50
		Inv 1645025573 Total	457.05
		117653 Total:	457.05
		<b>634 - Staples Business Credit Total:</b>	457.05
		<b>645 - Streicher's, Inc. Line Item Account</b>	
	11/28/2022	117654	
		Inv 11597612	
		<u>Line Item Date</u>	<u>Line Item Description</u>
		10/28/2022	Uniform Allowance - M. DeMars
			<u>Line Item Account</u>
			101-420-4370-000
			169.99
		Inv 11597612 Total	169.99
		117654 Total:	169.99
		<b>645 - Streicher's, Inc. Total:</b>	169.99
		<b>651 - T.A. Schifsky and Sons, Inc. Line Item Account</b>	

Check Number	Check Date		Amount
117655	11/28/2022		
Inv	017006-000-12		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/16/2022	2021 Street Improvement Projects	421-499-4400-137	81,653.72
Inv 017006-000-12 Total			81,653.72
117655 Total:			81,653.72
<b>651 - T.A. Schifsky and Sons, Inc. Total:</b>			81,653.72
<b>655 - TASC - Client Invoices Line Item Account</b>			
117656	11/28/2022		
Inv	IN2544728		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/31/2022	October Admin Fees	101-402-4410-000	113.90
Inv IN2544728 Total			113.90
117656 Total:			113.90
<b>655 - TASC - Client Invoices Total:</b>			113.90
<b>656 - TDS Metrocom MN Line Item Account</b>			
117657	11/28/2022		
Inv	651-464-1150		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/13/2022	Phone Services	101-432-4321-000	198.10
11/13/2022	Phone Services	601-494-4321-000	39.38
Inv 651-464-1150 Total			237.48
117657 Total:			237.48
<b>656 - TDS Metrocom MN Total:</b>			237.48
<b>665 - TimeSaver Off-Site Secretarial Line Item Account</b>			
117658	11/28/2022		
Inv	M27761		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/13/2022	Charter Commission Meeting	101-405-4300-000	190.50
Inv M27761 Total			190.50
117658 Total:			190.50

**665 - TimeSaver Off-Site Secretarial Total:** 190.50

**1954 - Tundraland Home Improvements Line Item Account**

117659                      11/28/2022

Inv    2022-02015

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/14/2022	Permit voided	101-000-3253-000	55.20

Inv 2022-02015 Total 55.20

117659 Total: 55.20

**1954 - Tundraland Home Improvements Total:** 55.20

**687 - U.S. Bank Visa Line Item Account**

117660                      11/28/2022

Inv    11/7/2022

<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/07/2022	Dog Waste Depot/Can liners & roll bags	101-450-4211-000	915.36
11/07/2022	Amazon/Drywall cutter	101-432-4240-503	11.10
11/07/2022	Amazon/Address labels	101-403-4200-000	70.06
11/07/2022	Amazon/Extension cord & label tape	601-494-4200-000	49.87
11/07/2022	Fleet Farm/Hydraulic fluid #252 & PB blaster	101-431-4221-000	383.50
11/07/2022	Amazon/Ring binder clips	202-451-4200-603	6.98
11/07/2022	PRI/Tuition - L. Hawkinson, A. Busack & T. Schaaf	101-420-4330-000	521.60
11/07/2022	Chewy/Canine food	211-420-4211-000	55.95
11/07/2022	Amazon/HDMI cables	101-420-4240-000	20.88
11/07/2022	Dollar Tree/Supplies for Bobbing for Pumpkins event	202-451-4200-606	26.25
11/07/2022	Bill's Superette/Non-oxy fuel	101-431-4212-000	85.74
11/07/2022	Calibre Press/Tuition - N. Hamann, M. Paulson & C. Boehme	101-420-4330-000	537.00
11/07/2022	Canva/Annual subscription	204-499-4452-000	119.99
11/07/2022	Leerburg/Tuition - K. Mabraten	211-420-4330-000	35.00
11/07/2022	Streichers/Mobile field force supplies	402-420-4240-420	88.98
11/07/2022	Home Depot/Lumber & hardware for Sunrise hockey rink	101-450-4211-000	292.15
11/07/2022	Amazon/UTV transmission belt	402-421-4240-421	57.65
11/07/2022	Amazon/UTV transmission belt	101-431-4221-000	57.65
11/07/2022	Black Dog Tactical/Dept Exp - I. Simon	101-420-4370-000	59.35
11/07/2022	NeoGov/Credit for job posting error	101-402-4340-000	-130.00
11/07/2022	Image Printing & Graphics/October UB Statements	601-494-4322-000	474.68
11/07/2022	Fresh Air Educators/ATV Safety Course	101-420-4330-000	32.13
11/07/2022	Kwik Trip/Vehicle fuel	101-431-4212-000	54.00
11/07/2022	Amazon/Hinge doctor	101-432-4211-000	349.97
11/07/2022	Northway Irrigation/Winterization - Median #2	101-450-4410-000	110.00
11/07/2022	Northway Irrigation/Repair - Sunrise Park	101-450-4410-000	74.50
11/07/2022	U of M/Tuition - T. Payne	603-496-4330-000	375.00
11/07/2022	Walmart/Pencils	202-451-4200-000	4.74
11/07/2022	Galls/Explorer uniform pants & training guns	101-420-4213-000	549.22
11/07/2022	Costco/Promotion presentation supplies	101-421-4211-000	12.50
11/07/2022	WhenIWork/Monthly subscription fee	202-451-4310-000	380.00
11/07/2022	NeoGov/Credit for job posting error	101-402-4340-000	-130.00
11/07/2022	BD Armory & Range/Range fees	101-420-4330-000	10.00
11/07/2022	GFOA/Webinar - H. Lynch	101-407-4330-000	35.00
11/07/2022	Suncoast Learning Systems/Tuition - J. Williams	602-495-4330-000	225.00

Check Number	Check Date		Amount
11/07/2022	Shutterstock/Monthly stock photo subscription	204-499-4452-000	29.00
11/07/2022	Image Printing & Graphics/October UB Statements	601-494-4410-000	158.74
11/07/2022	Northway Irrigation/Winterization - Community Green	101-450-4410-000	110.00
11/07/2022	Amazon/Planner	101-432-4200-000	15.95
11/07/2022	PackTrack/Canine tracking app annual subscription	211-420-4410-000	140.00
11/07/2022	Canva/Monthly subscription fee	202-451-4410-000	12.99
11/07/2022	Walmart/Coffee	202-451-4200-000	21.84
11/07/2022	Caribou Coffee/Coffee for EDAC meeting	101-418-4200-000	17.13
11/07/2022	NeoGov/Credit for job posting error	101-402-4340-000	-130.00
11/07/2022	Home Depot/Lumber & hardware for Sunrise hockey rink	101-450-4211-000	209.61
11/07/2022	All Seasons Rental/Concrete for playground footings	405-499-4211-132	281.47
11/07/2022	Amazon/Power strip	101-420-4200-000	16.99
11/07/2022	Amazon/Uniform Allowance - W. Owens	101-420-4370-000	54.99
11/07/2022	Home Depot/Returned bad lumber	101-450-4211-000	-131.92
11/07/2022	Blue Card/Tuition - B. Finke & J. Fronck	101-421-4330-000	1,700.00
11/07/2022	Amazon/Pulse oximeter	101-420-4240-000	14.94
11/07/2022	Batteries Plus Bulbs/Replacement battery #303	101-431-4221-000	426.35
11/07/2022	Tech Street/ASHRAE standard	101-422-4200-000	189.61
11/07/2022	Mechanix Wear/Gloves - A. Ng	402-420-4240-420	98.99
11/07/2022	Displays2Go/Poster frame covers	202-451-4200-000	48.99
11/07/2022	Amazon/Wall file organizer & clipboards	202-451-4200-603	52.77
11/07/2022	Home Depot/Amp meter, screw drivers set, batteries & socket set	601-494-4240-000	106.59
11/07/2022	Home Depot/Waterslide button cover & cleaning supplies	202-451-4211-000	64.97
11/07/2022	Walmart/Non school day supplies	202-451-4200-604	15.55
11/07/2022	Image Printing & Graphics/October UB Statements	602-495-4322-000	474.69
11/07/2022	Country Sun Farm/100 medium pumpkins	202-451-4200-606	400.00
11/07/2022	Leerburg/Tuition - K. Moberaten	211-420-4330-000	35.00
11/07/2022	Blue Card/Tuition - PT firefighters	101-421-4330-000	2,695.00
11/07/2022	Northway Irrigation/Winterization - Rookery	202-451-4410-000	130.00
11/07/2022	Beacon Point Hotel/Lodging - D. L'Allier	101-421-4330-000	-111.29
11/07/2022	Amazon/Dishwasher detergent	101-432-4211-000	45.78
11/07/2022	MN Dept of Agriculture/Tree Care Registry Annual Fee	101-461-4452-000	25.56
11/07/2022	Amazon/Clipboard storage	202-451-4200-603	46.68
11/07/2022	MN POST Board/Post license - I. Simon	101-420-4300-000	91.94
11/07/2022	Home Depot/Concrete mix & drill bits	101-450-4211-000	54.86
11/07/2022	Amazon/HDMI multiport adapter	202-451-4200-000	37.98
11/07/2022	Holiday/October car washes	101-431-4211-000	451.00
11/07/2022	Amazon/Door closer	202-451-4211-000	274.30
11/07/2022	Amazon/USB flash drives	101-420-4211-000	27.99
11/07/2022	Walmart/Supplies for Bobbing for Pumpkins event	202-451-4200-606	175.04
11/07/2022	Northway Irrigation/Winterization - Median #1	101-450-4410-000	110.00
11/07/2022	LEO Career Fair/Silver Sponser	101-420-4214-000	350.00
11/07/2022	Walmart/Supplies for Bobbing for Pumpkins event	202-451-4200-606	33.06
11/07/2022	Home Depot/Ratchet straps & fluorescent starter	101-430-4240-000	42.92
11/07/2022	Amazon/Post-it notes	101-432-4200-000	23.78
11/07/2022	Amazon/Nitrile gloves	602-495-4211-000	151.96
11/07/2022	League of MN Cities/Tuition - N. Potzmann	101-421-4330-000	100.00
11/07/2022	Zoro/Ratchet cable (2)	101-431-4240-000	216.51
11/07/2022	Northway Irrigation/Winterization - Main St. median	101-450-4410-000	110.00
11/07/2022	Home Depot/Lumber for Sunrise hockey rink	101-450-4211-000	59.96
11/07/2022	Fresh Air Educators/ATV Safety Course	101-421-4330-000	321.30
11/07/2022	Verizon/Monthly cell phone service	101-420-4321-000	1,902.68
11/07/2022	UPS/Shipping fees	101-420-4322-000	16.05
11/07/2022	Party City/Birthday party supplies	202-451-4200-609	107.00
11/07/2022	Amazon/Laptop replacement battery - J. Bartell	101-432-4200-000	42.99
11/07/2022	Sam's Club/Supplies for Bobbing for Pumpkins event	202-451-4200-606	117.82
11/07/2022	ALLDATA/Annual ALLDATA subscription	101-431-4452-000	1,500.00
11/07/2022	Amazon/New patrol iPhone case	101-420-4240-000	42.51

Check Number	Check Date		Amount
11/07/2022		Amazon/Uniform Allowance - S. Bonczek	165.56
11/07/2022		MN DOLI/License renewal - J. Boonstra	50.00
11/07/2022		Target/Explorer First Nighter event supplies	11.48
11/07/2022		Tylohelo/Sauna temp control board	423.06
11/07/2022		Citywide Blaine Lock & Safe/Key for forfeiture vehicle	340.00
11/07/2022		Verizon/Monthly cell phone service	221.20
11/07/2022		Amazon/Discovery envelopes	18.11
11/07/2022		Black Dog Tactical/Uniform Allowance - E. Heu	59.35
11/07/2022		Amazon/Battery charger	405.79
11/07/2022		Canvas on Demand/Rookery poster	45.52
11/07/2022		Sam's Club/Cups	20.20
11/07/2022		Northway Irrigation/Winterization - Median #3	110.00
11/07/2022		U of M/Tuition - T. Payne & D. Howell	500.00
11/07/2022		Home Depot/Command hooks, brackets, storage hanger & vinegar	70.12
11/07/2022		NeoGov/Job posting - Aquatics Swim Lead	212.00
11/07/2022		Tylohelo/Sauna temp sensor	158.03
11/07/2022		Athletic Outfitters/Firefighter, POC & duty crew t-shirts	301.38
11/07/2022		Home Depot/Amp meter, screw drivers set, batteries & socket set	106.59
11/07/2022		Leerburg/Tuition - A. Hallin	35.00
11/07/2022		MN Board of Accountancy/2023 CPA License Renewal - S. Cotton	102.00
11/07/2022		Northway Irrigation/Winterization - Civic Complex	160.00
11/07/2022		Northway Irrigation/Winterization - Legacy Park	265.00
11/07/2022		Amazon/Tape dispenser	4.48
11/07/2022		Ceu Plan/Tuition - J. Williams	97.45
11/07/2022		Bill's Superette/Propane	19.27
11/07/2022		Best Version Media/Monthly ad in Lino Living Magazine	238.15
11/07/2022		USA Industrial Supply/American lube oil pump packages (2)	2,998.00
11/07/2022		Costco/Promotion presentation supplies	12.49
11/07/2022		Amazon/New patrol iPhone screen protectors	6.99
11/07/2022		Arlo/Arlo secure multi camera	9.99
11/07/2022		Amazon/Batteries	22.65
11/07/2022		MN BOA/CPE Certificate Renewal - H. Lynch	102.00
11/07/2022		Target/Recruitment supplies	10.99
11/07/2022		All Seasons Rental/Concrete for generator pad	281.47
11/07/2022		Image Printing & Graphics/October UB Statements	158.73
11/07/2022		Target/Retirement cake & refreshments - J. Blackbird	101.86
11/07/2022		Galls/Mobile field force supplies	537.83
11/07/2022		Home Depot/Electrical test kit & screws	21.95
11/07/2022		Amazon/Computer charging cable	20.87
11/07/2022		Ebay/(3) Boxes of tire patches	228.50
11/07/2022		Home Depot/Lumber & hardware for Sunrise rink gates	427.12
11/07/2022		Home Depot/Hardware for Sunrise hockey rink	47.67

Inv 11/7/2022 Total 28,579.27

117660 Total: 28,579.27

**687 - U.S. Bank Visa Total:** 28,579.27

**1104 - Walters Recycling & Refuse Line Item Account**

117661 11/28/2022

Inv 6564701

Line Item Date	Line Item Description	Line Item Account	Amount
11/10/2022	Trash & Recycling	202-451-4384-000	250.15



Check Number	Check Date		Amount
Inv 6564701	Total		250.15
Inv 6564784			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/10/2022	Organic Recycling	101-462-4410-000	85.15
11/10/2022	Trash & Recycling	101-432-4384-501	41.36
11/10/2022	Organic Recycling	101-462-4410-000	107.42
11/10/2022	Trash & Recycling	101-432-4384-502	119.17
11/10/2022	Trash & Recycling	101-450-4384-000	40.39
11/10/2022	Organic Recycling	101-462-4410-000	72.05
11/10/2022	Trash & Recycling	101-432-4384-500	297.85
11/10/2022	Trash & Recycling	101-432-4384-503	385.39
11/10/2022	Organic Recycling	101-462-4410-000	68.12
Inv 6564784	Total		1,216.90
117661	Total:		1,467.05
<b>1104 - Walters Recycling &amp; Refuse</b>	<b>Total:</b>		1,467.05
<b>1447 - Wheeler Hardware Company</b>	<b>Line Item Account</b>		
117662	11/28/2022		
Inv SPI134448			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/03/2022	Day care door closer addition	101-432-4300-503	970.00
Inv SPI134448	Total		970.00
117662	Total:		970.00
<b>1447 - Wheeler Hardware Company</b>	<b>Total:</b>		970.00
<b>1863 - WorkStrategies</b>	<b>Line Item Account</b>		
117663	11/28/2022		
Inv 846013289			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
10/21/2022	Employment Testing	101-402-4300-000	185.00
Inv 846013289	Total		185.00
117663	Total:		185.00
<b>1863 - WorkStrategies</b>	<b>Total:</b>		185.00
<b>734 - Xcel Energy</b>	<b>Line Item Account</b>		
117664	11/28/2022		
Inv Nov 2022-1			
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	

Check Number	Check Date		Amount
11/15/2022	Electric	101-430-4385-000	4,996.40
Inv Nov 2022-1 Total			4,996.40
117664 Total:			4,996.40
<b>734 - Xcel Energy Total:</b>			4,996.40
<b>743 - Ziegler, Inc. Line Item Account</b>			
117665	11/28/2022		
Inv	IN000777189		
<u>Line Item Date</u>	<u>Line Item Description</u>	<u>Line Item Account</u>	
11/17/2022	Parts for replacement hydraulic hoses #200	101-431-4221-000	203.21
11/17/2022	Labor to build hydraulic hoses #200	101-431-4300-000	50.00
Inv IN000777189 Total			253.21
117665 Total:			253.21
<b>743 - Ziegler, Inc. Total:</b>			253.21
Total:			605,206.43



Electronic Funds Transfer  
 MN Statute 471.38 Subd. 3

Council Meeting November 28, 2022

Transfer In/(Out)

11/11/2022 Payroll #23	(194,970.53)
11/11/2022 Payroll #23 Federal Deposit	(54,460.46)
11/11/2022 Payroll #23 PERA	(55,345.83)
11/11/2022 Payroll #23 State	(12,235.55)
11/11/2022 Payroll #23 Child Support	(856.06)
11/11/2022 Payroll #23 H.S.A. Bank Pretax	(2,268.29)
11/11/2022 Payroll #23 TASC Pretax	(1,475.17)
11/11/2022 Payroll #23 ICMA 457 Def. Comp #301596	(2,770.00)
11/11/2022 Payroll #23 ICMA Roth IRA #706155	(755.75)
11/11/2022 Payroll #23 MSRS HCSP #98946-01	(11,971.05)
11/11/2022 Payroll #23 MSRS Def. Comp #98945-01	(4,057.00)
11/11/2022 Payroll #23 MSRS Roth IRA #98945-01	(834.00)
11/15/2022 Building Permits Surcharge	(5,479.10)
11/18/2022 Sales & Use Tax	(4,053.00)
11/21/2022 Election Payroll 11/08/2022	(14,882.00)
11/21/2022 Election Payroll 11/08/2022Federal Deposit	(65.00)
11/21/2022 Election Payroll 11/08/2022State Deposit	(65.00)
11/21/2022 Election Payroll Return (Corfman)	234.00
11/23/2022 Election Payroll Resent (Corfman)	(234.00)

**CITY COUNCIL WORK SESSION**

**DRAFT**

**CITY OF LINO LAKES  
MINUTES**

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**DATE** : **November 14, 2022**  
**TIME STARTED** : **6:00 p.m.**  
**TIME ENDED** : **6:15 p.m.**  
**MEMBERS PRESENT** : **Councilmember Stoesz, Ruhland,  
Cavegn and Mayor Rafferty**  
**MEMBERS ABSENT** : **Councilmember Lyden**

Staff members present: City Administrator Sarah Cotton; Finance Director Hannah Lynch; Community Development Director Michael Grochala; Director of Public Safety John Swenson; City Engineer Diane Hankee, City Clerk Julie Bartell

**1. Review Regular Agenda of November 14, 2022 –**

**Item 1G - Third Quarter Financial Report** – Finance Director Lynch reviewed key areas.

**Item 1I – The Rookery Hiring of Part Time Staff** – Administrator Cotton noted that part time hiring will probably continue indefinitely based on the nature of the positions (i.e. students returning to school).

**Item 1J – Open Manager Position on Rice Creek Watershed District** – Mayor Rafferty asked about the status of Mr. Robinson’s application. Staff anticipates submitting his name which will be considered with names from other cities.

**Item 2A – 2023 Fee Schedule** – Finance Director Lynch remarked that changes are noted in the ordinance; there are not too many. She noted that water and sewer rate increases are included based on the fee study.

**Item 6A – Zoning Text Ordinance and Map Amendment** – Community Development Director Grochala noted that consultant staff will be present at the council meeting to review the amendments.

**Item 6B – Pheasant Run Reconstruction Project** – City Engineer Hankee reviewed work plans.

**EDA Meeting** – Community Development Director Grochala explained the process to bring forward an amendment.

These minutes were considered and approved at the regular meeting held on November 28, 2022.

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Julianne Bartell, City Clerk

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Rob Rafferty, Mayor

**COUNCIL MINUTES**

**DRAFT**

**LINO LAKES CITY COUNCIL  
REGULAR MEETING  
MINUTES**

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- DATE** : **November 14, 2022**
- TIME STARTED** : **6:30 p.m.**
- TIME ENDED** : **6:53 p.m.**
- MEMBERS PRESENT** : **Councilmember Stoesz, Ruhland, Cavegn and Mayor Rafferty**
- MEMBERS ABSENT** : **Councilmember Lyden**

Staff members present: City Administrator Sarah Cotton; Finance Director Hannah Lynch; Community Development Director Michael Grochala; City Engineer Diane Hankee; Director of Public Safety John Swenson; City Clerk Julie Bartell

**PUBLIC COMMENT**

Jessica Friedman, and daughter Abby, addressed the council on the City’s playground program – it’s been a huge benefit in their lives and they would like it to come back. Abby added that the program was great for building community and getting to know other kids; she always looked forward to having a job with the program when she became a teenager. Mayor Rafferty remarked that programs are available and are being developed through The Rookery.

**SETTING THE AGENDA**

The agenda was approved as presented.

**CONSENT AGENDA**

Councilmember Ruhland moved to approve the Consent Agenda, Items 1A through 1K as presented. Councilmember Cavegn seconded the motion. Motion carried on a voice vote.

**ITEM** **ACTION**

**Consideration of Expenditures:**

- |    |   |          |
|----|---|----------|
| A) | Consider Approval of Expenditures for November 14, 2022 (Check No. 117461 through 117583) in the Amount of \$933,375.49 | Approved |
| B) | Consider Approval of October 24, 2022 Work Session Minutes  | Approved |
| C) | Consider Approval of October 24, 2022 Council Meeting Minutes   | Approved |
| D) | Consider Approval of October 19, 2022 Jt. Council/ P&Z Minutes  | Approved |
| E) | Consider Approval of October 3, 2022 Work Session Minutes   | Approved |
| F) | Consider Approval of Resolution No. 22-135, Special Event Permit for Centerville Lions Christmas in the Park            | Approved |
| G) | Consider Approval of 3rd Quarter 2022 Financial Report  | Approved |

## COUNCIL MINUTES

### DRAFT

- 40 H) Consider Approval of Resolution No. 22-136, Authorizing the  
41 Certification of Delinquent Utility Charges for Collection with  
42 the 2022 Property Taxes Payable in 2023 Approved
- 43 I) Consider Approval Hiring Part-Time Staff for The Rookery Approved
- 44 J) Consider Resolution No. 22-134, Submitting a List of Eligible  
45 Nominees to Anoka County for the Open Manager Position on  
46 the Rice Creek Watershed District Board of Managers Approved
- 47 K) Consider Approval of Application for Aquinas Roman Catholic  
48 Home Education Services to Conduct Excluded Bingo Event Approved

### FINANCE DEPARTMENT REPORT

- 50 **A) 2023 Fee Schedule: i. Consider 2nd Reading and Adoption of Ordinance No. 07-22,**  
51 **Establishing the 2023 City Fee Schedule; ii. Consider Approval of Resolution No. 22-137,**  
52 **Approving Summary Publication of Ordinance** – Finance Director Lynch reviewed her written  
53 report recommending approval of a consolidated fee schedule for the coming year. She advised that  
54 changes to the schedule are noted in red. Staff is recommending approval of the 2<sup>nd</sup> Reading.  
55 Mayor Rafferty remarked that the City was able to provide some relief last time in the fee schedule for  
56 restaurants and liquor license fees. That isn't possible again but he feels the assistance was very  
57 helpful to city businesses.
- 58 Councilmember Cavegn moved to waive the full reading of Ordinance No. 07-22 as presented.  
59 Councilmember Ruhland seconded the motion. Motion carried on a voice vote
- 60 Councilmember Cavegn moved to approve the 2<sup>nd</sup> Reading and Adoption of Ordinance No. 07-22 as  
61 presented. Councilmember Ruhland seconded the motion. Motion carried: Yeas, 4; Nays none  
62 (Absent- Lyden)
- 63 Councilmember Cavegn moved to approve Resolution No. 22-137 as presented. Councilmember  
64 Ruhland seconded the motion. Motion carried on a voice vote.

### ADMINISTRATION DEPARTMENT REPORT

66 There was no report from the Administration Department.

### PUBLIC SAFETY DEPARTMENT REPORT

68 There was no report from the Public Safety Department.

### PUBLIC SERVICES DEPARTMENT REPORT

70 There was no report from the Finance Department.

### COMMUNITY DEVELOPMENT REPORT

72 **6A) Consider 1st Reading of Ordinance No. 08-22, Zoning Ordinance Text and Map**  
73 **Amendment** – Kendra Lindahl, Landform (consultant to the project), reviewed a presentation that  
74 included information on the following

75

- 76 - Common Practice to make amendments based on Comprehensive Plan update process;

## COUNCIL MINUTES

### DRAFT

- 77 - Planning and Zoning held public hearing; changes coming forward (reviewed);
- 78 - Administration changes include some streamlining; added new environmental review section;
- 79 - Zoning District – changes to all districts;
- 80 - Agritoursim – accommodates Waldoch Farms;
- 81 - Rural Clusters;
- 82 - Liquor Standards;
- 83 - Planned Unit Development (PUD) Changes;
- 84 - Zoning Map – will be updated to represent changes;
- 85 - Future Urban Development – has been removed;
- 86 - Map changes impacted properties in the City;
- 87 - Map presented with recommendation for adoption.

88 Mayor Rafferty remarked that the process for updating the Zoning Ordinance began a couple years  
89 ago. Much time has been put in by staff, consultants and the Planning and Zoning Board.

90 Councilmember Stoesz moved to approve the 1<sup>st</sup> Reading of Ordinance No. 08-22 as presented.

91 Councilmember Cavegn seconded the motion. Motion carried on a voice vote.

92 **6B) Consider Resolution No. 22-138, Authorize Preparation of Plans and Specifications,**  
93 **Pheasant Run Reconstruction Project** – City Engineer Hankee reviewed her written staff report.  
94 She reviewed a presentation that included information on elements of reconstruction project. A map  
95 of the impacted area was shown. Ms. Hankee noted the total project cost and the recommendation to  
96 include construction management services through a contract with WSB & Associates. She reviewed  
97 the proposed project schedule.

98 Community Development Director Grochala explained that the City’s Street Reconstruction Plan bond  
99 proceeds have a remaining balance that will allow funding of this project.

100 Councilmember Ruhland moved to approve Resolution No. 22-138 as presented. Councilmember  
101 Cavegn seconded the motion. Motion carried on a voice vote.

### UNFINISHED BUSINESS

102 There was no Unfinished Business.

103

### NEW BUSINESS

104 There was no New Business.

105

### COMMUNITY EVENTS



106 There were no events announced.

### COMMUNITY CALENDAR

107

#### *Community Calendar – A Look Ahead*

**November 14, 2022 through November 28, 2022**

108		Monday, November 28	6:00 pm, Community Room	Council Work Session
109		Monday, November 28	6:30 pm, Council Chambers	City Council Meeting

110

**COUNCIL MINUTES**

**DRAFT**

116 **ADJOURN**

117

118 There being no further business, Councilmember Cavegn moved to adjourn at 6:53 p.m.

119 Councilmember Ruhland seconded the motion. Motion carried on a voice vote.

120

121 These minutes were considered and approved at the regular Council Meeting on November 28,  
122 2022.

123

124

125

126

127 \_\_\_\_\_  
Julianne Bartell, City Clerk

\_\_\_\_\_   
Rob Rafferty, Mayor

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**CITY COUNCIL WORK SESSION**

**DRAFT**

**CITY OF LINO LAKES  
MINUTES**

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**DATE** : November 7, 2022  
**TIME STARTED** : 6:00 p.m.  
**TIME ENDED** : 10:15 p.m.  
**MEMBERS PRESENT** : Councilmember Stoesz, Lyden (part),  
Ruhland, Cavegn and Mayor Rafferty  
**MEMBERS ABSENT** : None

Staff members present: City Administrator Sarah Cotton; Finance Director Hannah Lynch; Community Development Director Michael Grochala; City Planner Katie Larsen; Director of Public Safety John Swenson; Public Services Director Rick DeGardner; Rookery Activity Center Manager Lisa Lamey

**1. Woods Edge/Silver Creek Equity Purchase Agreement** – Community Development Director Grochala reported. The council has previously authorized execution of a purchase agreement with this group for land that the City owns in the area across from City Hall. A price and terms of purchase were established, including a requirement for construction of retail or restaurant prior to or concurrent with construction of residential. At this point the group has not been able to come up with a retail commitment and they are coming upon the deadline for doing so. They request an amendment to allow them to move forward on the multi-family component and that would allow them to continue seeking commercial on the site for three years after which, if none is secured, they could move to residential development. Mr. Grochala introduced representatives of Silver Creek Equity who provided information on the elements of residential development they hope to develop. They spoke on the difficulty of securing a restaurant in the current economy and the proposal they have developed that would allow them to move forward. Option one would be to end the contract based on the inability to locate a commercial element; option two would be to move forward with an amendment to the contract. High level architectural renderings were shown as well as two site plan options.

Councilmember Cavegn received more information on the restaurants that were approached and the rationale for not moving ahead, such as high expense building, post COVID economy. The developers are uncertain of the timing of economic changes in the future but would like a window to continue those discussions. Councilmember Cavegn said he could support moving ahead with the first residential development but would have difficult removing commercial completely – this is the downtown that the City envisioned.

Councilmember Ruhland said he’s okay with amending the contractual obligation. He doesn’t like the look of a four-story building next to the street. He would also like some type of commitment to commercial long term.

Councilmember Lyden noted that he has had concern with this development concept

## CITY COUNCIL WORK SESSION

### DRAFT

45 including financials since he's viewed it. Further this land is designated mixed use.  
46 Change in the economy (interest rates) is not a good enough reason for him to change the  
47 use. The developer noted that they were prepared to drop the contract based on their  
48 inability to produce the commercial element; the option is what could move things  
49 forward.

50

51 Councilmember Stoesz asked about construction scheduling in order to understand how  
52 area residents could be impacted – could an amendment mean it's possible to have  
53 construction for 48 months?

54

55 Mayor Rafferty remarked that the property is valuable. He has spoken about his ideas for  
56 the property in the past, especially liking a row house concept. He doesn't mind the  
57 concept of discussing ways to move forward but he believes the commercial has to be  
58 included eventually. The developer spoke to seeing development follow development in  
59 other areas and that more rooftops bring the commercial.

60

61 Councilmember Lyden remarked that the City's investment in The Rookery does mean  
62 that some land has to remain reserved for expansion of those facilities.

63

64 The council concurred that staff will set up an EDA meeting for the next week to consider  
65 an amendment. The developers indicated that they are open to discussing terms.

66 **2. Zoning Ordinance Update** – Kendra Lindahl and Kevin Shay, Landform  
67 (consultants to the project) reviewed a presentation that included information on the  
68 following:

69 - City's Comprehensive Plan adopted and this is next step to update;

70 - Review of past consideration of the Planning and Zoning Board (P&Z) and City  
71 Council; P&Z has been reviewing and holding hearings on the amendments for more than  
72 a year and is recommending removal of the FUD district from the map;

73 - Implementation strategies from the Comp Plan;

74 - Development doesn't happen due to adoption of map changes, but rather it is a  
75 precursor to prepare for development;

76 - Extension of sewer and water are indicated;

77 - Parcels proposed to be rezoned as part of this process (types of rezonings and  
78 parcels impacted were reviewed);

79 - Review of Future Urban Development (FUD) district intent; would not change  
80 uses but would change minimum lot size;

81 - Future council action requested.

**CITY COUNCIL WORK SESSION**

**DRAFT**

82 The chair of P&Z offered information on the board’s action which removed the FUD  
83 district. Since the zoning ordinance was already recommended for approval by the board,  
84 that element remains in the ordinance.

85 Councilmember Lyden said he supports dropping the FUD district. He noted the area of  
86 Centerville Road and Birch Street and a planned residential/commercial district  
87 designation; he wonders what that means. The consultant explained that would allow a  
88 mix of commercial and residential (multifamily and commercial in that location).  
89 Councilmember Lyden remarked that what’s lacking in the City are trails that go around  
90 lakes; can there be some plans for that? Ms. Lindahl responded that the parks and trails  
91 map includes many trail plans including around Cedar Lake.

92  
93 Mayor Rafferty said he reviewed the P&Z board hearing audio and concurs with the  
94 removal of the FUD district.

95  
96 Ms. Lindahl explained that the council should watch for an updated map and information  
97 in their packet for the upcoming council meeting.

98 **3. Watermark PUD Concept Plan for Amendment #4-Land Use Plan – City**

99 Planner Larsen introduced a representative of Lennar builders. She reviewed a  
100 presentation that included information on the following:

- 101 - Concept plan is a high level discussion and in this case of an amendment to the  
102 original agreement for the land use plan;
- 103 - The developer feels the amendment is needed to match current housing demands;  
104 no change in number of housing units proposed;
- 105 - Review of the Watermark plans; amendment proposed to north end of the project  
106 and to convert certain types of lots to a different product, including introduction of  
107 some 45 foot lots but with an increase in public open space;
- 108 - Chart shown comparing features of different types of housing;
- 109 - Staff analysis of proposed changes and staff comments;
- 110 - No architectural changes;
- 111 - Planning & Zoning (P&Z) Board comments reviewed; lack of general support for  
112 45 foot lots; general support for tot lot and dog park;
- 113 - Garage Size – former standard or newly adopted would apply?

114  
115 Staff developed a suggestion after the P&Z meeting which was reviewed with the council.  
116

117 Mayor Rafferty said he isn’t big on the townhomes where proposed and he doesn’t  
118 support the 45 foot lot.

119  
120 Councilmember Cavegn said he is okay with the townhomes but doesn’t like the small  
121 lots. He reviewed with staff the green/open space that is currently included in the plan.  
122

123 Councilmember Ruhland said he is not in favor of the smaller lots. The Lennar  
124 representative asked for clarification – is it just the 45 lot size the council opposes or any  
125 reduction in size? The representative added that there have been many impacts on the

## CITY COUNCIL WORK SESSION

### DRAFT

126 housing market since 2016 when these plans were proposed; the villa product has become  
127 expensive to develop. The representative added that the villas don't serve the families  
128 well that they are hearing from and who are interested in the Forest Lake school district.  
129 The 45 foot lots would be limited to 13 in number. Planner Larsen pointed out that some  
130 of the requested changes are not related to lot size.

131

132 Mayor Rafferty noted that he isn't necessarily supportive of more townhomes and he  
133 doesn't see how they fit better for a family.

134

135 Councilmember Lyden said he concurs with the Mayor on the townhomes. He likes the  
136 villa product that the builder has already produced. He asked the developer  
137 representative how Lennar feels about the staff recommendation. Councilmember Lyden  
138 noted that the back yards of some of their product built already have a very sloped back  
139 yard; will that continue with the new homes? The developer representative explained that  
140 a slope usually relates to water and grading needs.

141

142 Points made by the developer in support of the changes:

- 143 - The staff recommendation would not fully meet what they feel are good changes;
- 144 - The townhomes they've built sold very well;
- 145 - The townhomes added would be about half what is proposed/built on the east  
146 side;
- 147 - Price point for townhomes is approximately \$350,000;
- 148 - The proposal includes more open space.

149

150 Staff summarized that the council isn't supportive of smaller lot sizes but there may be  
151 support for swapping out some of the housing styles (from villa to Heritage and Venture).  
152 The council discussed the possibility of allowing 50 foot lots instead of the 45 foot lots  
153 proposed. The developer suggested that would limit them to no two car garage option.  
154 Council asked if all the 50 foot lots would be right next to each other and heard that the  
155 planning and what fits where will dictate locations. Councilmember Cavegn said he  
156 would be more open to the idea of a 50 foot lot if they were disbursed.

157

158 The council was divided on the change to townhomes. They will give the developer an  
159 opportunity to come back having received the council's comments.

160

#### 161 **4. Pavement Management Report (PMR) Update** – City Engineer Hankee

162 reviewed her written staff report that included information on:

- 163 - PMR provides valuable information to guide the City's street work programs;
- 164 - A quarter of the City is inspected (out of 105 miles total);
- 165 - Condition map is created based on data collection;
- 166 - City's overall condition is 75, a good number however there have been some steps  
167 taken to improve conditions that are just 10-15 years effective;
- 168 - Marginal roadways should be watched because if ignored they can slip into a  
169 much more expensive fix category.

170

## CITY COUNCIL WORK SESSION

### DRAFT

171 Councilmember Stoesz asked about the rating number for Anoka County and Ms. Hankee  
172 said she would research and provide that information.

173

174 The report was provided for informational purposes.

175

176 **5. Public Services Department Mechanic Position-** Public Services Director  
177 DeGardner reviewed his written report requesting addition of a full time Mechanic  
178 position in the Public Services Department. The rationale for hiring includes:

- 179 - Retirement of individual who assisted with mechanical services;
- 180 - The need for two full time mechanics;
- 181 - One person can be gone leaving a real gap;
- 182 - Outsourcing is very expensive and inefficient.

183 Director DeGardner reviewed the recommendation for salary.

184

185 Mayor Rafferty commended the mechanic work he's witnessed. He is curious about the  
186 level of work that is done in house and what remains outsourced. Mr. DeGardner  
187 explained that expertise is present for the larger jobs but sometimes outsourcing is  
188 required when staff doesn't have the proper equipment.

189

190 The council was supportive of moving forward with the hiring process.

191 **6. Q3 2022 Public Safety Update** – Public Safety Director Swenson reviewed the  
192 update. The data presented is included in the permanent council packet record. Director  
193 Swenson also noted that in the near future he will be asking the council to consider a  
194 resolution supporting continuation of bonding authority through Anoka County that  
195 provides support for public safety initiatives.

196 **7. Rice Creek Watershed District Appointment** – City Administrator Cotton  
197 reviewed her written report. The process of appointment by the Anoka County Board of  
198 Commissioners was explained which includes calling for municipalities to submit  
199 qualified nominees for open positions. The City has been approached by Mr. Scott  
200 Robinson requesting support for his appointment. Ms. Cotton noted that staff has  
201 prepared an appropriate resolution submitting Mr. Robinson's name to be considered with  
202 those submitted by other cities.

203

204 The council concurred that they would consider a resolution as suggested.

205

206 **8. Appointments to Lino Lakes Advisory Boards and Commissions** – City  
207 Administrator Cotton reviewed the status of the appointment process. Applications have  
208 been submitted but at this point have been received only from incumbents. Ms. Cotton  
209 remarked that this would be a good opportunity for interested citizens to apply for these  
210 advisory board positions.

211

212 Administrator Cotton said the matter is being presented as informational and to update  
213 the council on the process. The council decided to delay setting a time to interview  
214 applicants until more applications are received.

**CITY COUNCIL WORK SESSION**

**DRAFT**

215 **9. The Rookery 2023 Budget Overview** - Finance Director Lynch reviewed the  
216 written report explaining that the budget was originally based on the feasibility study  
217 done for the facility. A comparison of what was estimated and is now actual was  
218 reviewed and differences explained. She noted the use of ARPA funds that were used  
219 and funds set aside in case of deficit which will probably be utilized. She noted the 2022  
220 budget deficit which is being tracked. The report also includes assumptions for 2023  
221 which portrays a deficit and includes a levy. Ms. Lynch added that the projections did  
222 suggest a profit in the second year and if that occurs the funds would be designated to  
223 fund reserve for future capital needs.

224

225 Lisa Lamey, Rookery Activity Center Manager, reported on the revenue projections. She  
226 explained that staff is working hard to help the center become a go to for programming  
227 activities. Summer camp will be added and is expected to be well utilized, limited  
228 probably just by the number facilities can accommodate.

229

230 Ms. Lamey reviewed the slides included in the packet.

231 **10. Rookery Mural Design Concepts** – Lisa Lamey, Rookery Activity Center  
232 Manager, reviewed her written report. Current discussions on murals have centered on  
233 dressing up the large mural near the entry way. Councilmember Stoesz sought and  
234 received funding from the Metro Area Board of Realtors to assist with a project. Staff  
235 has worked with Visual Communications again and they have provided three options  
236 which were shown to the council.

237

238 The council preferred the mural with the blue (dark) background).

239 **11. Council Updates on Boards/Commissions, City Council** – There were no  
240 updates.

241

242 The meeting was adjourned at 10:15 p.m.

243

244 These minutes were considered, corrected and approved at the regular Council meeting held on  
245 November 28, 2022.

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249

250 \_\_\_\_\_  
Julianne Bartell, City Clerk

\_\_\_\_\_   
Rob Rafferty, Mayor

251

**CITY COUNCIL  
AGENDA ITEM 3A**

STAFF ORIGINATOR: Julie Bartell, City Clerk

MEETING DATE: November 28, 2022

TOPIC: Consider 1<sup>st</sup> Reading of Amendments to the Lino Lakes Code of Ordinances relating to Licensing of Liquor and Tobacco Products

VOTE REQUIRED: 3/5

**INTRODUCTION**

The City Council is being asked to consider the 1<sup>st</sup> Reading of two ordinances:

- i. Ordinance No. 05-22, Amending Chapter 701 regarding Liquor Licensing by adding new subdivisions related to compliance checks and violations/penalties, and deleting Chapter 702 regarding Beer Licensing and incorporating regulations into Chapter 701;
- ii. Ordinance No. 06-22, Amending Chapter 602 regarding Sales, Possession and Use of Tobacco Products by adding new subdivisions related to compliance checks and violations/penalties.

**BACKGROUND**

In October, the council approved an ordinance adding language to the City Code that regulates the possession and sale of certain cannabinoid (CBD) products. These regulations included a process for compliance checks and violations/penalties. Public Safety Director Swenson has recommended that the same process be adopted related to the City's liquor and tobacco regulations.

As a part of this update to the liquor regulations for the City, staff is also recommending that the chapter of the Code relating to beer licensing be incorporated into the liquor licensing chapter. The language on beer licensing generally relates to regulations for 3.2 malt liquor and can easily be condensed into the liquor licensing chapter.

The tobacco regulations will also be amended to reflect the current law of no sales to individuals under the age of 21.

**RECOMMENDATION**

Staff recommends consideration of the 1<sup>st</sup> Reading of Ordinance No. 05-22 and Ordinance No. 06-22 as presented.

**ATTACHMENTS**

Ordinance No. 05-22 and Ordinance No. 06-22

1 <sup>st</sup> Reading:	Publication:
2 <sup>nd</sup> Reading:	Effective:

**CITY OF LINO LAKES  
ORDINANCE NO. 05-22**

**AMENDING CHAPTER 701 ENTITLED LIQUOR LICENSING BY ADDING  
NEW SUBDIVISIONS RELATED TO COMPLIANCE CHECKS, VIOLATIONS AND  
PENALTIES; DELETING CHAPTER 702 ENTITLED BEER LICENSING AND  
INCORPORATING 3.2 PERCENT MALT LIQUOR INTO CHAPTER 701**

The City Council of Lino Lakes ordains:

**Section 1. That Section 701.08 of the Lino Lakes Code of Ordinances be amended to read as follows:**

**701.08 CONDITIONS OF THE LICENSE.**

(1) General. Every license is subject to the conditions in the following divisions and all other provisions of this chapter and of any other applicable ordinance, state law or regulation.

(2) Licensee responsibility. Every licensee shall be responsible for the conduct of his or her place of business and the conditions of sobriety and order in it, including within any outdoor serving area. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by ordinance, statute or regulation equally with the employee.

(3) Inspections. Every licensee shall allow any peace officer, health officer or properly designated officer or employee of the city to enter, inspect and search the licensed premises during business hours without a warrant.

(3) Display hours. No on-sale establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

(4) Federal stamps. No licensee shall possess a federal wholesale liquor dealers special tax stamp or a federal gambling stamp.

(5) Minors on premises. No person under the age of 18 years shall be employed in any rooms constituting the place in which liquors are sold at retail on-sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person, host or dishwashing services in places defined as a restaurant, hotel, motel or other multi-purpose building serving food in rooms in which liquors are sold at retail on-sale.

(6) Deliveries. No delivery of alcohol to an off-sale license may be made by a wholesaler or accepted by an off-sale licensee on a Sunday. No order solicitation or merchandising may be made by a wholesale on a Sunday.



**Section 2. That Section 701.10 of the Lino Lakes Code of Ordinances be amended to read as follows:**

**701.10 REVOCATION, DENIAL OR SUSPENSION.**

(1) General. A license issued or to be issued by the city may be denied, suspended or revoked by the City Council for any of the following causes:

(a) Fraud, misrepresentation or incorrect statement contained in the application for license or made in carrying on the licenses activity;

(b) Conviction of any crime or misdemeanor, pertaining to license held or applied for, subject to the provisions of M.S. Ch. 364, as it may be amended from time to time;

(c) Conducting a licensed activity in a manner as to constitute a breach of the peace, or a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the city, upon recommendation of the city health authorities or other appropriate city official;

(d) Expiration or cancellation of any required bond or insurance, or failure to notify the city within a reasonable time of changes in the terms of the insurance or the carriers;

(e) Actions unauthorized or beyond the scope of the license granted;

(f) Violation of any regulation or provision of this code applicable to the activity for which the license has been granted or any regulation or law of the state so applicable; or

(g) Failure to continuously comply with all conditions as required as precedent to the approval of the license.

~~(2) Notice. Except in the case of a suspension pending a hearing on revocation, ten days written notice of suspension or revocation shall be given to the licensee. The notice shall contain the date, time and place of the hearing as well as the nature of the charges against the license. Except in the cases of lapse of financial responsibility, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as they may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the Office of Hearing Examiners for a hearing officer.~~

~~(3)~~ (2) Suspension pending a hearing. The Council may for cause, when in its judgment the public health, safety and welfare is endangered and without advance notice, temporarily suspend any license pending a hearing on revocation for a period not to exceed 30 days.

**Section 3. That Chapter 701 of the Lino Lakes Code of Ordinances be amended to add a new Section 701.11 to read as follows:**

**701.11 Compliance Checks.**

All licensed premises shall be open to inspection by the City Police or other authorized City official during regular business hours. From time to time, but at least once per year, the City

shall conduct compliance checks by engaging persons at least 17 years of age, but less than 21 years of age, to enter each licensed premises to attempt to purchase intoxicating liquor. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. No persons used in compliance checks shall attempt to use a false identification misrepresenting the person's age, and all persons lawfully engaged in a compliance check shall answer all questions about the person's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, training purposes or required for enforcement of a particular State or Federal law.

**Section 4. That Chapter 701 of the Lino Lakes Code of Ordinances be amended to add a new Section 701.12 to read as follows:**

**701.12 Violations and Penalty.**

(1) Administrative Civil Penalties—Individuals. If a person who is not a licensee is found to have violated this article, the person shall be charged an administrative penalty as follows:

(a) First Violation. The Council shall impose a civil fine not to exceed \$50.00.

(b) Second Violation within 12 months. The Council shall impose a civil fine not to exceed \$100.00.

(c) Third Violation within 12 months. The Council shall impose a civil fine not to exceed \$150.00.

(2) Same—Licensee. If a licensee or an employee of a licensee is found to have violated this article, the licensee shall be charged an administrative penalty as follows:

(a) First Violation. The Council shall impose a civil fine of \$500.00 and suspend the license for not less than 1 day.

(b) Second Violation within 36 Months. The Council shall impose a civil fine of \$1,000.00 and suspend the license for not less than 3 consecutive days.

(c) Third Violation within 36 Months. The Council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 10 consecutive days.

(d) Fourth Violation within 36 Months. The Council shall revoke the license for at least one year.

(3) Administrative Penalty Procedures. Notwithstanding anything to the contrary in this section:

(a) Any of the administrative civil penalties set forth in this section that may be imposed by the Council, may in the alternative be imposed by an administrative citation.

(b) If one of the foregoing penalties is imposed by an action of the Council, no penalty shall take effect until the licensee or person has received notice (served personally or by mail) of the alleged violation and of the opportunity for a hearing before the Council, and such notice must be in writing and must provide that a right to a hearing before the Council must be requested within 10 business days of receipt of the notice or such right shall terminate.

(4) **Misdemeanor Prosecution.** Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this article.

**Section 5. That Section 701.02 of the Lino Lakes Code of Ordinances be amended to read as follows:**

**§ 701.02 LICENSE REQUIRED.**

**(1) General requirements.**

(a) No person, except a wholesaler or manufacturer, to the extent authorized under state license, shall directly or indirectly deal in, sell or keep for sale in the city any intoxicating liquor without first obtaining a license to do so as provided in this chapter. Each license shall be issued for a maximum period of one year, expiring on June 30 of each year. All licenses shall expire on the same date, except temporary licenses that shall expire according to their terms. Liquor licenses shall be of ~~nine~~ eleven kinds:

1. On-sale;
2. On-sale wine;
3. On-sale 3.2 percent malt liquor license;
4. Off-sale 3.2 percent malt liquor license;
5. Off-sale;
6. Club license;
7. Sunday on-sale;
8. Temporary set-up license;
9. Temporary on-sale;
10. On-sale brewer taproom; and
11. Off-sale growler.

(b) For the purposes of this ordinance, the term RESTAURANT is defined as an eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a restaurant as defined by this chapter, an establishment shall have a license from the state as required by M.S. § 157.16, as it may be amended from time to time, and meet the definition of either a "small establishment," "medium

establishment" or "large establishment" as defined in M.S. § 157.16, Subd. 3d, as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for the purposes of this chapter unless it meets the definitions of an establishment under M.S. § 157.16, as it may be amended from time to time.

(2) *On-sale license.* On-sale licenses shall be issued only to hotels, clubs, restaurants and exclusive liquor stores and shall permit on-sale of liquor only.

(3) *On-sale wine license.*

(a) On-sale wine licenses. On-sale wine license shall be issued only to restaurants that have facilities for seating at least 25 guests at one time and meet the criteria of M.S. § 340A.404, Subd. 5, as it may be amended from time to time and which meet the definition of restaurant in division (1)(b) above and shall permit only the sale of wine ~~not exceeding 14% alcohol by volume~~ for consumption on the licensed premises only in conjunction with the sale of food.

(b) Strong beer sales in conjunction with wine and 3.2% beer licenses. Licensees who hold both an on-sale wine license and an on-sale 3.2% malt liquor license and whose gross receipts are at least 60% attributable to the sale of food may sell intoxicating malt liquor (strong beer) at on-sale without an additional license, as allowed by M.S. § 340A.404, Subd. 5, as it may be amended from time to time.

(4) On-sale 3.2 percent malt liquor license. On-Sale 3.2 percent malt liquor means malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight. License may be granted only to golf courses, bona fide clubs, beer stores, exclusive on-sale liquor stores, restaurants and hotels where food is prepared and served for consumption on the premises. On-sale licenses shall permit the sale for consumption on the premises only.

(5) Off-sale 3.2 percent malt liquor license. Off-sale 3.2 percent malt liquor licenses shall permit the sale of 3.2 percent malt liquor at retail in the original package for consumption off the premises only.

(4) *Off-sale license.* Off-sale licenses shall be issued only to exclusive liquor stores and shall permit off-sale of liquor only. Off-sale liquor may be conducted on Sundays. All Sunday off-sale liquor sales must be made between the hours of 11:00 a.m. and 6:00 p.m.

(5) *Club license.* Club licenses shall be issued only to incorporated clubs which have been in existence for 15 years or more, or to congressionally chartered veterans' organizations which have been in existence for ten years, and shall permit on-sale of liquor to members and bona fide guests only.

(6) *Sunday on-sale license.* Sunday on-sale licenses may be issued to any hotel, restaurant or club which has facilities for serving at least 30 guests at one time and meets the definition of restaurant in division (1)(b) above, and which has an on-sale license and shall permit on-sale of liquor on Sunday in conjunction with the serving of meals only. A special license authorizing sales on Sunday may be issued to a license holder of an on-sale brewer taproom license for the operation of a taproom on Sundays.

(7) *Temporary set up license.* A one-day intoxicating liquor consumption and display permit may be issued to any non-profit organization in connection with a social activity occurring within the city and sponsored by the organization. No more than ten licenses shall be issued in the city in any year. The fee for the license shall be as established in the city fee schedule. A permit shall allow consumption or display of intoxicating liquor and the serving of liquids for the purpose of mixing with intoxicating liquor, but shall not allow the sale of intoxicating liquor. This permit shall be valid only for the day indicated on it. No permit issued pursuant to this division shall be valid unless first approved by the Commissioner of Public Safety.

(8) *Temporary on-sale intoxicating liquor and 3.2 percent malt liquor license.* License may be issued only in connection with a social event sponsored by a club, charitable, religious or other non-profit corporation that has existed for at least three years. No license shall be for longer than four consecutive days and the city shall issue no more than 12 days worth of temporary licenses to any one organization in one calendar year. No permit issued pursuant to this division shall be valid unless first approved by the Commissioner of Public Safety.

(9) *On-sale brewer taproom.* On-sale brewer taproom license authorizes on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned by the brewer, subject to the restrictions of this chapter and M.S. § 340A.301, ~~Subd. 6b~~, as it may be amended from time to time.

(10) *Off-sale growler.* An off-sale growler license authorizes off-sale of malt liquor produced by a brewer and packaged in 64-ounce or 750-milliliter containers that are designed, sealed and labeled pursuant to M.S. § 340A.301, ~~Subd. 7(b)~~, as it may be amended from time to time. Only brewers licensed under M.S. § 340A.301, ~~Subd. 6(d), (i) or (j)~~ are eligible for an off-sale growler license, subject to the limitations set forth in ~~Subd. 7(b) of that statute~~. The off-sale of growlers may be conducted on Sundays. All Sunday growler sales must be made between the hours of 8:00 a.m. and 10:00 p.m.

**Section 6. That Chapter 702 of the Lino Lakes Code of Ordinances be and hereby is deleted.**

Adopted by the Lino Lakes City Council this \_\_\_\_ day of \_\_\_\_\_ 2022.

The motion for the adoption of the foregoing ordinance was introduced by Councilmember \_\_\_\_\_ and was duly seconded by Councilmember \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

\_\_\_\_\_  
Rob Rafferty, Mayor

ATTEST:

\_\_\_\_\_  
Julianne Bartell, City Clerk

1 <sup>st</sup> Reading:	Publication:
2 <sup>nd</sup> Reading:	Effective:

**CITY OF LINO LAKES  
ORDINANCE NO. 06-22**

**AMENDING CHAPTER 602 OF THE LINO LAKES CODE OF ORDINANCES  
REGULATING THE SALE, POSSESSION AND USE OF TOBACCO PRODUCTS AND  
TOBACCO RELATED DEVICES**

The City Council of Lino Lakes ordains:

**Section 1. That Chapter 602 of the Lino Lakes Code of Ordinances be amended to read as follows:**

**602.01 PURPOSE.**

Because the City of Lino Lakes recognizes that many people under the age of ~~18~~ 21 purchase or otherwise obtain, possess and use tobacco, tobacco products and tobacco related devices, and these sales, possession and use are violations of state and federal laws; and because smoking has been shown to be the cause of several serious health problems which place a financial burden on all levels of government; this chapter shall be intended to regulate the sale, possession and use of tobacco, tobacco products and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products and tobacco related devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in M.S. § 144.391, as it may be amended from time to time.

**602.02 DEFINITIONS AND INTERPRETATIONS.**

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*COMPLIANCE CHECKS.* The system the City of Lino Lakes uses to investigate and ensure that those authorized to sell tobacco, tobacco products or tobacco related devices are following and complying with the requirements of this chapter. COMPLIANCE CHECKS shall involve the use of ~~minors~~ persons under the age of 21 as authorized by this chapter. COMPLIANCE CHECKS shall also mean the use of ~~minors~~ persons under the age of 21 who attempt to purchase tobacco, tobacco products or tobacco related devices for educational, research and training purposes as authorized by state and federal laws. COMPLIANCE CHECKS may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco, tobacco products or tobacco related devices.

*INDIVIDUALLY PACKAGED.* The practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include but not be limited to single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.

*LOOSIES.* The common term used to refer to a single or individually packaged cigarette.

~~*MINOR.* Any natural person who has not yet reached the age of 18 years.~~

*MOVEABLE PLACE OF BUSINESS.* Any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

*RETAIL ESTABLISHMENT.* Any place of business where tobacco, tobacco products or tobacco related devices are available for sale to the general public.

*SALE.* Any transfer of goods for money, trade, barter or other consideration.

*SELF SERVICE MERCHANDISING.* Open displays of tobacco, tobacco products or tobacco related devices in any manner where any person shall have access to those items without the assistance or intervention of the licensee or the licensee's employees. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product or tobacco related device between the customer or the licensee or employee. The phrase shall not include vending machines. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of tobacco between the clerk and the customer.

*TOBACCO or TOBACCO PRODUCTS.* Any substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; pipe tobacco; snuff; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff flowers; cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in a manner as to be suitable for chewing, sniffing or smoking.

*TOBACCO RELATED DEVICES.* Any tobacco product as well as a pipe, rolling papers or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing or smoking of tobacco or tobacco products.

*VENDING MACHINE.* Any mechanical, electric or electronic or other type of device which dispenses tobacco, tobacco products or tobacco related devices upon insertion of money, tokens or other form of payment directly into the device by the person seeking to purchase the tobacco, tobacco product or tobacco related devices.

### **602.03 LICENSE.**

(1) License required. No person shall sell or offer to sell any tobacco, tobacco products or tobacco related device without first having obtained a license to do so from the city.

(2) Application. An application for a license to sell tobacco, tobacco products or tobacco related devices shall be made on a form provided by the city. The application is to be returned to the City of Lino Lakes at which time the application will be forwarded to the Police Department for background checks. If the application is deemed incomplete it shall be returned to the applicant with a notice of the missing data. No incomplete applications will be reviewed. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought and any additional information the city deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the City Council for action. If the City Clerk shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

(3) Action. The City Council may either approve or deny the license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council shall approve the license, the City Clerk shall issue the license to the applicant.

(4) Term. The licensing period for licenses issued under this chapter shall be one year, commencing July 1 and ending on June 30 of the following year. New licenses may be issued throughout the licensing period however there shall be no reduction in the yearly license fee.

(5) Revocation or suspension. Any license issued under this chapter may be revoked or suspended as provided in the Sections 602.13 and 602.14 of this chapter.

(6) Transfers. All licenses issued under this chapter shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued.

(7) Moveable place of business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this chapter.

(8) Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(9) Renewals. Renewals of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days, but no more than 60 days before the expiration of the current license.

(10) Issuance as privilege and not a right. The issuance of a license issued under this chapter shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

#### **602.04 FEE.**

No license shall be issued under this chapter until the appropriate license fee shall be paid in full. The fee for a license under this chapter shall be as determined in the city's adopted fee schedule.

#### **602.05 BASIS FOR DENIAL OF LICENSE.**

The following shall be grounds for denying the issuance or renewal of a license under this chapter; however, except as may otherwise be provided by law, the existence of any



particular ground for denial does not mean that the city must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section. (Note: The following is not an exclusive nor an exhaustive list.)

- (1) The applicant is under the age of 18 years.
- (2) The applicant has been convicted within the past five years of any violation of a federal, state or local law, ordinance provision or other regulation relating to tobacco, tobacco products or product related devices.
- (3) The applicant has had a license to sell tobacco, tobacco products or tobacco related devices revoked within the preceding 12 months of the date of application.
- (4) The applicant fails to provide any information required on the application or provides false or misleading information.
- (5) The applicant is prohibited by federal, state or other local law, ordinance or other regulation, from holding a license.

#### **602.06 PROHIBITED SALES.**

It shall be a violation of this chapter for any person to sell or offer to sell any tobacco, tobacco product or tobacco related device:

- (1) To any person under the age of ~~18~~ 21 years;
- (2) By means of any type of vending machine, except as may otherwise be provided in this chapter (See Section 602.07, Vending Machines);
- (3) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product or tobacco related device and whereby there is not a physical exchange of the tobacco, tobacco product or tobacco related device between the licensee or the licensee's employee and the customer;
- (4) By means of loosies as defined Section 602.02;
- (5) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana or other deleterious, hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products; or
- (6) By any other means, to any other person, in any manner or form prohibited by federal, state or other local law, ordinance provision or other regulation.

#### **602.07 VENDING MACHINES.**

It shall be unlawful for any person licensed under this chapter to allow the sale of tobacco, tobacco products or tobacco related devices by means of a vending machine unless ~~minors~~ persons under the age of 21 years are at all times prohibited from entering the licensed establishment.

#### **602.08 SELF-SERVICE SALES.**

It shall be unlawful for a licensee under this chapter to allow the sale of tobacco, tobacco products or tobacco related devices by any means whereby the customer may have access to the items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco products or the tobacco related device between the licensee or his or her clerk and the customer. All tobacco, tobacco products and tobacco related devices shall either be stored behind a counter or other area not freely accessible to the general public.

#### **602.09 RESPONSIBILITY.**

All licensees under this chapter shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products or tobacco related devices on the licensed premises, and the sale of the item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City of Lino Lakes from also subjecting the clerk to whatever penalties are appropriate under this chapter, state or federal law, or other applicable law or regulation.

#### **602.10 COMPLIANCE CHECKS ~~AND INSPECTIONS.~~**

~~All licensed premises shall be open to inspection by the Lino Lakes Police Department or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with written consent of their parents or guardians, minors over the age of 15 years but less than 18 years, to enter the licensed premise to attempt to purchase tobacco, tobacco products or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. Minors used for the compliance checks shall not be guilty of the unlawful purchase or attempted purchase, nor the unlawful possession of tobacco, tobacco products or tobacco related devices when the items are obtained or attempted to be obtained as a part of the compliance check. No minors used in compliance checks shall attempt to use false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes, or required for the enforcement of a particular state or federal law.~~ All licensed premises shall be open to inspection by the City Police or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging persons at least 17 years of age, but less than 21 years of age, to enter each licensed premises to attempt to purchase intoxicating liquor. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. No persons used in compliance checks shall attempt to use a false

identification misrepresenting the person's age, and all persons lawfully engaged in a compliance check shall answer all questions about the person's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, training purposes or required for enforcement of a particular State or Federal law.

#### **602.11 OTHER ILLEGAL ACTS.**

Unless otherwise provided, the following acts shall be a violation of this chapter.

(1) Illegal sales. It shall be a violation of this chapter for any person to sell or otherwise provide any tobacco, tobacco product or tobacco related device to any ~~minor~~ person under the age of 21 years.

(2) Illegal possession. It shall be a violation of this chapter for any ~~minor~~ person under the age of 21 years to have in his or her possession any tobacco, tobacco product or tobacco related device. This division shall not apply to ~~minor~~ a person under the age of 21 years lawfully involved in a compliance check.

(3) Illegal use. It shall be a violation of this chapter for any ~~minor~~ person under the age of 21 years to smoke, chew, sniff or otherwise use any tobacco, tobacco product or tobacco related device.

(4) Illegal procurement. It shall be a violation of this chapter for any ~~minor~~ person under the age of 21 years to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product or tobacco related device, and it shall be a violation of this chapter for any person to purchase or otherwise obtain these items on behalf of a ~~minor~~ person under the age of 21 years. It shall further be a violation for any person to coerce or attempt to coerce a ~~minor~~ person under the age of 21 years to illegally purchase or otherwise obtain or use any tobacco, tobacco product or tobacco related device. This division shall not apply to ~~minor~~ a person under the age of 21 years lawfully involved in a compliance check.

(5) Use of false identification. It shall be a violation of this chapter for any ~~minor~~ person under the age of 21 years to attempt to disguise his or her true age by use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

#### **602.12 EXCEPTIONS AND DEFENSES.**

Nothing in this chapter shall prevent the providing of tobacco, tobacco products or tobacco related devices to a ~~minor~~ person under the age of 21 years as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this chapter for a person to have reasonably relied on proof of age as described by state law.

#### **~~602.13 VIOLATIONS.~~**

~~—(1) Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the violator of his or her rights to be heard on the accusation.~~

~~—(21) Hearings. If a person accused of violating this chapter so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.~~

~~—(32) Hearing officer. The City Council shall serve as the hearing officer. (The City Council may appoint an independent hearing officer.)~~

~~—(43) Decision. If the hearing officer determines that a violation of this chapter did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, the findings shall be recorded and a copy provided to the acquitted accused violator.~~

~~—(54) Appeals. Appeals of any decision made by the hearing officer shall be filed in the district court for the jurisdiction of the City of Lino Lakes.~~

~~—(6) Misdemeanor prosecution. Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this chapter.~~

~~—(75) Continued violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.~~

#### **602.14 PENALTIES.**

~~—(1) Licensees. Any licensee found to have violated this chapter, or whose employee shall have violated this chapter, shall be charged an administrative fine of \$75 for a first violation of this chapter; \$200 for a second offense at the same licensed premises within a 24-month period; and \$250 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the license shall be suspended for not less than seven days.~~

~~—(2) Other individuals. Other individuals, other than minors regulated by division (3) below of this section, found to be in violation of this chapter shall be charged an administrative fine of \$50.~~

~~—(3) Minors. Minors found in unlawful possession of or who unlawfully purchase or attempt to purchase tobacco, tobacco products or tobacco related devices, shall be subject to an administrative fine, or may be subject to tobacco related education classes, diversion programs, community services or another penalty that the city believes will be appropriate and effective. The administrative fine or other penalty shall be established by City Council ordinance upon the city's consultation with interested parties of the courts, educators, parents and children to determine an appropriate penalty for minors in the city. This administrative fine or other penalty may also be established from time to time in the city fee schedule.~~

~~—(4) Misdemeanor. Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this chapter.~~

~~—(5) Statutory penalties. If the administrative penalties authorized to be imposed by M.S. § 461.12, as it may be amended from time to time, differ from those established in this section, then the statutory penalties shall prevail.~~

### **602.13 VIOLATIONS AND PENALTIES**

**(1) Administrative Civil Penalties—Individuals.** If a person who is not a licensee is found to have violated this article, the person shall be charged an administrative penalty as follows:

(a) First Violation. The Council shall impose a civil fine not to exceed \$50.00.

(b) Second Violation within 12 months. The Council shall impose a civil fine not to exceed \$100.00.

(c) Third Violation within 12 months. The Council shall impose a civil fine not to exceed \$150.00.

**(2) Same—Licensee.** If a licensee or an employee of a licensee is found to have violated this article, the licensee shall be charged an administrative penalty as follows:

(a) First Violation. The Council shall impose a civil fine of \$500.00 and suspend the license for not less than 1 day.

(b) Second Violation within 36 Months. The Council shall impose a civil fine of \$1,000.00 and suspend the license for not less than 3 consecutive days.

(c) Third Violation within 36 Months. The Council shall impose a civil fine of \$2,000.00 and suspend the license for not less than 10 consecutive days.

(d) Fourth Violation within 36 Months. The Council shall revoke the license for at least one year.

**(3) Administrative Penalty Procedures.** Notwithstanding anything to the contrary in this section:

(a) Any of the administrative civil penalties set forth in this section that may be imposed by the Council, may in the alternative be imposed by an administrative citation.

(b) If one of the foregoing penalties is imposed by an action of the Council, no penalty shall take effect until the licensee or person has received notice (served personally or by mail) of the alleged violation and of the opportunity for a hearing before the Council, and such notice must be in writing and must provide that a right to a hearing before the Council must be requested within 10 business days of receipt of the notice or such right shall terminate.

(4) Misdemeanor Prosecution. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this article.

Adopted by the Lino Lakes City Council this \_\_\_\_ day of \_\_\_\_\_ 2022.

The motion for the adoption of the foregoing ordinance was introduced by Councilmember \_\_\_\_\_ and was duly seconded by Councilmember \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

\_\_\_\_\_  
Rob Rafferty, Mayor

ATTEST:

\_\_\_\_\_  
Julianne Bartell, City Clerk

**CITY COUNCIL  
AGENDA ITEM 3B**

STAFF ORIGINATOR: Meg Sawyer, Human Resources and Communications Manager

MEETING DATE: November 28, 2022

TOPIC: Consider Appointment of Utilities Maintenance Worker

VOTE REQUIRED: 3/5

**INTRODUCTION**

The City Council is being asked to approve the appointment of Will Peterson to the vacant Utilities Maintenance Worker position in the Public Works department.

**BACKGROUND**

Staff has completed the recruitment process, provided a conditional offer, and is recommending the approval of Will Peterson for the position.

Peterson graduated from Forest Lake High School and is currently working as a Seasonal Worker within our Public Works Department.

The hourly rate of pay would be \$27.77, which is Starting Step of the current 6 step wage schedule.

With Council's approval, Peterson would start in the position on December 5, 2022.

**RECOMMENDATION**

Please approve the appointment of Will Peterson to the Utilities Maintenance Worker position.

**CITY COUNCIL  
AGENDA ITEM 3C**

STAFF ORIGINATOR: Meg Sawyer, Human Resources and Communications Manager

MEETING DATE: November 28, 2022

TOPIC: Consider Appointment of Office Specialist

VOTE REQUIRED: 3/5

**INTRODUCTION**

The Council is being asked to approve the appointment of Dana Ram to the vacant Office Specialist position within the Community Development department at City Hall.

**BACKGROUND**

At this time staff has completed the recruitment process, provided a conditional offer, and is recommending the approval of Dana Ram for the position.

Ram has a Bachelor's of Science in Mass Media and Communication from Minnesota State University, Mankato. She has been the City of Lino Lakes Communications Intern since June 2022 and comes highly recommended by the Administration department.

The hourly rate of pay would be \$23.02, which is Starting Step of the current 6 step wage schedule.

With the Council's approval, Ram would start in the position of Office Specialist on November 29, 2022.

**RECOMMENDATION**

Please approve the appointment of Dana Ram for the Office Specialist position.



**CITY COUNCIL  
AGENDA ITEM 3D**

STAFF ORIGINATOR: Meg Sawyer, Human Resources and Communications Manager

MEETING DATE: November 28, 2022

TOPIC: Consider Appointment of Part-Time Firefighter

VOTE REQUIRED: 3/5

**INTRODUCTION**

The Council is being asked to approve the appointment of Anthony Wald for the Part-time Firefighter position in the Public Safety Department.

**BACKGROUND**

At this time staff has completed the recruitment process, provided a conditional offer, and is recommending the approval of Anthony Wald for the position.

Wald has completed his Firefighter 1 & 2 as well as Hazardous Materials training and certification.

The hourly rate of pay would be \$18.66, which is the Starting Step of the 6 Step part-time firefighters wage schedule.

With the Council's approval, Wald would start in the position of Part-Time Firefighter on December 5, 2022.

**RECOMMENDATION**

Please approve the appointment of Anthony Wald for a Part-Time Firefighter position.

**CITY COUNCIL  
AGENDA ITEM 3E**

STAFF ORIGINATOR: Meg Sawyer, Human Resources and Communications Manager

MEETING DATE: November 28, 2022

TOPIC: Consider Appointment of Building Custodial and Maintenance Worker

VOTE REQUIRED: 3/5

**INTRODUCTION**

The Council is being asked to approve the appointment of Gary Williams to the Building Custodial and Maintenance Worker position at The Rookery Activity Center.

**BACKGROUND**

At this time staff has completed the recruitment process, provided a conditional offer, and is recommending the approval of Gary Williams for the full time position.

Williams currently works at the Rookery as a part-time custodian. He has over 40 years of experience including owning his own construction company.

The hourly rate of pay would be \$25.66, which is Step 4 of the current 6 step wage schedule.

With the Council's approval, Williams would start in the position on December 5, 2022.

**RECOMMENDATION**

Please approve the appointment of Gary Williams for the Building Custodial and Maintenance Worker position.

**CITY COUNCIL  
AGENDA ITEM 4A**

STAFF ORIGINATOR: John Swenson, Public Safety Director

MEETING DATE: November 28, 2022

TOPIC: Resolution No. 22-141 Supporting the MN Statute 383E.21  
Establishing a County Public Safety Levy.

VOTE REQUIRED: 3/5

**INTRODUCTION**

The Anoka County Public Safety Levy is set to expire on December 31, 2023 and the Joint Law Enforcement Council (JLEC) is requesting members support legislation that would extend the levy authority to December 31, 2033 and a proposed amendment that would not include this levy within the certified levy of Anoka County.

**BACKGROUND**

The JLEC was formed in 1970 as a joint powers board to benefit public safety efforts for all residents of Anoka County. JLEC is comprised of 26 voting members consisting of the Anoka County Attorney, 11 chief law enforcement officers (10 municipal chiefs and 1 county sheriff), and 14 elected officials (12 representing municipalities in Anoka County and 2 representing Anoka County). The elected officials are appointed to JLEC by their respective City Council or County Board.

The levy authority granted by MN statute 383E.21 authorized the Anoka County Board to levy property taxes to fund public safety projects and equipment projects approved by the JLEC. The amount levied at any time allowed under this statute cannot exceed \$8,000,000.

This authority was most recently used to fund the county wide Public Safety Data System which included computer aided dispatching (CAD), law enforcement record management system (RMS), fire RMS, and jail management RMS. This project resulted in an increase in data sharing not only within Anoka County but on state-wide and national levels amongst public safety agencies, leveraged the economy of scale of all Anoka County agencies to achieve favorable pricing, created redundancies and support for the systems for the betterment of public safety throughout Anoka County. This project was completed under budget.

Prior to the Public Safety Data System project, the JLEC leveraged the collective resources of all of Anoka County public safety agencies to upgrade radio communication systems to the 800 MHz radio system. This ensured that all agencies and the Anoka County Dispatch Center could systematically upgrade all public safety agencies to the enhanced 800 MHz system in manner that ensured inoperability and first responder safety.

Through discussion with JLEC members and members of the Anoka County Board there are two proposed changes to MN Statute 383E.21 which are:

1. Adding Subdivision 3: “Any levy issued pursuant to this section shall not be included within the certified levy of the county.”
2. Subdivision 4: changing the expiration date of this authority from December 31, 2023 to December 31, 2033.

Attached to this staff report is the MN Statute 383E.21 with the changes and additions indicated in red and Resolution 22-141 supporting the extension of authority outlined 383E.21.

### **RECOMMENDATION**

Approve the No. Resolution 22-141 supporting the extension of MN Statute 383E.21 to December 31, 2033 with proposed amendment.

### **ATTACHMENTS**

Minnesota Statute 383E.21 with proposed extension and amendment  
City of Lino Lakes Resolution No. 22-141

**383E.21 COUNTYWIDE PUBLIC SAFETY IMPROVEMENTS AND EQUIPMENT; BONDING AND TAX LEVIES.**

Subdivision 1. **Authority to levy property taxes and incur debt.** (a) To finance the cost of designing, constructing, and acquiring countywide public safety improvements and equipment, including personal property, benefiting both Anoka County and the municipalities located within Anoka County, the governing body of Anoka County may levy property taxes for public safety improvements and equipment, and issue:

(1) capital improvement bonds under the provisions of section 373.40 as if the infrastructure and equipment qualified as a "capital improvement" within the meaning of section 373.40, subdivision 1, paragraph (b); and

(2) capital notes under the provisions of section 373.01, subdivision 3, as if the equipment qualified as "capital equipment" within the meaning of section 373.01, subdivision 3. Personal property acquired with the proceeds of the bonds or capital notes issued under this section must have an expected useful life at least as long as the term of debt.

(b) The outstanding principal amount of the bonds and the capital notes issued under this section may not exceed \$8,000,000 at any time. Any bonds or notes issued pursuant to this section must only be issued after approval by a majority vote of the Anoka County Joint Law Enforcement Council, a joint powers board.

Subd. 2. **Treatment of levy.** Notwithstanding sections 275.065, subdivision 3, and 276.04, the county may report the tax attributable to any levy to fund public safety capital improvements or equipment projects approved by the Anoka County Joint Law Enforcement Council or pay principal and interest on bonds or notes issued under this section as a separate line item on the proposed property tax notice and the property tax statement.

Subd. 3. Any levy issued pursuant to this section shall not be included within the certified levy of the county.

Subd. ~~3~~ 4. **Expiration.** This section expires on December 31, ~~2023~~ 2033. The county may not issue a bond or note under this section with a maturity or payment date after the expiration date of this section. No property tax may be levied under this section for taxes payable in a calendar year after the calendar year in which this section expires. Expiration of this section does not affect the obligation to pay or the authority to collect taxes levied under this section before its expiration.

**History:** 2002 c 390 s 27; 2005 c 28 s 1; 2011 c 112 art 11 s 12; 2014 c 308 art 2 s 14,15

**CITY OF LINO LAKES  
RESOLUTION NO. 22-141**

**Supporting the MN Statute 383E.21 Establishing a County Public Safety Levy**

WHEREAS, the Anoka County Joint Law Enforcement Council (JLEC), a joint powers board, was formed in 1970 to benefit the public safety of the residents of Anoka County; and

WHEREAS the JLEC has over five decades of experience successfully creating and managing shared services for its member communities; and

WHEREAS, the City of Lino Lakes has actively participated in the JLEC through the participation of our chief law enforcement officer and our elected officials; and

WHEREAS, the safety of the public and police and fire personnel will be enhanced by improvements from future county-wide projects; and

WHEREAS, both residents of and public safety agencies in Anoka County have benefited from improved public safety, increased effectiveness, and resource conservation due to the resulting economies of scale provided by shared and consolidated services; and

WHEREAS, the JLEC desires to implement future shared public safety projects to help law enforcement, fire, jail, dispatch, and emergency preparedness agencies render the highest quality of public safety services to the populations they serve; and

WHEREAS, Minn. Stat. 383E.21 has authorized the County of Anoka to levy property taxes for public safety improvements and equipment, and to issue capital improvement bonds and capital notes for such public safety projects as are approved by the JLEC until Dec. 31, 2023; and

WHEREAS, the JLEC supports a legislative change to allow the use of the bonding and capital notes issuance authority, provided in Minnesota Statute 383E.21, to fund countywide public safety projects until Dec. 31, 2033; and

NOW, THEREFORE, BE IT RESOLVED, that the Lino Lakes City Council does with this action, support and endorse the extension of the existing bonding and capital note issuance authority under Minn. Stat. 383E.21 until Dec. 31, 2033.

BE IT FURTHER RESOLVED that the Lino Lakes City Council does hereby support this expansion of the public safety bonding and capital note issuance authority, provided by Minn. Stat. 383E.21, to county-wide public safety projects.

Adopted by the City Council of the City of Lino Lakes this 28th day of November, 2022.

The motion for the adoption of the foregoing resolution was introduced by Councilmember \_\_\_\_\_ and was duly seconded by Councilmember \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

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Rob Rafferty, Mayor

ATTEST:

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Julianne Bartell, City Clerk



**CITY COUNCIL  
AGENDA ITEM 5A**

STAFF ORIGINATOR: Diane Hankee, City Engineer

MEETING DATE: November 28, 2022

TOPIC: Consider Resolution No. 22-139, Approving Payment No. 3 and Final, 2022 Parking Lot Improvement Project

VOTE REQUIRED: 3/5

**INTRODUCTION**

Staff is requesting council action to finalize the 2022 Parking Lot Improvement Project construction contract with Bituminous Roadways, Inc.

**BACKGROUND**

On April 25, 2022, the City Council awarded the construction contract for the 2022 Parking Lot Improvement Project to Bituminous Roadways, Inc. in the amount of \$156,233.15. The project included milling, overlaying, and restriping the parking lot for the Rookery Activity Center.

The project was successfully completed with the final contract amount of \$154,220.79 of which \$7,711.04 remains to be paid to the contractor. This project is funded through ARPA funds.

**RECOMMENDATION**

Approve Resolution No. 22-139, Approving Payment No. 3 and Final, 2022 Parking Lot Improvement Project in the amount of \$7,711.04 to Bituminous Roadways, Inc.

**ATTACHMENTS**

1. Resolution 22-139
2. Pay Request No. 3 & Final

**CITY OF LINO LAKES  
RESOLUTION NO. 22-139**

**APPROVING PAYMENT NO. 3 AND FINAL FOR THE 2022 PARKING LOT  
IMPROVEMENT PROJECT**

**WHEREAS**, pursuant to resolution 22-41 of the Council adopted April 25<sup>th</sup>, 2022, awarding the contract for the 2022 Parking Lot Improvement Project to Bituminous Roadways, Inc. in the amount of \$156,233.15; and

**WHEREAS**, a complete summary of costs are detailed in Payment No. 3 (Final);

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Lino Lakes that Payment Request No. 3 (Final) is approved for a final contract amount of \$154,220.79.

Adopted by the Council of the City of Lino Lakes this 28<sup>th</sup> day of November, 2022.

The motion for the adoption of the foregoing resolution was introduced by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

\_\_\_\_\_  
Rob Rafferty, Mayor

ATTEST:

\_\_\_\_\_  
Julianne Bartell, City Clerk

<b>Client:</b> City of Lino Lakes 600 Town Center Parkway Lino Lakes, MN 55014-1182	<b>Contractor:</b> Bituminous Roadways, Inc. 1520 Commerce Drive Mendota Heights, MN 55120
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<b>WSB Project No.:</b> 019862-000
<b>Client Project No.:</b>
<b>State Project No.:</b>
<b>Federal Project No.:</b>

Contract Amount		Funds Encumbered	
Original Contract	\$156,233.15	Original	\$156,233.15
Contract Changes	\$0.00	Additional	N/A
Revised Contract	\$156,233.15	Total	\$156,233.15

Work Certified To Date	
Base Bid Items	\$154,220.79
Contract Changes	\$0.00
Material On Hand	\$0.00
Total	\$154,220.79

Work Certified This Voucher	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Voucher	Total Amount Paid To Date
\$0.00	\$154,220.79	\$0.00	\$146,509.75	\$7,711.04	\$154,220.79
Percent Retained: 0%			Percent Complete: 98.71%		

**FINAL PAY VOUCHER**

I hereby certify that a Final Examination has been made of the noted Contract, that the Contract has been completed, that the entire amount of Work Shown in this Final Voucher has been performed and the Total Value of the Work Performed in accordance with, and pursuant to, the terms of the Contract is as shown in this Final Voucher.

Approved By WSB

Approved By Bituminous Roadways, Inc.

Signature

Signature

11/16/2022

11/18/22

Date

Date

Approved By City of Lino Lakes

202-451-4710-301

Signature

11-21-22  
Date

Payment Summary				
No.	Up Through Date	Work Certified Per Voucher	Amount Retained Per Voucher	Amount Paid Per Voucher
1	06/16/2022	\$47,445.81	\$2,372.29	\$45,073.52
2	07/14/2022	\$106,774.98	\$5,338.75	\$101,436.23
3	11/16/2022	\$0.00	(\$7,711.04)	\$7,711.04

Funding Category Name	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Voucher	Total Amount Paid To Date
Local	\$154,220.79	\$0.00	\$146,509.75	\$7,711.04	\$154,220.79

Accounting Number	Funding Source	Amount Paid This Voucher	Revised Contract Amount	Funds Encumbered To Date	Paid Contractor To Date
1	Local	\$7,711.04	\$156,233.15	\$156,233.15	\$154,220.79

Contract Item Status									
Line No.	Item	Description	Unit	Unit Price	Contract Quantity	Quantity This Voucher	Amount This Voucher	Quantity To Date	Amount To Date
1	2021.501/00010	MOBILIZATION	LS	\$14,000.00	1	0	\$0.00	1	\$14,000.00
2	2104.502/01960	SALVAGE CASTING	EACH	\$200.00	3	0	\$0.00	4	\$800.00
3	2104.503/00205	SAWING BIT PAVEMENT (FULL DEPTH)	L F	\$2.00	100	0	\$0.00	406	\$812.00
4	2104.503/00315	REMOVE CURB & GUTTER	L F	\$9.00	640	0	\$0.00	299	\$2,691.00
5	2104.504/00120	REMOVE BITUMINOUS PAVEMENT	S Y	\$17.00	120	0	\$0.00	120	\$2,040.00
6	2106.507/00010	EXCAVATION - COMMON	C Y	\$61.00	27	0	\$0.00	27	\$1,647.00
7	2211.507/00170	AGGREGATE BASE (CV) CLASS 5	C Y	\$57.00	27	0	\$0.00	27	\$1,539.00
8	2232.504/00040	MILL BITUMINOUS SURFACE (1.5")	S Y	\$2.00	9460	0	\$0.00	10008	\$20,016.00
9	2360.509/12200	TYPE SP 9.5 WEARING COURSE MIX (2,B)	TON	\$89.00	814	0	\$0.00	956.26	\$85,107.14
10	2506.502/06010	INSTALL CASTING	EACH	\$700.00	3	0	\$0.00	4	\$2,800.00
11	2531.503/02000	CONCRETE CURB & GUTTER DESIGN SPECIAL	L F	\$36.00	640	0	\$0.00	299	\$10,764.00
12	2573.502/00110	STORM DRAIN INLET PROTECTION	EACH	\$200.00	11	0	\$0.00	5.5	\$1,100.00
13	2573.503/00061	SEDIMENT CONTROL LOG TYPE WOOD FIBER	L F	\$4.20	300	0	\$0.00	881	\$3,700.20
14	2574.507/00100	COMMON TOPSOIL BORROW	C Y	\$61.00	55	0	\$0.00	45	\$2,745.00
15	2575.504/00011	SODDING TYPE LAWN	S Y	\$19.00	150	0	\$0.00	126	\$2,394.00

Contract Item Status										
Line No.	Item	Description	Unit	Unit Price	Contract Quantity	Quantity This Voucher	Amount This Voucher	Quantity To Date	Amount To Date	
16	2575.505/00021	SEEDING	ACRE	\$14,000.00	0.1	0	\$0.00	0	\$0.00	
17	2575.508/25141	SEED MIXTURE 25-141	LB	\$55.00	10	0	\$0.00	0	\$0.00	
18	2582.503/10104	4" SOLID LINE PAINT	L F	\$0.35	4685	0	\$0.00	4571	\$1,599.85	
19	2582.518/01000	PAVT MSSG PAINT	S F	\$2.40	62	0	\$0.00	62	\$148.80	
20	2582.518/05000	CROSSWALK PAINT	S F	\$1.60	336	0	\$0.00	198	\$316.80	
<b>Bid Totals:</b>							<b>\$0.00</b>	<b>\$154,220.79</b>		

Project Category Totals		
Category	Amount This Voucher	Amount To Date
SURFACE IMPROVEMENTS	\$0.00	\$154,220.79

Contract Change Item Status											
CC	CC No.	Line No.	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Voucher	Amount This Voucher	Quantity To Date	Amount To Date
<b>Contract Change Totals:</b>											

Contract Change Totals				
No.	Contract Change	Description	Amount This Voucher	Amount To Date

Material On Hand Additions					
Line No.	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line No.	Item	Description	Date	Added	Used	Remaining

**CITY COUNCIL  
AGENDA ITEM 5B**

STAFF ORIGINATOR: Justin Williams, Public Works Superintendent

MEETING DATE: November 28, 2022

TOPIC: Consider 1<sup>st</sup> Reading of Ordinance No. 09-22, Amendment to City Code Section 507.06, Solid Waste Storage

VOTE REQUIRED: 3/5

**INTRODUCTION**

The City Council is being asked to approve an ordinance amendment to Chapter 507.06: Solid Waste Storage. The amendment is an addition of clarifying language regarding acceptable placement of solid waste containers.

**BACKGROUND**

Trash, recycling, and yard waste bins are often placed in the street on scheduled pickup days. Public Works staff have noted that this is interfering with plowing the streets from curb to curb, street sweeping, and other maintenance activities. In winter this results in less usable, plowed space on the streets, which impacts public safety.

An ordinance amendment to clarify acceptable placement of solid waste containers on pickup days will keep the streets clear and ensure that maintenance activities, such as plowing, are performed in the most efficient manner.

**RECOMMENDATION**

Consider 1<sup>st</sup> Reading of Ordinance No. 09-22 amending Section 507.06 of City Code relating to Solid Waste Storage.

**ATTACHMENTS**

Ordinance No. 09-22

1 <sup>st</sup> Reading:	Publication:
2 <sup>nd</sup> Reading:	Effective:

**CITY OF LINO LAKES  
ORDINANCE NO. 09-22**

**ORDINANCE AMENDING CHAPTER 507, SECTION 507.06, OF CITY CODE  
RELATING TO SOLID WASTE STORAGE**

The City Council of Lino Lakes ordains:

**Section 1. That Section 507.06 of the Lino Lakes Code of Ordinances be amended to read as follows:**

**§ 507.06 SOLID WASTE STORAGE.**

The owner, occupant and/or the person in control of any residential property, business establishment or industry, shall be responsible for the satisfactory storage of all mixed municipal solid waste accumulated at the premises, business establishment or industry.

(1) Garbage shall be stored in durable, rust-resistant, non-absorbent, watertight, rodent-proof and easily cleanable containers, with close-fitting, fly-tight covers and/or disposable plastic bags with tightly sealed openings. Refuse shall be stored in durable containers. Where garbage is stored in combination with refuse, containers for the storage of the mixture shall meet the requirements for garbage containers.

(2) All containers for the storage of garbage and refuse shall be maintained in a manner as to prevent the creation of a nuisance or menace to public health. Containers that are broken or otherwise fail to meet requirements of this chapter shall be replaced with acceptable containers.

(3) Every property owner, occupant, or owner of any dwelling unit or place of business shall control the refuse on the premises so as to keep the premises in a clean and sanitary condition. All refuse accumulating between the times of collection shall be placed in containers. Containers shall not be left at the curbside for more than 24 hours.

(4) Container placement for collection

(a) Dwelling units, except apartment buildings and manufactured homes not contracting for curbside service: On the designated pickup day, refuse, recyclables and yard waste shall be set out for collection immediately behind and within two feet of the curb. Containers shall not be placed in the street.

(b) Businesses: Every property owner, occupant or owner of a place of business shall place containers used for the storage of refuse, recyclables and yard waste in conformance with the city zoning ordinances. Such containers shall be accessible to the haulers at all reasonable times.

**Section 2. Effective Date.** This Ordinance shall be effective from and after its passage and publication according to the Lino Lakes City Charter.

Adopted by the Lino Lakes City Council this \_\_\_\_ day of \_\_\_\_\_ 2022.

The motion for the adoption of the foregoing ordinance was introduced by Councilmember \_\_\_\_\_ and was duly seconded by Councilmember \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

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Rob Rafferty, Mayor

ATTEST:

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Julianne Bartell, City Clerk



**CITY COUNCIL  
AGENDA ITEM 6A**

STAFF ORIGINATOR: Katie Larsen, City Planner

MEETING DATE: November 28, 2022

TOPIC: Zoning Ordinance Text and Map Amendment

- i. Consider 2<sup>nd</sup> Reading of Ordinance No. 08-22 Zoning Ordinance Text and Map Amendment

*\*Council may vote to dispense with full reading of ordinance  
\* Roll call vote is required for adoption of the ordinance*

- ii. Consider Resolution No. 22-140, Authorizing Summary Publication

**BACKGROUND**

The Zoning Ordinance and Zoning Map update was started in March of 2021 and has been an ongoing effort to review each section of the zoning ordinance and map. The City Council approved the 1<sup>st</sup> reading of the ordinance at the November 14, 2022 Council meeting.

**ANALYSIS**

**Zoning Map**

Minnesota Statutes §473.864 and §473.865 of the Metropolitan Land Planning Act, requires the City to review its official controls and amend, as necessary, any that conflict with the plan. The statutes require that the zoning map be consistent with the land use map.

Chapter 12 of the 2040 Comprehensive Plan includes the following implementation strategies:

1. *“Review and update the zoning map as needed to eliminate any inconsistencies with the Comprehensive Plan.*
3. *Consider creating new zoning districts:*
  - a. *As “holding zones” for urban development. Holding zones would provide a zoning classification appropriate to land planned for future urban development but where municipal services are not yet available. The holding zone would apply until a landowner/ developer makes application for development, at which time the city may rezone the property consistent with its designation on the future land use plan map, provided that the development does not result in the premature extension of public utilities, facilities or services.”*

The zoning map has been revised to be consistent with the future land use of the 2040 Comprehensive Plan, creates a holding zone for urban development and corrects existing errors in the zoning map. There are 1,325 parcels that will be rezoned as part of this effort; however, the number of substantive changes is far fewer. The zoning map changes fall into three main categories:

1. **Planned Unit Development (PUD) District.** The City changed Planned Development Overlay (PDO) to Planned Unit Development (PUD) with the zoning ordinance update in 2003. The City is rezoning all properties previously shown as a PDO to a PUD to reflect that change. This change represents 1,225 of the 1,325 properties proposed to be changed with the zoning map updates. Other than the name of the zoning district there is no regulatory change to these parcels.
2. **Land Use Consistency.** There are a number of parcels which have been rezoned to be consistent with the 2040 future land use for the property. State law required zoning to be brought into compliance with the adopted land use designation. This represents 65 of 1,325 properties being rezoned. If an existing legally established use is inconsistent with the new zoning, the use will become legal non-conforming and may continue, as legally established, until such time as the use ceases or the property is redeveloped.
3. **Miscellaneous.** The remaining 35 properties were identified as mapping errors on the existing zoning map. These changes are being completed alongside the zoning map update.

A new FUD, Future Urban Development District was proposed in the draft ordinance but was not supported by the Planning & Zoning Board or City Council and has been eliminated.

### Zoning Ordinance

The changes to the ordinance were done to eliminate unnecessary language and inconsistencies in the document, better reflect City goals and makes the ordinance easier to read and understand.

### Administration

The changes to the administration sections eliminates unnecessary language and inconsistencies in the document. The majority of the text changes are to add language to maintain consistency in the purpose, process and requirements for each of the different sections.

The Environmental Review Section 1007.025 is new and outlines the process that the City will use when completing the environmental reviews required by Minnesota Statutes and Minnesota Rules 4410. It is simply intended to notify developers that they are responsible for the City cost to prepare the documents and explains the City review process. This codifies the process that the City has followed in the past.

### Zoning Districts

The key changes to the rural, residential, business, industrial, and public and semi-public districts (Sections 1007.080 – 1007.130) include:

1. Changes to all districts:
  - a. Remove Planned Unit Development (PUD) as a conditional use. Currently the ordinance provides an option to apply for a PUD by conditional use permit or a rezoning to PUD. The new code will require all PUDs to be rezoned to PUD.
  - b. Add essential service as a use by administrative permit. Essential services consist of overhead telephone, gas, electrical, communication, water or sewer transmission, distribution, collection, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment used to serve the public.
2. Changes to rural:
  - a. Remove garage requirement from districts because it is addressed in general provisions. The twin home/townhouse requirement for garage has been added to the single family standards.
  - b. Add Agritourism as a conditional use in the R, Rural District. Agritourism would include any commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating. The definition was added to Section 1007.001.
  - c. Remove bicycle racing arenas as a conditional use in the R, Rural District.
  - d. Include rural cluster developments as a permitted use in R and R-X. Cluster development has been added a definition as, “A form of residential development that groups buildings or lots to provide common open space.”
3. Changes to residential:
  - a. Remove garage requirement from districts because it is addressed in general provisions as noted in the rural district.
  - b. Amended the R-2 district day care facilities to be consistent with State Statute.
4. Changes to business:
  - a. Delete central business and shopping center zoning districts. The zoning districts were deleted to reduce the number of individual business districts.

- b. Delete drive-through language from restaurants, brewpubs and service businesses. The drive-throughs are currently limited to the districts that allow them as an accessory use.
5. Changes to industrial:
- a. Include indoor self-storage as a permitted use in light and general industrial districts. Indoor self-storage is defined as, “A fully enclosed building that is climate controlled containing separate, individual and private storage spaces of varying sizes, leased or rented on an individual basis for the storage of personal property; where individual renters control and access individual storage spaces; each unit must be directly accessed from the interior of the building via its own access door. Outdoor access to individual units is prohibited. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Such facilities to be used for storage only”
  - b. Remove mini self-storage as a conditional use in the general industrial district. It is still permitted in the GI district. Mini self-storage is defined as, “An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household goods or personal belongings.”
6. Changes to public and semi-public:
- a. Delete the Rural Business Reserve District. The Rural Business Reserve District was intended to be a holding zone for commercial and industrial zoning districts and is no longer needed with the rural and future urban development accomplishing the same task.

### New Zoning Districts

The Business Campus (BC) zoning district is for the land in eastern Lino Lakes that was designated Business Campus in the 2040 Comprehensive Plan. The intent is to provide for multi-use buildings, business offices, wholesale showrooms, and related uses in an environment which provides a high level of amenities. The district will serve primarily as employment centers, with office, service, research and development, data centers and light industrial uses. Other uses would include those that support the businesses and their employees, such as convenience retail or services, hotels, restaurants, daycare facilities, banks or other financial institutions. The development standards included in the district are the same as the light industrial district with only the list of uses being different. This district is not currently shown on the zoning map but as land develops within the commercial, business campus or industrial land use the properties will be rezoned. Staff has added the commercial land use option since the P&Z saw the last draft of this section. There are areas in the City where land guided commercial may be appropriate for this BC zoning designation and staff wants to provide this additional option. The development would be required to request a rezoning to BC, which give the City a high level of discretion in determining appropriateness of the district.

The High Density Residential and Commercial (R-5) zoning district is intended to provide a setting for multiple family housing and commercial in areas that have good thoroughfare access. The R-5 district shall correspond to the Planned Residential/Commercial land use category in the 2040 Comprehensive Plan future land use map. The uses allowed within the district are a combination of uses found in the High Density Residential (R-4) district and the General Business (GB) district, with the development standards reflecting those district standards as well. This district is not currently shown on the zoning map but as land develops within the planned residential/commercial land use the properties will be rezoned.

### Agritourism

Agritourism is a new use that has been added as a conditional use to the Rural (R) district. Agritourism is defined as “any commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating.” By allowing agritourism as a CUP we can address the effects of the use to ensure the site’s agriculture and surrounding properties are not affected by the operations and activities of the use. An example of the use is Waldoch Farm.

The agritourism standards are in located in the general provisions section of the zoning ordinance similar to other conditional uses with substantial conditions.

### Rural Clusters

Staff has drafted a rural cluster ordinance that will allow cluster developments as a permitted use on parcels located in the Rural (R) and Rural Executive (R-X) districts, which are guided Low Density Residential on the full build land use map and staged in the post-2040 area on the staging plan. The rural cluster ordinance will allow 8 units per 40 acres when utilizing individual septic systems and 12 units per 40 acres when utilizing community septic. Staff is recommending the density bonuses as a tool to provide landowners with additional development opportunities while preserving land for future development with urban services. Performance standards for the rural cluster ordinance will be adopted as part of the general provisions section to ensure that the rural cluster preserves the higher quality natural resources and can transition effectively to urban services when they become available. The performance standards used for the rural cluster ordinance are very similar to the existing rural planned unit development language found in the Zoning Ordinance, which has now been deleted. Some of the language referenced into the draft ordinance is from the conservation subdivision section which is being removed from the Subdivision Ordinance as part of the update and the standards are being utilized as part of the new rural cluster ordinance.

The standards that have changed from the rural planned unit development include:

- Open space is no longer taken in perpetuity but is instead held until the subject property gains access to municipal sanitary sewer and water services.
- The density has been increased by four units per 40 acres for both the base density and bonus density.

- Standards have been included for maintenance, management and replacement of community septic systems.
- Open space is now required to include a minimum of 25 percent upland area.
- Residential lots must be large enough to support a primary and secondary septic system.
- Included cluster development definition and added number of units required to be considered a cluster.

### Liquor Standards

The current ordinance allows brewer taprooms accessory to a malt liquor beverage production and bottling facility in the Light Industrial (LI) and General Industrial (GI).

We have updated the General Business (GB), Light Industrial (LI) and General Industrial (GI) districts to include a broader range of uses related to alcoholic beverages such as, brew pub, brewer taproom, microbrewery/small brewer, microdistillery/small distillery and winery/cider mill (which includes meadery). The uses are defined as:

*Brew Pub - A restaurant that conducts the retail sale of malt liquor brewed on the premise and licensed under Minnesota Statute section 340A.301, subdivision 6(d). Areas used exclusively for brewing operations shall not exceed 25 percent of the total floor area. Included within this use is the off-sale of malt liquor produced on site in refillable growlers pursuant to Minnesota Statutes section 340A.301, subdivision 7(b). (No change from existing ordinance)*

*Brewer Taproom - Facility on the premises of, or adjacent to, a malt liquor beverage production facility / brewery intended for the on-sale and consumption of malt liquor produced by the brewer pursuant to Minnesota Statute section 340A.301, subdivision 6b. A brewer taproom may include a restaurant. (No change from existing ordinance)*

*Microdistilleries - is a distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year, which distillery is licensed under Minnesota Statutes section 340A. (New definition)*

*Small Brewer - is a brewer licensed under section Minnesota Statutes section 340A.301, Subdivision 6, clause (c), (i), or (j) who also holds a retail license to sell off-sale malt liquor at its licensed premises which has been produced and packaged by the brewer. (New definition)*

*Winery – a place that makes wine through the fermentation of grapes. This includes sparkling wine, vermouth, cider, mead, perry and sake. (New definition)*

*Tasting Room - an area used for accessory alcoholic beverage retail consumption on the premises where the alcoholic beverages are produced. (New definition)*

The ordinance is drafted to allow for the following:

GB District;

- Permitted use
  - Brew pub (new)
  - Microdistillery (new)
  - Small brewer (new)
  - Winery (new)
- Accessory Use
  - Tasting room accessory to a distillery
  - Tasting room accessory to a winery
  - Brewer taproom accessory to a small brewer

LI District;

- Permitted accessory use
  - Brewer taproom accessory to malt liquor beverage production (no change)
  - Tasting room accessory to distilled spirits production (new)
  - Tasting room accessory to wine beverage production (new)

GI District;

- Permitted accessory use
  - Brewer taproom accessory to malt liquor beverage production (no change)
  - Tasting room accessory to distilled spirits production (new)
  - Tasting room accessory to wine beverage production (new)

General Provisions

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.

The changes to the section include:

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. Garages are intended to provide space to store vehicles and other equipment. The intent is to provide enough space within the garage and other accessory structures to contain all equipment in addition to the vehicles. The existing minimum standard is 20 feet wide with a total size of 440 square feet for single family, two family and townhomes. The draft ordinance has increased the minimum size to 520 square feet.
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. Includes revised architecture standards which break down the classes of materials into three classes for use on the building.
7. Added definitions to the landscape standards. The landscape section has not been updated, but will be updated at a later date by city staff.
8. The Curb Cut/Driveway Width within rural and residential zoning districts was changed from 26 feet in width to 28 feet.
9. Reviewed the parking standards and reformatted as a table to make it easier to read. Modified some parking calculations to be consistent with current practices.
10. 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.
11. Changed the earth moving and land reclamation activities allowed by Section 1007.051 from a conditional use permit (which runs with the land) to an interim use permit (which includes a sunset clause).
12. Added new language for Wind Energy Conversion System (WECS) as Section 1007.060. this provides standards to allow WECS as an accessory use.
13. Added standards for solar energy systems as Section 1007.061.
14. Added language for Model Homes and Temporary Real Estate Offices by administrative permit as a new Section 1007.062. These are common for large developments and this provides consistent standards.
15. Added language for Temporary Structures as a new Section 1007.063 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.
16. Added performance standards for motor fuel stations as Section 1007.064.

## PUD

The following is a list of changes made to the PUD section of the ordinance.



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.
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. Created 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 rural cluster section 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.
14. Created a list of all existing planned development overlays (PDO's) to become PUDs along with all existing PUDs. The ordinance will be amended with future PUDs to add the PUD reference to Section 1007.131.

## **SUMMARY**

This report is intended to provide a comprehensive list of all the changes that been made as part of the Zoning Ordinance update. The zoning ordinance will repeal the existing zoning ordinance and replace it with this version. The Planning and Zoning Board recommendations are included in the Zoning Ordinance and on the zoning map.

## **RECOMMENDATION**

Staff recommends approval of the Zoning Ordinance and Zoning Map. The City Council approved the 1<sup>st</sup> reading of the ordinance at the November 14, 2022 Council meeting.

## **ATTACHMENTS**

1. Ordinance No. 08-22 including Zoning Code and Zoning Map
2. Resolution No. 22-140 Summary Publication

1 <sup>st</sup> Reading:	Publication:
2 <sup>nd</sup> Reading:	Effective:

**CITY OF LINO LAKES  
ORDINANCE NO. 08-22**

**ORDINANCE AMENDING CITY CODE CHAPTER 1007: ZONING CODE**

The City Council of Lino Lakes ordains:

**Section 1. Findings.** The City Council finds that the amended zoning code and zoning map protects the public health, safety, comfort, convenience and general welfare of the residents of the community.

**Section 2. Amendment.** The Lino Lakes City Code Chapter 1007: Zoning Code including the zoning map is hereby repealed in its entirety and replaced with the following attached exhibits:

Exhibit A: Chapter 1007: Zoning Code

Exhibit B: Zoning Map of Lino Lakes

**Section 3. Effective Date.** This Ordinance shall be effective from and after its passage and publication according to the Lino Lakes City Charter.

Adopted by the Lino Lakes City Council this 28<sup>th</sup> day of November, 2022.

The motion for the adoption of the foregoing ordinance was introduced by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

\_\_\_\_\_  
Rob Rafferty, Mayor

ATTEST:

\_\_\_\_\_  
Julianne Bartell, City Clerk

**Exhibit A:**  
**Chapter 1007: Zoning Code**

## Contents

<b>TITLE / APPLICATION / RULES</b> .....	<b>3</b>
§ 1007.000 TITLE AND APPLICATION.....	3
§ 1007.001 RULES AND DEFINITIONS. ....	6
<b>ADMINISTRATION</b> .....	<b>38</b>
§ 1007.015 AMENDMENTS: TEXT AND MAP.....	38
§ 1007.016 CONDITIONAL USE PERMITS.....	40
§ 1007.017 INTERIM USE PERMITS. ....	43
§ 1007.018 VARIANCES AND APPEALS.....	45
§ 1007.019 ADMINISTRATION: ADMINISTRATIVE PERMITS AND APPROVALS...	48
§ 1007.020 SITE AND BUILDING PLAN REVIEW. ....	50
§ 1007.021 DUTIES OF CITY STAFF.....	59
§ 1007.022 CERTIFICATE OF OCCUPANCY. ....	60
§ 1007.023 ENFORCEMENT AND PENALTIES.....	61
§ 1007.024 PLANNED UNIT DEVELOPMENT (PUD). ....	62
§ 1007.025 ENVIRONMENTAL REVIEW. ....	72
<b>GENERAL PROVISIONS</b> .....	<b>73</b>
§ 1007.040 PURPOSE.....	73
§ 1007.041 NON-CONFORMING USES AND STRUCTURES.....	73
§ 1007.042 GENERAL PARCEL, LOT AND YARD PROVISIONS. ....	74
§ 1007.043 GENERAL BUILDING AND USE PROVISIONS.....	80
§ 1007.044 OFF-STREET PARKING. ....	123
§ 1007.045 OFF-STREET LOADING SPACES. ....	136
§ 1007.046 PRIVATE STREETS.....	138
§ 1007.047 RELOCATED STRUCTURES. ....	140
§ 1007.048 HOME OCCUPATION PERMITS. ....	141
§ 1007.049 ACCESSORY APARTMENTS. ....	147
§ 1007.050 DRAINAGE.....	149
§ 1007.051 EARTH MOVING AND LAND RECLAMATION.....	150
§ 1007.052 FARMING OPERATIONS. ....	152
§ 1007.053 ADULT USES. ....	153
§ 1007.054 ANTENNAS.....	155
§ 1007.055 ACCESSORY OUTDOOR DINING AREAS.....	162
§ 1007.056 BATCH PLANTS.....	164
§ 1007.057 OPT OUT OF MINN. STAT. 462.3593.....	165

§ 1007.058	COMMERCIAL STABLES.....	166
§ 1007.059	AGRITOURISM.....	167
§ 1007.060	WIND ENERGY CONVERSION SYSTEM (WECS).....	169
§ 1007.061	SOLAR ENERGY SYSTEMS.....	172
§ 1007.062	MODEL HOMES WITH TEMPORARY REAL ESTATE OFFICES.....	175
§ 1007.063	TEMPORARY STRUCTURES.....	176
§ 1007.064	MOTOR FUEL STATIONS.....	177
§ 1007.065	AIR PARK HANGAR AND ACCESS PERFORMANCE STANDARDS.....	180
§ 1007.066	RURAL CLUSTER DEVELOPMENT.....	182
<b><i>DISTRICT PROVISIONS.....</i></b>		<b>186</b>
§ 1007.070	GENERAL ZONING DISTRICT PROVISIONS.....	186
<b><i>RURAL DISTRICTS.....</i></b>		<b>188</b>
§ 1007.080	R, RURAL DISTRICT.....	188
§ 1007.081	R-X, RURAL EXECUTIVE DISTRICT.....	194
<b><i>RESIDENTIAL DISTRICTS.....</i></b>		<b>199</b>
§ 1007.090	R-1, SINGLE FAMILY RESIDENTIAL DISTRICT.....	199
§ 1007.091	R-1X, SINGLE FAMILY EXECUTIVE RESIDENTIAL DISTRICT.....	204
§ 1007.092	R-2, TWO FAMILY RESIDENTIAL DISTRICT.....	208
§ 1007.093	R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT.....	213
§ 1007.094	R-4, HIGH DENSITY RESIDENTIAL DISTRICT.....	218
§ 1007.095	R-5, HIGH DENSITY RESIDENTIAL AND BUSINESS DISTRICT.....	223
§ 1007.096	R-6, MANUFACTURED HOME PARK DISTRICT.....	228
<b><i>BUSINESS DISTRICTS.....</i></b>		<b>234</b>
§ 1007.110	NB, NEIGHBORHOOD BUSINESS DISTRICT.....	234
§ 1007.111	LB, LIMITED BUSINESS DISTRICT.....	239
§ 1007.112	GB, GENERAL BUSINESS DISTRICT.....	245
<b><i>INDUSTRIAL DISTRICTS.....</i></b>		<b>254</b>
§ 1007.120	LI, LIGHT INDUSTRIAL DISTRICT.....	254
§ 1007.121	GI, GENERAL INDUSTRIAL DISTRICT.....	261
§ 1007.122	BC, BUSINESS CAMPUS DISTRICT.....	268
<b><i>SPECIAL DISTRICTS.....</i></b>		<b>272</b>
§ 1007.130	PSP, PUBLIC AND SEMI-PUBLIC DISTRICT.....	272
§ 1007.131	PUD, PLANNED UNIT DEVELOPMENT DISTRICT.....	276

***TITLE / APPLICATION / RULES***

**§ 1007.000 TITLE AND APPLICATION.**

(1) *Title.* This ordinance shall be known, cited and referred to as the “LINO LAKES ZONING ORDINANCE” except as referred to herein, where it shall be known as “this ordinance” or “City Code Section.”

(2) *Intent and Purpose.* This ordinance is adopted for the purpose of:

- (a) Protecting the public health, safety, comfort, convenience and general welfare.
- (b) Dividing the City of Lino Lakes into zones and districts restricting and regulating therein the location and use of structures and land and lot size.
- (c) Promoting orderly development of the residential, business, industrial, recreational and public areas.
- (d) Providing adequate light, air, and convenience of access to property.
- (e) Limiting congestion in the public right-of-way.
- (f) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings in relation to the land and buildings surrounding.
- (g) Providing for the compatibility of different land uses and the most appropriate use of land throughout the City of Lino Lakes.
- (h) Protecting and guiding the development of the rural area.
- (i) Conserving and developing natural resources.
- (j) Fostering agriculture and other industries.
- (k) Preventing a wasteful scattering of population.
- (l) Securing safety from flood.
- (m) Reducing waste and municipal maintenance cost from excessive mileage of roads.
- (n) Conserving the natural and scenic beauty and attractiveness of road sides and lakeshores.
- (o) Providing for the administration of this ordinance and amendments to the ordinance.
- (p) Defining the powers and duties of the administrative officers and bodies, as provided hereinafter.

(3) *Application.*

(a) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

(b) Where the conditions imposed by any provisions of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law ordinance, statute, resolution, or regulation, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

(c) Except as in this ordinance specifically provided, no structure shall be constructed, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this ordinance.

(d) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

(4) *Relation to Comprehensive Municipal Plan.* It is the policy of the City of Lino Lakes that the enforcement, amendment, and administration of this ordinance be accomplished with due consideration of the recommendations contained in the City Comprehensive Plan as developed and amended from time to time by the Planning and Zoning Board and City Council. The Council recognizes the Comprehensive Plan as the policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

(5) *Uses Not Provided for Within Zoning Districts.* In any zoning district, whenever a proposed use is neither specifically allowed nor denied, the City Council shall determine if the proposed use is comparable in potential activities and impacts to a use listed within the zoning district and is acceptable related to land use compatibility, traffic, and/or nuisance issues and established conditions and standards relating to development of the use. Where such a determination is made, the requirements established for the listed use shall apply as minimum standards for the proposed use. Additional requirements may be applied to address differences between the listed use and the proposed use.

In such cases where, in the judgment of the City Council, there is no comparable use listed, the City Council or Planning and Zoning Board, on their own initiative or upon request from the property owner, may conduct a study to determine if the proposed use is acceptable and, if so, what zoning district would be most appropriate and what conditions and standards should apply to the proposed use. The City Council, Planning and Zoning Board, or property owner, on receipt of the staff study, may initiate an amendment to the Zoning Ordinance consistent with City Code Section 1007.015 of this ordinance to provide for the particular use under consideration or shall find that the proposed use is not compatible for development within the City.

(6) *Separability.* It is hereby declared to be the intention that the several provisions of this ordinance are separable in accordance with the following:



(a) If any court or competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in such judgment.

(b) If any court or competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

(7) *Authority.* This ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, M. S. §462.351 to §462.363.

(8) *Fees.* No application for a Zoning Ordinance amendment, rezoning, conditional use permit, interim use permit, variance, administrative permit, or site and building plan review shall be accepted or considered by the City Council or any other body of the City unless such application is complete and accompanied by a deposit. The total fee for processing such application, which shall be paid by the petitioner to the City, shall be paid whether or not such application is approved or denied. The deposit shall be used to cover the total out of pocket expenses incurred by the City in processing such application, for such necessary items as, but not limited to, attorney's, planner's, and/or engineer's fees and costs, and any other costs incident thereto, and shall be in addition to a fee for the City staff services, to be paid to the City, which separate fees and deposits shall be established by City Council ordinance/resolution.

The deposit shall not be considered as the total amount to be paid. The total amount shall be the actual amount expended plus the fee for the City staff services.

Any unused portion of the required deposits will be returned to the petitioner. The fees established herein may be changed by the City Council from time to time, by resolution or ordinance, as appropriate. A copy of said resolution or ordinance shall be on file in the office of the City Clerk and available for inspection during regular City office hours.

**§ 1007.001 RULES AND DEFINITIONS.**

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

- (a) The singular number includes the plural, and the plural the singular.
- (b) The present tense includes the past and the future tenses, and the future the present.
- (c) The words “shall” and “must” are mandatory while the word “may” is permissive.
- (d) The masculine gender includes the feminine and neuter.

(e) Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in such definition thereof, or its commonly used definition by the Merriam-Webster dictionary.

(f) In the event of conflicting provisions, the more restrictive shall apply.

(g) All measured distances expressed in feet shall be to the nearest tenth of a foot.

(h) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirement for the promotion of health, safety, and welfare.

(2) *Definitions.* The following words and terms, wherever they occur in this ordinance, shall be interpreted as herein defined:

***ACCESSORY APARTMENT.*** A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

***ACCESSORY BUILDING.*** A portion of the principal building or a detached structure on the same lot which is used for an accessory use.

***ACCESSORY STRUCTURE.*** A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

***ACCESSORY USE.*** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

***ADDITION.*** A physical enlargement of an existing structure.

***ADJOINING/ABUTTING LOT OR LAND.*** A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

***ADULT USE RELATED TERMS.***

(a) **ADULT USES.** Adult uses include adult bookstores, adult motion picture theaters, adult massage parlors, adult steam room/boathouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public. Activities classified as obscene as defined by M. S. §617.241 are not included.

1. *Specified Anatomical Areas:*

- a. Less than completely opaquely covered human genitals, pubic region, buttock anus, or female breast(s) below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. *Specified Sexual Activities:*

- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following: sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
- b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
- e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
- f. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
- g. Human excretion, urination, menstruation, vaginal or anal irrigation.

(b) **ADULT USE - ACCESSORY.** The offering of retail goods for sale which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods

and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.

(c) **ADULT USES - PRINCIPAL.** The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include but are not limited to the following:

1. *Adult Use - Body Painting Studio.* An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”

2. *Adult Use - Bookstore.* A building or portion of a building used for barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, compact discs, computer software, digital recordings, motion picture film, or other communication mediums if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”

3. *Adult Use - Cabaret.* A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”

4. *Adult Use - Companionship Establishment.* A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

5. *Adult Use - Conversation/Rap Parlor.* A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

6. *Adult Use - Health/Sport Club.* A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

7. *Adult Use - Hotel or Motel.* Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

8. *Adult Use - Massage Parlor, Health Club.* A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is

distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

9. *Adult Use - Mini-Motion Picture Theater.* A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

10. *Adult Use - Modeling Studio.* An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

11. *Adult Use - Motion Picture Arcade.* Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”

12. *Adult Use - Motion Picture Theater.* A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on “specified anatomical areas” for observation by patrons therein.

13. *Adult Use - Novelty Business.* A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

14. *Adult Use - Sauna.* A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

15. *Adult Use - Steam Room/Bathhouse Facility.* A building or a portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

**AGRICULTURAL BUILDING.** An accessory building designed, constructed, or used to house farm implements or agriculture products on agricultural lands as defined by M. S. §273.12 and §273.23, as amended. A Minnesota Pollution Control Agency Permit may be required.

**AGRICULTURE.** The use of land for the production, keeping or maintenance, sale, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agricultural land uses do not include slaughterhouses or the processing of crops, produce, animals for public purchase or consumption as to constitute a commercial or industrial land use.

**AGRITOURISM.** Includes any commercial enterprise that links agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating.

**AIRPORT.** A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

**AIRPORT, PRIVATE USE.** Airports which are intended for use by certain individuals or associations and not to the public.

**ALLEY.** A public right-of-way which provides a secondary means of access to abutting property.

**ANIMAL UNIT.** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors shall apply. For animals not listed, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

<b>Animal</b>	<b>Animal Unit</b>
Dairy Cattle	
Mature Cow (1,000 pounds or over)	1.4
Mature Cow (Under 1,000 pounds)	1.0
Heifer	0.7
Calf	0.2
Beef Cattle	
Slaughter Steer or Stock Cow	1.0
Feeder Cattle or Heifer	0.7
Cow and Calf Pair	1.2
Calf	0.2
Swine	
Over 300 pounds	0.4

Between 55 and 300 pounds	0.3
Under 55 pounds	0.05
Horse	1.0
Sheep or Lamb	0.1
Chicken (Liquid Manure System)	0.0333
Chicken (Dry Manure System)	
5 pounds or over	0.005
Less than 5 pounds	0.003
Turkey	
5 pounds or over	0.018
Less than 5 pounds	0.005
Duck	0.01

***ANIMALS, DOMESTIC.*** Any animal commonly accepted as a domesticated household pet. Unless otherwise defined, such animals shall include dogs; cats; caged birds including pigeons; gerbils; hamsters; guinea pigs; domesticated rabbits; fish; non-poisonous, non-venomous, and non-constricting reptiles or amphibians; and other similar animals.

***ANIMALS, FARM.*** Any animal commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (excluding Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

***ANTENNA RELATED.***

(a) *Personal Wireless Service.* A device consisting of a metal, carbon, fiber, or other electromagnetically conductive rods or elements on a single supporting pole or other structure, and used for the transmission and reception of wireless communications including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services.

(b) *Public or Commercial Radio and Television, Broadcast Transmitting.* A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming and including the support structure thereof.

(c) *Public Utility Microwave.* A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the support structure thereof.

(d) *Radio and Television Receiving.* A wire, set of wires, metal or carbon fiber element(s) other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the support structure thereof.

(e) *Satellite Dish.* A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television receive only) and satellite microwave antennas and support structure thereof.

(f) *Satellite Dish Height.* The height of the antenna or dish measured vertically from the highest point of the antenna or dish when positioned for operation, to the top of the foundation which supports the antenna.

(g) *Short-Wave Radio Transmitting and Receiving.* A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave and citizen band radio communications, and including the supporting structure thereof.

(h) *Secondary Use.* A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.

(i) *Structure, Public.* An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government agency.

(j) *Support Structure.* Any building or other structure other than a tower which can be used for location of antennas.

(k) *Tower.* Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.

(l) *Tower, Temporary Mobile.* Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, which is commonly referred to as Cellular on Wheels (COW).

***APARTMENT.*** A room or suite of rooms which is designed for, intended for, or used as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

***APPLICANT.*** The person(s) whose name(s) are on an application as owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this ordinance are being considered or reviewed.

***ASSISTED LIVING FACILITY:*** A facility that provides sleeping accommodations to one or more adult residents, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for the establishment, as defined in M. S. §144G.



***AUTOMOBILE REPAIR-MAJOR.*** General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

***AUTOMOBILE REPAIR-MINOR.*** An establishment providing goods or services related to passenger motor vehicles such as car washes; repair businesses limited to minor engine repair, fluid changing, tire service and muffler repair; and other uses of similar character, but not including uses defined as a major automobile business or automobile sales.

***AUTOMOBILE SALES.*** The use of any building or land area for the display and sale of new or used passenger motor vehicles, motorcycles, trucks, vans, trailers or recreational vehicles including any major or minor automobile repair or service uses conducted as an accessory use.

***AUTOMOBILE SERVICE STATION.*** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

***BASE MAP.*** A map having sufficient points of reference, such as state, county or municipal boundary lines, streets, easements, and other selected physical features to allow the plotting of other data.

***BASEMENT.*** That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling for more than 50 percent of its perimeter.

***BATCH PLANT.*** A temporary facility/device that produces or processes concrete or asphalt for a specified construction project over a defined period of time.

***BAY.*** A part of a building projecting or cantilevered from the main part.

***BEVERAGE PRODUCTION AND BOTTLING.*** A facility for the production and bottling of beverages including but not limited to soft drinks, milk, beer, wine, spirits, etc., but not including hazardous or toxic materials.

***BOARDER.*** An individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

***BOARDING HOUSE.*** A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals and/or lodging are provided to three (3) to 10, not of the principal family therein, and not to anyone who may apply.

***BOATHOUSE.*** A structure used solely for the storage of boats or boating equipment.

***BREW PUB.*** A restaurant that conducts the retail sale of malt liquor brewed on the premise and licensed under M. S. §340A.24. Areas used exclusively for brewing operations shall not

exceed 25 percent of the total floor area. Included within this use is the off-sale of malt liquor produced on site in refillable growlers pursuant to M. S. §340A.285.

**BREWER TAPROOM.** Facility on the premises of, or adjacent to, a malt liquor beverage production facility / brewery intended for the on-sale and consumption of malt liquor produced by the brewer pursuant to M. S. §340A.26. A brewer taproom may include a restaurant.

**BUFFER.** The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights or other impacts.

**BUFFER YARD.** A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

**BUILDABLE AREA.** The portion of a lot remaining after yards have been provided.

**BUILDABLE LAND, CONTIGUOUS.** Land area occurring within the lot lines of a parcel or lot excluding wetlands and/or water bodies and not separated by those wetlands and/or waterbodies.

**BUILDING.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

**BUILDING COVERAGE.** The horizontal area measured within the outside of the exterior walls and supporting columns of the ground floor of all principal and accessory buildings on a lot.

**BUILDING HEIGHT.** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

(a) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.

(b) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in (a) above is more than 10 feet above lowest grade.

**BUILDING LINE.** A line parallel to a lot line, street right of way, street easement, or the ordinary high water level at the required setback which establishes the area within which the principal structure must be constructed or located.

**BUILDING, POLE.** Any structure possessing the following characteristics: structural wood poles or timbers buried in ground without footings or with individual footings; and metal wall coverings hung in a manner that the wall coverings provide structural support for the wood frame. Such definition shall not include or apply to decks, sign supports, earth retention structures,

playground equipment, electric utilities, or any other similar structure not covering or enclosing a specific area.

***BUILDING, PRINCIPAL.*** A building in which is conducted the principal use of the lot on which it is located.

***BUSINESS.*** Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold or where services are offered for compensation.

***CANOPY.*** An accessory roof-like structure, which is either attached to or detached from an allowable primary building; which is open on all sides, other than where attached; and which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street motor vehicle service areas.

***CARPORT.*** A permanently constructed motor vehicle shelter having one (1) or more sides open.

***CERTIFICATE OF SURVEY.*** A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

***CHANNEL.*** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.

***CHURCH.*** A building, together with its accessory buildings and use, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

***CITY COUNCIL.*** The governing body for the City of Lino Lakes.

***CLUB OR LODGE.*** A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests.

***CLUSTER DEVELOPMENT.*** A form of residential development that groups buildings or lots to provide common open space.

***COMMERCIAL USE.*** The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

***COMMUNITY GARDEN.*** A facility on public land for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one (1) person or family.

***COMPREHENSIVE PLAN.*** A Comprehensive Plan prepared and approved by the City, including a compilation of policy statements, goals, standards, fiscal guidelines, and maps indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the City, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**CONDITIONAL USE.** A land use or development that may not be appropriate generally within a certain district but may be allowed in that district with appropriate restrictions, conditions or limitations as imposed by the City Council.

**CONDITIONAL USE PERMIT.** A permit issued by the City Council in compliance with the procedures specified within this ordinance as a device to enable the City Council to assign conditions to a proposed use or development after consideration of the adjacent land uses and the special characteristics which the proposed use presents.

**CONDOMINIUM.** A multiple-family dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, M. S. §515.01 through §515.29.

**CONDOMINIUM ASSOCIATION.** The community association that administers and maintains the common property and common elements of a condominium.

**CONFERENCE CENTER.** A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A conference center is not designed to be only utilized by the general public for overnight purposes.

**CONSTRUCTION.** The erection, alteration or extension of a structure.

**COOPERATIVE HOUSING.** A multiple-family dwelling owned and maintained by the residents and subject to the provisions of M. S. §515B. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

**CUL-DE-SAC.** (See Street, Cul-de-sac)

**DATA CENTER.** An establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

**DAY CARE FACILITY.** Any facility licensed by the State Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24-hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, daytime activity centers, day treatment programs and day services, as defined by M. S. §245A.02.

**DECK.** Horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending above grade.

**DENSITY.** The number dwelling units per unit of land. In this ordinance, net density shall mean number of dwelling units per acre of contiguous buildable land. Gross density shall mean number of units per acre of the total subject property.

**DETACHED GARAGE.** A one-story accessory building used or intended for the storage of driven passenger motor vehicles and motorcycles.

**DETACHED OUTDOOR LIVING AREA.** A flat surfaced seasonal outdoor room intended for casual human use which may be screened but may not have permanent structural walls or be covered by a permanent roof.

**DEVELOPMENT.** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

**DISTRICT.** A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

**DOCK (BOAT LAUNCH).** A structure accessory to the principal use of the property which extends into navigable waters and used for the launching, landing or mooring of watercraft.

**DORMITORY.** A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

**DRAINAGE.** The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

**DRAINAGE SYSTEM.** Any natural or artificial feature or structure used for the conveyance, drainage, or storage of surface and/or underground water, including, but not limited to, streams, rivers, creeks, ditches, channels, conduits, gullies, ravines, washes, lakes or ponds and structures such as culverts, drainage tile, dams, bridges and water storage basins.

**DRAINAGEWAY.** Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

**DRIVE-THROUGH FACILITIES.** A physical facility that permits customers to receive services or obtain goods while remaining in their motor vehicles. Examples include but are not limited to bank and fast food restaurant drive-through facilities.

**DRIVEWAY.** A private roadway providing access for motor vehicles to a parking space, garage, dwelling or other structures.

**DWELLING.** A building or portion thereof which is used exclusively for human habitation.

***DWELLING, EFFICIENCY.*** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

***DWELLING, MULTIPLE-FAMILY.*** A building containing more than two dwelling units.

***DWELLING, SINGLE FAMILY DETACHED.*** A building which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

***DWELLING, TOWNHOUSE.*** A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

***DWELLING, TWO FAMILY.*** A building containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

***DWELLING UNIT.*** One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

***EASEMENT.*** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

***ELDERLY (SENIOR CITIZEN) HOUSING.*** A multiple dwelling building with open occupancy limited to senior citizens.

***ESSENTIAL SERVICES.*** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer transmission, distribution, collection, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Personal wireless service and commercial broadcasting antennas and towers shall not be considered an essential service.

***EVENT CENTER/RECEPTION HALL.*** A facility located on private property that primarily functions to provide a facility for any type of social gathering that is available for use by various groups for such activities as public assemblies, meetings, private meetings, retreats, parties, weddings, receptions and dances.

***EXISTING USE.*** The use of a lot or structure at the time of the enactment of a zoning ordinance.

**EXTRACTIVE USE.** The use of the land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals and peat not regulated under M. S. §93.44 to §93.51.

**FAMILY.** An individual or two (2) or more persons related by blood or marriage or of not more than five (5) persons who need not be related by blood or marriage living together in a dwelling unit.

**FARM.** Real property used for commercial agriculture or horticulture.

**FEEDLOT.** A confined area or structure used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate but not including barns, pens or other structures used in a dairy farm operation.

**FENCE.** Any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.

**FILLING.** The act of depositing any rock, soil, gravel, sand or other material on a site.

**FINANCIAL INSTITUTION.** An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: banks, credit unions or savings and loans.

**FLOOD.** A temporary rise in a stream flow or stage which results in inundation of the areas adjacent to the channel.

**FLOODPLAIN.** The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

**FLOOR AREA, GROSS.** The sum of the gross horizontal areas of the several floors of a building or portion thereof devoted to a particular use, as measured from the exterior face of the exterior walls or from the centerline of a common wall of the building or portion thereof devoted to a particular use.

**FLOOR AREA, NET.** The total of all floor areas of a building from the inside perimeter walls, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**FOOTPRINT.** The horizontal area measured within the outside of the exterior walls and supporting columns of the ground floor of a building or structure.

**GARAGE.** A building or structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

**GARAGE, PRIVATE.** A detached accessory building or an attached accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the

family or families who reside upon the premises and in which no occupation or business for profit is carried on, and enclosed on all four sides and pierced only by windows and customary doors.

***GARAGE, PUBLIC.*** A garage other than a private garage, used for the housing or care of motor vehicles, or where such vehicles are equipped for operation repairs, or kept for remuneration, hire or sale.

***GARAGE SALE.*** Any display of used goods and/or salesmen samples for sale of said goods on a property customarily used as a residence. The persons conducting the sale shall be residents of the immediate neighborhood.

***GAZEBO.*** A freestanding accessory structure or pavilion from which views of surrounding scenery are commonly offered. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.

***GOLF COURSE.*** An outdoor facility with at least nine (9) holes for playing golf and that may include accessory facilities and uses that serve the golfers such as a clubhouse, driving range, pro shop, restaurants or other food and beverage services with or without outdoor dining areas, maintenance buildings, cart storage, shelters, lockers and showers. This definition includes outdoor driving ranges but does not include miniature golf courses. On-sale liquor sales may be an accessory use at a golf course provided the license required by City Code Chapter 700 is obtained and current.

***GOLF COURSE, MINIATURE.*** A facility for playing a novelty, small version of golf played with a putter, typically comprised of miniature putting greens with artificial playing surfaces and obstacles such as bridges and tunnels.

***GRADE (ADJACENT GROUND ELEVATION).*** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and lot line, or when the lot line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

***GRADING PLAN.*** Existing topography and proposed finished grades with a contour interval of no greater than two (2) feet clearly indicating the relationship of proposed changes to existing topography and remaining features.

***GREENHOUSE/NURSERY, COMMERCIAL.*** An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance. (A greenhouse/nursery that does not conduct retail or wholesale is considered horticulture.)

***HAZARDOUS WASTE.*** Any refuse, sludge, or other waste material or combination thereof in solid, semi-solid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:

(a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or



(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammable substances, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

***HISTORIC SITE.*** A structure or area of land or water of historic, archaeological, paleontological or architectural value which has been designated as a historic site in the Federal Register of historical landmarks, the Minnesota Historical Society, or by a local governmental unit.

***HOME EXTENDED BUSINESS.*** A business conducted as part of a residential use which is beyond the limits and scope of activities for home occupations as defined by this subdivision.

***HOME OCCUPATION.*** Any activity by a resident carried out for business purposes and which activity is clearly incidental and secondary to the residential use of the premises, and which activity does not change the residential character thereof.

***HOMEOWNERS ASSOCIATION.*** A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

***HORTICULTURE.*** The use of land for the growing or production for income of fruits; vegetables; flowers; nursery stock, including ornamental plants and trees; and cultured sod. Horticulture is a type of agricultural use.

***HOSPITALITY BUSINESS.*** An establishment offering transient lodging accommodations on a daily rate to the general public, leasable events, meeting or conference facilities, exhibition halls or other uses of similar character including hotels, motels, convention facilities, and hospices.

***HOUSEBOAT.*** A watercraft vessel having a super structure resembling a house, usually moored and designed and used as a dwelling.

***IMPERVIOUS SURFACE.*** A compacted surface or a surface covered with material (i.e., gravel, asphalt, concrete, Class 5, etc.) that increases the depth of runoff compared to natural soils and land cover. This includes but is not limited to roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures.

***INDIVIDUAL SEWAGE TREATMENT SYSTEM OR INDIVIDUAL SEWAGE DISPOSAL SYSTEM.*** A sewage treatment system, or part thereof, serving a dwelling, other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Individual sewage treatment system includes holding tanks and privies (per Minnesota Rules 7080).

***INDUSTRIAL PARK.*** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

***INTERIM USE.*** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow said use.

***IRRIGATION SYSTEM.*** Any structure or equipment, mechanized or other, used to supply water for landscaping, vegetation, commercial agriculture or horticulture, including, but not limited to, wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.

***JUNK YARD.*** Any area, lot, land, parcel, building structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk.

***KENNEL, COMMERCIAL.*** Any structure or premises on which dogs are kept for the business of boarding for a fee, for the business of breeding for sale or other profit-making purpose, and not solely for private enjoyment.

***KENNEL, PRIVATE.*** Any structure or premises on which no more than four (4) dogs, over six months of age, are kept for private enjoyment and not for monetary gain.

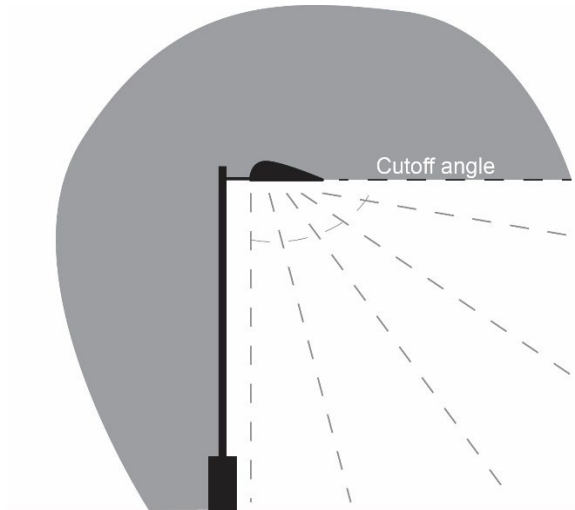
***LAND RECLAMATION.*** The process of the re-establishment of, acceptable topography (i.e., slopes), vegetative cover, and soil stability, and the establishment of safe conditions appropriate to the subsequent use of the land.

***LIGHTING RELATED.***

(a) *Cutoff.* The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

(b) *Cutoff Angle.* The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted (see Figure 1).

Figure 1. Cutoff Angle



(c) *Cutoff Type Luminaire.* A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees.

(d) *Flashing Light.* A light source which is not constant in intensity or color at all times while in use.

(e) *Foot candle.* A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

(f) *Light Source.* A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

(g) *Luminaire.* A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

(h) *Outdoor Lighting.* Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on freestanding poles.

(i) *Outdoor Light Fixture.* Outdoor electrically powered illuminating devices; outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for:

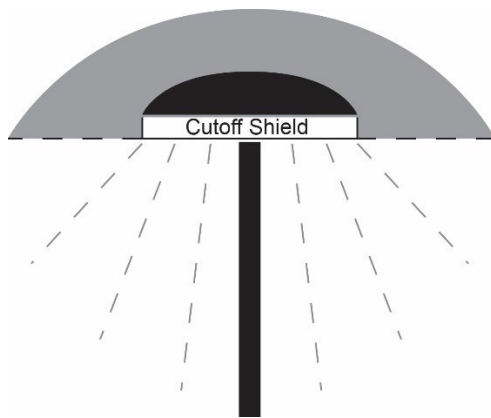
1. Buildings and structures.
2. Recreational areas.
3. Parking lot lighting.
4. Landscaping lighting.

5. Signs.
6. Street lighting.
7. Product display area lighting.
8. Building overhangs and open canopies.

(j) *Security Lighting.* Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

(k) *Shielding.* A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture (see Figure 2).

Figure 2 – Shielding



(l) *Spillage.* Any reflection, glare or other artificial light that emits onto any adjoining property or right-of-way and is above a defined maximum illumination.

**LIQUOR SALES, OFF-SALE.** Licensed sale of intoxicating beverages for consumption off site.

**LIQUOR SALES, ON-SALE.** Licensed sale of intoxicating beverages for consumption at the premises where the beverage is purchased.

**LOT.** A tract of land, designated by metes and bounds, registered land survey, or plat, and separated from other tracts of land by legal description approved by the City of Lino Lakes and recorded or to be recorded with Anoka County. Also referred to as a “parcel” or “property”.

**LOT AREA.** The total area within the lot lines of a lot measured in a horizontal plane.

**LOT, BASE.** Lots meeting all the specifications in the zoning district prior to being subdivided into a two family dwelling or townhome subdivision.

**LOT, CORNER.** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

**LOT DEPTH.** The mean horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.

**LOT, DOUBLE FRONTAGE.** A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.

**LOT FRONTAGE.** The narrowest lot boundary abutting a public street or street easement that meets minimum lot width requirements. If none of the boundaries abutting a public street or street easement meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a street.

**LOT, INTERIOR.** A lot, other than corner lots, including through lots.

**LOT LINE.** A property boundary line of any lot held in single or separate ownership except that where any position of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

**LOT LINE, FRONT.** The lot line separating a lot from the street right-of-way along the lot frontage.

**LOT LINE, REAR.** The lot line opposite and most distant from the lot frontage which connects the side lot lines. For the purposes of this ordinance, the rear lot line of a triangular lot shall be a line entirely within the lot at least 10 feet long and parallel to and most distance point from the front lot line. If the front lot line on such a lot is curved, the rear lot line shall be parallel to a line tangent to the front lot line.

**LOT LINE, SIDE.** Lot lines extending away from the lot frontage, which connects the front and rear lot lines.

**LOT OF RECORD.** Any lot which is one (1) unit of a plat duly approved and filed, or one (1) unit of an auditor's subdivision or a registered land survey, that has been recorded with Anoka County, prior to the effective date of this ordinance.

**LOT, THROUGH.** A lot fronting on two parallel streets.

**LOT, TRIANGULAR.** A lot in which the side lot lines converge into a single vertex. The vertex shall be deemed to be the rear lot line.

**LOT, UNIT.** Lots created from the subdivisions of a two family dwelling or townhome having different minimum lot size requirements than the conventional base lots within the zoning district.

**LOT WIDTH.** The horizontal distance between the side lot line of a lot measured at the front building setback line and parallel to the front lot line. If the front lot line is curved, such as on a cul-de-sac, the lot width is measured along a line parallel to a tangent to the front lot line.

**MANUFACTURED HOME.** A manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width, or 40 body feet or more in length, or, when erected on side, is 320 or more square feet. It is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certificate required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under M. S. §327 including the Manufactured Home Building Code adopted therein.

**MANUFACTURED HOME SUBDIVISION.** A subdivision designed and/or intended for the sale of lots for residential occupancy by manufactured homes.

**MANUFACTURED HOME LOT.** A plot of land for placement of a single manufactured home within a manufactured home park.

**MANUFACTURED HOME PARK.** Any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any buildings or structures used or intended for use as part of the equipment of the manufactured home park.

**MANUFACTURING.** An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across lot lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products.

**MASS TRANSIT TERMINAL.** The property, equipment and improvements owned, used, constructed, maintained, controlled, or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations and parking lots.

**MICRODISTILLERIES.** A distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year, which distillery is licensed under Minnesota Statutes section 340A.

**MOBILE HOME.** A single family detached dwelling unit or other structure designed for year-round occupancy constructed at a factory or assembly plant and drawn to the site on a permanently attached undercarriage and wheels. Mobile homes should not include all types of manufactured homes as defined herein.

**MODEL HOME.** A home which is similar to others in a development and is open to public inspection for the purpose of selling said other homes.

**MOTOR FUEL STATION.** A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not automobile major repairs and rebuilding.

**MOTOR VEHICLE.** A self-propelled device licensed as a motor vehicle and used for the transportation of people or goods over roads.

**MOTOR VEHICLE SALES LOT.** The use of any building, land area, other premises or portion thereof, for the display, sale, or lease of automobiles, trucks, vans, trailers, or recreational vehicles.

**NON-CONFORMING STRUCTURE OR USE.** A structure, use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

**NUISANCE.** Anything defined as a nuisance by Section 900 of the City Code.

**NURSING HOME (REST HOME).** A building having accommodations where care for pay is provided for two (2) or more invalids, infirm, aged or convalescent persons who are not of the immediate family; but not including hospitals, clinics, sanitariums, or similar institutions.

**OFFICE BUSINESS-CLINIC.** An establishment located within a building or portion of a building providing out-patient health services to patrons, including general medical clinics, mental health providers, chiropractor, dentists, orthodontia, oral surgeons, opticians, and other uses of similar character.

**OFFICE BUSINESS-GENERAL.** An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional administrative or clerical service operations including attorneys, financial advisors, insurance, travel, real estate, and other uses of similar character.

**OFF-STREET LOADING SPACE.** A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials.

**ON-STREET PARKING SPACE.** A temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

**OPEN AIR MARKET.** An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

**OPEN SPACE.** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**OPEN SPACE, PRIVATE.** Common open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

**OPEN SPACE, PUBLIC.** Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

**ORDINARY HIGH WATER LEVEL (OHWL).** The boundary of public waters and wetlands as determined by the Minnesota Dept. of Natural Resources: an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**OUTDOOR STORAGE.** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building for a period greater than 24 hours.

**PARCEL.** A tract of land, designated by metes and bounds, registered land survey, or plat, and separated from other tracts of land by legal description approved by the City of Lino Lakes and recorded or to be recorded with Anoka County. Also referred to as a “lot” or “property”.

**PARK, PRIVATE.** A tract of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.

**PARK, PUBLIC.** A tract of land publicly owned and used by the public for active and/or passive recreational purposes.

**PARKING AREA.** Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking spaces, parking lots, garages, private streets, and legally designated areas of public streets.

**PARKING LOT.** An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

**PARKING SPACE.** A space for the parking of a motor vehicle within a public or private parking area.

**PARTY WALL.** A common shared wall between two (2) separate structures, buildings, or dwelling units.

**PASSENGER MOTOR VEHICLE.** Any motor vehicle, including pickup trucks and vans, designed and used for carrying not more than 15 individuals including the driver.

**PATIO.** A level, surfaced area directly adjacent to a principal building at or within three (3) feet of the finished grade, without a permanent roof which is intended for outdoor lounging, dining and the like.



**PERMITTED USE.** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSONAL SERVICE.** Personal services shall include the following: barber shops, beauty salon, electrolysis, manicurist, tanning parlor, physical therapy, therapeutic massage, tattooing, and body piercing.

**PLANNED UNIT DEVELOPMENT.** An area to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and/or one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of non-residential uses to residential uses as shall be specified.

**PLAY AND RECREATIONAL FACILITIES.** Equipment customary and incidental to the principal use of the site intended for the enjoyment and convenience of the residents of the principal use and their occasional guests. Such facilities include swing sets, play sculptures, sand boxes, picnic tables, basketball standards, barbeque grills and the like.

**PRINCIPAL USE.** The primary or predominant use of any lot and/or building.

**PROPERTY.** A lot, parcel, or tract of land.

**PUBLIC, EDUCATIONAL, AND RELIGIOUS BUILDINGS.** Public or semi-public recreational buildings and neighborhood or community centers; limited to nursery, elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples, mosque, and synagogues

**PUBLICATION.** Notice placed in the official City newspaper stating time, location and date of meeting and description of the topic.

**QUARTER-QUARTER SECTION.** The northeast, northwest, southwest or southeast quarter of a quarter section delineated by the United States Government system of land survey and which is exactly or nearly 40 acres in size.

**RECREATION AREA.** An outdoor area which may include water bodies and incidental buildings thereto used or intended for active or passive recreation, including, but not limited to, parks, playground, hunting preserves, polo grounds, nature trails, bridle paths, beaches, campsites, ski and snowmobile trails, and canoe routes, provided that parcels on which there are located stadiums, arenas, bowling alleys, swimming pools, and other recreational activities conducted primarily in structures are not recreation areas.

**RECREATIONAL BUSINESS.** Arcade, health club, gymnasium, bowling alley, billiard (pool) hall, dance hall, dance studio, skating rink, theater, or indoor firearms range.

**RECREATIONAL VEHICLE.** A vehicle designed and used for recreational purposes and enjoyment including, but not limited to, snowmobiles, motorized all-terrain vehicles, boats, race cars, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**RELATIVE.** Father, mother, brother, sister, son, daughter, son-in-law or daughter-in-law.

**RESEARCH LABORATORIES.** A use engaged in research and development, testing, assembly, repair, and manufacturing. Examples include research labs in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use.

**RESIDENTIAL FACILITY, STATE LICENSED.** Any program, defined by M. S. §245A.02, subd. 14, that provides 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home, including a program in an intermediate care facility for four or more persons with developmental disabilities; and chemical dependency or chemical abuse programs that are located in a hospital or nursing home and receive public funds for providing chemical abuse or chemical dependency treatment services under chapter 254B. Residential programs include home and community-based services for persons with mental retardation or a related condition that are provided in or outside of a person's own home.

**RESTAURANT.** An establishment that serves food in individual servings for consumption on or off premises, including sit-down restaurants, take out, pick up, or delivery food sales, but not including drive-through facilities. Outdoor dining areas and drive-through facilities may or may not be allowed in each zoning district as they are not automatically allowed when a restaurant is an allowable use.

**RESTRICTIVE COVENANT.** A restriction on the use of land usually set forth in the deed.

**RETAIL BUSINESS.** An establishment engaged in the display and sale of products produced off-site directly to consumers within a building or portion of a building excluding any exterior display and sales.

**RETAINING WALL.** A wall not laterally supported at the top that resists lateral soil load and other imposed loads.

**RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a street, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term **RIGHT-OF-WAY** for land platting purposes shall mean that every **RIGHT-OF-WAY** hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining the **RIGHT-OF-WAY** and not included within the dimensions or areas of the lots or parcels. **RIGHT-OF-WAY** intended for streets, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the recording of the plat on which the **RIGHT-OF-WAY** is established.

**ROADSIDE STANDS.** A temporary use which is primarily engaged in the sale of fresh agricultural products, locally grown on- or off-site, but may include, incidental to fresh produce sale, the sale of limited prepackaged food products and non-food items.

**SANITARY LAND FILL.** A site used for solid waste disposal.

**SCHOOL.** Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

**SCHOOL, PRIVATE.** Any building or group of buildings the use of which meets state requirements for primary, secondary, or higher education and which use does not secure the major part of its funding of any governmental agency.

**SELF-STORAGE, INDOOR.** A fully enclosed, climate-controlled building that contains separate, individual and private storage spaces of varying sizes, leased or rented on an individual basis for the storage of personal property. Individual renters' control and access individual storage spaces and each unit must be directly accessed from the interior of the building via its own access door. Outdoor access to individual units is prohibited. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Such facilities to be used for storage only.

**SELF-STORAGE, MINI.** An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household goods or personal belongings.

**SERVICE BUSINESS OFF-SITE.** A company that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the service is provided at the customer's location, including delivery services, catering services, plumbing and sewer services, and other uses of similar character.

**SERVICE BUSINESS ON-SITE.** An establishment that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks (not including drive-through facilities), copy centers, laundromats, dry cleaners, funeral homes and mortuaries, appliance repair, tailor shops, and travel bureaus.

**SETBACK.** The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and an ordinary high water level, sewage treatment system, top of bluff, street, highway, lot line, or other facility.

**SETBACK LINE.** That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal or accessory structure must be constructed or located.

**SHOPPING CENTER.** A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

**SIGN.** Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**SIGN AREA.** The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

**SIGNIFICANT TREE.** – See definition of Tree.

**SPECIMEN TREE.** – See definition of Tree.

**SITE PLAN.** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening device; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**SLOPE.** The degree of deviation of a surface from the horizontal, usually, expressed in percent or degrees.

**SMALL BREWER.** A brewer licensed under section Minnesota Statutes section 340A.301, Subdivision 6, clause (c), (i), or (j) who also holds a retail license to sell off-sale malt liquor at its licensed premises which has been produced and packaged by the brewer.

**SOIL CONSERVATION PLAN.** A description of the soils of the site and information on soil suitability. Also included shall be any remedial steps taken by the developer to render the soils suitable and any erosion and sedimentation controls indicating type and location of control measures. The plan should provide for the protection of soils during the construction process and/or the long-term occupancy of the site.

**SOLAR ENERGY SYSTEM.** A device or structural design feature intended to provide for collection, storage and distribution of solar energy for heating or cooling, electricity generating or water heating.

**SOLAR ENERGY SYSTEM, BUILDING INTEGRATED.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building.

**SOLAR FARM.** An area of land designated for the purpose of producing photovoltaic electricity, as a principal use of the land, for wholesale production or for a community solar production.

**SPORT COURT.** An outdoor facility that typically includes a paved playing surface for one or more sport activities such as, but not limited to, tennis, basketball, hockey, or volleyball.

**STABLE, COMMERCIAL.** The business of boarding horses for fee for persons not residing on the premises and may include instruction, exhibition and sale of horses. This shall include the raising and breeding of horses.

**STORAGE BUILDING.** A one-story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment, boats, snowmobiles, etc.

**STORAGE, OUTDOOR.** See “outdoor storage.”

**STORY.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story.

**STORY, FIRST.** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than 50 percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

**STREET, COLLECTOR.** A street which collects traffic from local streets and connects with minor and major arterials. See City’s Functional Classification System for Roadways contained in the Comprehensive Plan.

**STREET, CUL-DE-SAC.** A local street, one end of which is closed and consists of a circular turn around.

**STREET, LOCAL.** A street designed to provide vehicular access to abutting property and to discourage through traffic. See City’s Functional Classification System for Roadways contained in the Comprehensive Plan.

**STREET, MINOR ARTERIAL.** A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets. See City’s Functional Classification System for Roadways contained in the Comprehensive Plan.

**STREET, PRIVATE.** Any street not dedicated to the public and to be maintained by a private entity.

**STREET, PUBLIC.** A right-of-way affording access by pedestrians and vehicles, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, court, way, trail or however otherwise designated. Private, ingress and egress easements shall not be considered streets.

**STRUCTURE.** Anything which is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.

**STRUCTURE ALTERATION.** Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

**SUBSTANTIAL IMPROVEMENT.** Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds 50 percent of the fair market value

of a property either before the improvement is started or if the property has been damaged and is being restored, before the damage occurred.

**SWIMMING POOL.** A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above surface pool having a depth of more than 30 inches designed, used and maintained for swimming and bathing.

**TASTING ROOM.** An area used for accessory alcoholic beverage retail consumption on the premises where the alcoholic beverages are produced.

**TEMPORARY STRUCTURE.** A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**TERRACE.** A raised flat area with sloping sides or sides held by retaining walls, unroofed and landscaped or surfaced.

**TOOL SHED.** A small one-story accessory building used or intended for the storage of hobby tools and garden equipment.

**TOPOGRAPHY.** The configuration of a surface area showing relative elevations.

**TOWNHOUSE.** A single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.

**TRACT.** An area, parcel, site, piece of land, or property.

**TRADE OR BUSINESS SCHOOL.** A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school.

**TRAILER.** A vehicle without motive power, designed to be towed by a passenger motor vehicle but not designed for human occupancy and which includes but is not limited to a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

**TRANSIENT MERCHANT.** Any individual person whose business in the city is temporary or seasonal and consists of selling and delivering merchandise within the city, and who in furtherance of the purpose uses or occupies any structure, vehicle or other place for the exhibition and sale of the merchandise.

**TREE.** Any of the following type of trees, as each is defined herein:

(a) *Coniferous Tree.* A woody plant which, at maturity, is at least 12 feet or more in height, having foliage on the outermost portion of the branches year round.

(b) *Deciduous Tree.* A woody plant which, at maturity, is at least 15 feet or more in height, having a defined crown, and which sheds leaves annually.

(c) *Significant Tree.* A healthy tree measuring a minimum of six (6) inches in diameter at breast height (DBH) for deciduous trees, or a minimum of 12 feet in height for coniferous trees.

(d) *Significant Tree Stand.* A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying 500 or more square feet of property, which are comprised of deciduous trees six (6) inches or larger DBH or coniferous trees 12 feet or higher in height.

(e) *Specimen Tree.* A healthy hardwood tree measuring equal to or greater than 30 inches DBH and/or a coniferous tree measuring 50 feet or greater in height.

**TREE CERTIFICATION.** A certified inventory of trees on the site after work is complete listing all trees and their final disposition, which is signed by a licensed forester or landscape architect.

**TREE PRESERVATION PLAN.** A plan and inventory certified by a forester or landscape architect indicating all of the significant trees and their locations in the proposed development or on the lot. The tree preservation plan shall include the size, species, tag numbers, and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

**TRUCKING TERMINAL.** Land or buildings used primarily as a relay station for the transfer of freight from one vehicle to another or one party to another rather than permanent or long term storage. The terminal facility might include storage areas for trucks and buildings for truck maintenance and repair.

**VARIANCE.** A modification of the strict provisions of this ordinance as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship imposed upon the property by this ordinance. A variance shall normally be limited to height, density and yard requirements. A modification in the allowable uses within a district shall not be considered a variance.

**VETERINARY HOSPITAL.** A place for the treatment, hospitalization, surgery, care and boarding of animals and birds, under the direction of one or more licensed veterinarians.

**WAREHOUSE.** A building used for warehousing.

**WAREHOUSING AND DISTRIBUTION.** The storage, wholesaling, or distribution of manufactured products, supplies, and equipment.

**WATERBODY OR WATERCOURSE.** Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow which is the result of storm water or ground water discharge. This term does not include man-made piping systems commonly referred to as storm sewers.

**WATERSHED.** The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

**WETLANDS.** An area where water stands near, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics:

(a) Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 6, 7, and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S. 1956".)

(b) Mineral soils with gley horizons or organic soils belonging to the Histosol order (peat and mulch).

(c) Soil which is water logged or covered with water at least three (3) months of the year.

(d) Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and such property, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage, but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to preeminently terrestrial.

**WINERY.** A place that makes wine through the fermentation of grapes. This includes sparkling wine, vermouth, cider, mead, perry and sake.

**WHOLESALE BUSINESSES/SHOWROOMS.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

**YARD.** An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Ordinance.

**YARD, FRONT.** A yard extending across the full width of the lot and lying between the front lot line and the nearest principal building.

**YARD, REAR.** A yard extending across the full width of the lot and lying between the rear lot line and the nearest principal building.

**YARD, SIDE.** A yard extending the depth of a lot from the front yard to the rear yard between the side lot line and the nearest principal building.



***ZERO LOT LINE.*** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

***ZONING ADMINISTRATOR.*** The Community Development Director or as assigned, who is charged with the administration and enforcement of this ordinance.

## *ADMINISTRATION*

### **§ 1007.015 AMENDMENTS: TEXT AND MAP.**

(1) *Purpose.* The purpose of this section is to prescribe the procedure and requirements for any change to the zoning classification, text or zoning boundaries of a property or any amendment to any provision of this chapter.

(2) *Initiation.* Amendments may be initiated by action of the City Council, recommendation of the Planning and Zoning Board, or by petition of a property owner.

(3) *Submittal Requirements.*

(a) Petitions for text amendments shall include detailed written and graphic materials fully explaining the proposed change.

(b) Petitions for map amendments shall include, as determined by the Community Development Director, either site and building plans consistent with the requirements established in City Code Section 1007.020 (Site and Building Plan Review) or information required by City Code Chapter 1000 for a plat submittal.

(4) *Procedure.* An application for zoning (text or map) amendment shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

(a) The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8). The request for the amendment shall be placed on the agenda of the Planning and Zoning Board according to the City's deadline and meeting schedule.

(b) The City shall set the date for a public hearing and have notice of such hearing published in the legal newspaper at least 10 days prior to said hearing in accordance with M. S. §462.357, Subd. 3.

(c) The City shall mail notice of the public hearing to all property owners within 600 feet of any property proposed for zoning text or map amendments. Said notice shall be mailed at least 10 days prior to the day of the public hearing in accordance with M. S. §462.357, Subd. 3. Failure of any property owner to receive the mailed notification shall not invalidate the proceedings.

(d) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation of the action to the City Council.

(e) The Planning and Zoning Board shall hold the public hearing and consider possible adverse effects of the proposed amendment. Its judgement shall be based upon, but not limited to, the following factors:

1. The proposed action is consistent with the official City Comprehensive Plan.
2. The proposed action is or will be compatible with present and future land uses of the area.
3. The proposed action conforms with all performance standards contained herein.
4. The proposed action can be accommodated with existing public services and will not overburden the City's service capacity.
5. Traffic generation by the proposed action is within capabilities of streets serving the property as described in City Code Section 1007.020(4)(d).

(f) The Planning and Zoning Board shall make findings of fact and recommend approval or denial of the request. Such recommendation shall be accompanied by the report and recommendation of the City staff.

(g) Approval of a proposed amendment shall require passage by a majority vote of all members of the City Council except that the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a four-fifths (4/5) majority vote of all members of the City Council. If the City Council denies a request, it shall state in writing the reasons for the denial at the time it denies the request.

(h) An amendment to this chapter, adopted by the City Council, shall take effect 30 days after its publication or at such later date as it specifies.

(i) No application for a zoning text or map amendment which has been denied shall be resubmitted for a period of 12 months from the date of said order of denial.

## § 1007.016 CONDITIONAL USE PERMITS.

(1) *Purpose.* The purpose of this section is to allow the City to review uses, which because of their unique characteristics, cannot be permitted as of right in a particular zoning district, but which may be allowed upon showing that such use in a specified location will comply with all of the conditions and standards of this zoning ordinance. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and an annual review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm. Conditional use permits may be granted in accordance with this subdivision for any use or purpose for which such permits are required or permitted by this ordinance or as listed as a conditional use for the zoning districts provided in City Code Section 1007.080 through Section 1007.131.

(2) *Submittal Requirements.* An application for a conditional use permit shall be filed with the Zoning Administrator and shall be accompanied with the submittal information as identified in City Code Section 1007.020 (Site and Building Plan Review).

(3) *Procedure.* An application for a conditional use permit shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

(a) The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8). The request for conditional use permit shall be placed on the agenda of the Planning & Zoning Board according to the City's deadline and meeting schedule.

(b) The City shall set the date for a public hearing and have notice of such hearing published in the legal newspaper at least 10 days prior to said hearing in accordance with M. S. §462.357, Subd. 3.

(c) The City shall mail notice of the public hearing to all property owners within 350 feet of the property in question. Said notice shall be mailed at least 10 days prior to the day of the public hearing in accordance with M. S. §462.357, Subd. 3. Failure of any property owner to receive the mailed notification shall not invalidate the proceedings.

(d) The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation of the action to the City Council.

(e) The Planning and Zoning Board shall hold the public hearing and consider possible adverse effects of the proposed conditional use. Its judgement shall be based upon, but not limited to, the following factors:

1. The proposed development application has been found to be consistent with the design standards listed in City Code Section 1007.020(4).

2. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.

3. Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.

(f) The Planning and Zoning Board shall make findings of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Chapter. Such recommendation shall be made in writing and accompanied by the report and recommendation of City staff.

(g) Upon receiving the report and recommendation of the Planning and Zoning Board and the City staff, the City Council shall make a recorded finding of fact and may impose any condition they consider necessary to protect the public health, safety and welfare.

(h) Following approval of the conditional use permit, the City shall file a certified copy thereof including a legal description of the property with the County Recorder and/or Registrar of Title.

(4) *Expiration.* The applicant shall commence the use or construction within one (1) year of the date of approval unless a different time is specified in the conditional use permit. Otherwise, the approval shall be null and void, unless an extension is requested in writing, and for good cause, is granted by the City Council. A conditional use specified in the permit expires if, for any reason, the authorized use ceases for more than one (1) year.

(5) Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. An amended conditional use permit application and requests for changes in conditions shall be administered in a manner similar to that required for a conditional use permit.

(6) All uses existing as of July 14, 1997 that are included in the list of conditional uses for the zoning district in which they are located shall be considered as having a conditional use permit which contains conditions that permit the land use and structures as they existed on said date. Any enlargement, structural alteration, or intensification of such use shall require an amended conditional use permit as provided for above.

(7) No application for a conditional use permit shall be resubmitted for a period of 12 months from the date of said order of denial.

(8) *Revocation.* If an approved conditional use permit is in violation of this ordinance or the conditions of permit approval, the City may initiate a process to revoke the conditional use permit. The City shall then conduct a public hearing to consider the revocation of a conditional use permit. Notifications shall be distributed and published according to paragraph (3)(b) and (c) The public hearing shall be conducted by the Planning & Zoning Board, which shall make a recommendation to the City Council. In considering revocation, the Board and the City Council shall consider compliance with the approved conditions of the conditional use permit and the standards listed in

paragraph (3)(e). The City may also conduct a public hearing and consider revocation if the time requirements of paragraph (4) have not been met.

(9) Following a vote by the City Council to revoke the conditional use permit, the City shall file a certified copy thereof including a legal description of the property with Anoka County.

**§ 1007.017 INTERIM USE PERMITS.**

(1) *Purpose.* The purpose of this section regarding interim uses is:

(a) To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.

(b) To allow a use that is presently judged acceptable by the City Council, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.

(c) To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

(2) *Procedure.*

(a) Interim uses shall be processed according to the standards and procedures for a conditional use permit as established by City Code Section 1007.016.

(b) *General Standards.* An interim use shall comply with the following:

1. Meets the standards of a conditional use permit set forth in City Code Section 1007.016.

2. Conforms to the applicable performance standards of this ordinance.

3. The use is allowed as an interim use in the respective zoning district.

4. The date or event that will terminate the use can be identified with certainty.

5. The use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

6. The user agrees to any conditions that the City Council deem appropriate for permission of the use.

(3) *Termination.* An interim use shall terminate on the happening of any of the following events, whichever first occurs:

(a) The date stated in the permit.

(b) Upon violation of conditions under which the permit was issued.

(c) Upon change in the City's zoning regulations which renders the use non-conforming.

(d) The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

(4) *Revocation.* If an approved interim use permit is in violation of this ordinance or the conditions of permit approval, the City may initiate a process to revoke the interim use permit. The City shall then conduct a public hearing to consider the revocation of an interim use permit. Notifications shall be distributed and published according to paragraph (2). The public hearing shall be conducted by the Planning & Zoning Board, which shall make a recommendation to the City Council. In considering revocation, the Board and the City Council shall consider compliance with the approved conditions of the interim use permit and the standards listed in paragraph (2)(b).



## § 1007.018 VARIANCES AND APPEALS.

(1) *Purpose.* The purpose of this section is to provide for deviations from the requirements of this Chapter, and to provide for the appeal of an interpretation of legislative intent of the provisions of this chapter.

(2) *Board Designation.* The City Council shall serve as the Board of Adjustment and Appeals.

(3) *Variances.* Variances from the requirements of this ordinance, including restrictions placed on nonconformities, may be granted if the following conditions are met:

(a) *Criteria and Findings of Fact.* No variance shall be granted unless it meets all the criteria in paragraphs 1. through 6. or unless paragraph 7. applies. The City shall make findings regarding compliance with these criteria.

1. The variance shall be in harmony with the general purposes and intent of the ordinance.

2. The variance shall be consistent with the official City Comprehensive Plan.

3. There shall be practical difficulties in complying with the ordinance. “Practical difficulties,” as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

4. The plight of the landowner shall be due to circumstances unique to the property not created by the landowner.

5. The variance shall not alter the essential character of the locality.

6. A variance shall not be granted for any use that is not allowed under the ordinance for property in the zoning district where the subject site is located.

7. In accordance with M. S. §462.357, Subd. 6, variances shall be granted for earth sheltered construction as defined in M. S. §216C.06, Subd. 14, when in harmony with the zoning ordinance.

(b) *Submittal Requirements.* An application for a variance shall be filed with the Zoning Administrator and shall be accompanied with the following submittal information:

1. Proof of title and contract/purchase agreement and/or property owner signature on the application form when applicable.

2. Certificate of survey prepared by a licensed land surveyor in compliance with the requirements in City Code Section 1007.020(2)(b). The Community Development Department

may waive the certificate of survey when the survey will not provide information relevant to the variance necessary to review the application.

3. Graphic information, plans, specifications, or other materials that illustrate the requested variance.

4. Narrative description of how the application complies with the variance criteria listed below.

(c) *Procedures.* An application for a variance shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements for variances are as follows:

1. The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8).

2. The request for variance shall be placed on the agenda of the Planning and Zoning Board according to the City's deadline and meeting schedule.

3. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation of the action to the City Council.

4. The petitioner or representative should appear before the Planning and Zoning Board in order to present information or to answer questions. The Board shall make a recommendation to the City Council including findings on compliance with required criteria and conditions to be imposed.

5. The City Council may grant the variance if it has been established that the application complies with all the required criteria. The City shall decide upon requests for variance by approving or denying the same in part or in whole.

6. The City may impose conditions in the granting of variances. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

7. The City Council shall, on all variance applications whether granted or denied, record findings of fact. Such findings shall be recorded in writing and shall state the City Council's reasons for such action. If the City Council denies an application, it shall state in writing the reasons for the denial at the time it denies the application. However, when a vote on a resolution or properly made motion to approve an application fails for any reason, the failure shall constitute a denial of the application provided that those voting against the motion state on the record the reasons why they oppose the application.

8. Following approval of the variance, the City shall file a certified copy thereof including a legal description of the property with the County Recorder or Registrar of Titles.

(4) *Appeal.* An appeal shall only be applicable to an administrative permit, order, requirement or interpretation of intent of provisions of this ordinance. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

(a) *Procedure.* An appeal from an administrative action shall be filed by the property owner or their agent with the Zoning Administrator within 10 days after the making of the order, requirement, or interpretation being appealed.

1. The property owner or their agent shall file with the Zoning Administrator an application for appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council ordinance. In cases where the application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within 10 days of the date of submission.

2. An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the Board of Adjustment Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.

3. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the Board of Adjustments and Appeals.

4. The Board of Adjustment and Appeals shall consider the application for appeal at a public meeting and consider testimony of the property owner and City staff.

5. The Board of Adjustment and Appeals shall make its decision within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant.

6. The Zoning Administrator shall serve a copy of the final order of the Board upon the applicant by mail.

7. No application for a variance shall be resubmitted for a period of 12 months from the date of said order of denial.

(5) *Expiration.* The applicant shall comply with the conditions of approval or complete construction within one (1) year of the date of approval unless a different time is specified in the variance approval. Otherwise, the approval shall be null and void, unless an extension is requested in writing, and for good cause, is granted by the City Council.

**§ 1007.019 ADMINISTRATION: ADMINISTRATIVE PERMITS AND APPROVALS.**

(1) *Purpose.* The purpose of this section is to establish regulations and procedures for the processing and consideration of activities allowed by administrative permit, and of matters requiring the approvals of the Zoning Administrator with the goal of protecting the health, safety, and welfare of the citizens of the City.

(2) *Submittal Requirements.* An application for an administrative permit or approval shall be filed with the Zoning Administrator and shall be accompanied with the following information:

(a) The applicant shall include as part of the application, the applicable submission information as identified in City Code Section 1007.020 Site and Building Plan Review. The Zoning Administrator may waive submission information not deemed necessary for the administrative review.

(b) A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.

(3) *Procedure.* An application for administrative permit shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements are as follows:

(a) The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8).

(b) The Zoning Administrator shall review the applications and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this ordinance.

(c) A written report or letter of approval shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this ordinance shall be attached to the permit or letter.

(d) Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied; unless, within 10 days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.

(e) Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as outlined in City Code Section 1007.018.

(4) *Standards.* All uses, events, or activities allowed by administrative permit shall conform to the applicable standards outlined in the zoning district in which such use, event or activity is proposed.

(5) *Administration and Enforcement.*

(a) The Zoning Administrator shall keep a record of applications and administrative permits or approvals.

(b) A copy of all administrative permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.

(c) Enforcement of the provisions of this paragraph shall be in accordance with City Code Section 1007.023. Violation of an issued permit or of the provisions of this section also shall be grounds for denial of future permit applications.

**§ 1007.020 SITE AND BUILDING PLAN REVIEW.**

(1) *Purpose.* The purpose of this section is to establish Site Plan Review procedures and provides regulations pertaining to the enforcement of site design standards consistent with the requirements of this chapter. All site and building plans for multiple family, commercial, industrial or public/semi-public uses shall require review and approval by the Community Development Department. Relocated structures shall also require a site and building plan review as required by City Code Section 1007.047

(2) *Submittal Requirements.* An application for a site and building plan review shall be filed with the Zoning Administrator and shall be accompanied with the following information:

(a) Proof of title and contract/purchase agreement and property owner signature on the application form when applicable.

(b) Certificate of Survey prepared by a licensed land surveyor identifying the following:

1. Scale (engineering only) of at least one (1) inch equals 100 feet.
2. North point indication.
3. Existing boundaries with lot dimension and lot area.
4. Existing buildings, structures and improvements within 100 feet of the exterior boundaries of the subject property.
5. Easements of record.
6. Delineated wetland boundary.
7. OHWL of any lakes or DNR waters within 100 feet of property.
8. FEMA floodplain boundary and Flood Insurance Study (FIS) base flood elevation (BFE) determination.
9. All encroachments.
10. Legal description.

(c) Site Plan prepared by a licensed professional using the current Certificate of Survey as a base depicting the following:

1. Name of project or development.
2. Name and address of developer and/or owner.
3. Name and address of engineer/architect/designer.

4. Date of plan preparation and dates of any subsequent revisions.
5. All proposed improvements, including:
  - a. Required and proposed setbacks.
  - b. Location, setback and dimensions of all proposed buildings and structures.
  - c. Location of all adjacent buildings and structures within 100 feet of the exterior boundaries of the subject property.
  - d. Location, number, dimensions of all proposed parking spaces, loading areas and drive aisles, with curbing shown.
  - e. Location, width and setbacks of all proposed street accesses and driveways.
  - f. Location, width and setbacks of all proposed sidewalks, walkways and trails.
  - g. Location and type of all proposed lighting, including fixture details.
  - h. Provisions for storage and disposal of waste, garbage and recyclables, including details for enclosing and screening exterior containers.

6. Calculations for impervious/pervious surfaces.

(d) Grading Plan prepared by a licensed engineer using the current Certificate of Survey as a base depicting the following:

1. Existing contours at two- (2) foot intervals.
2. Proposed grade elevations at two- (2) foot maximum intervals.
3. Drainage plan, including the configuration of drainage areas and calculations.
4. Spot elevations and drainage arrows.
5. Surface water ponding and treatment areas.
6. Erosion control measures.
7. Wetland replacement plan (when applicable).
8. Soil borings.
9. Drainage calculations for two- (2), 10-, & 100-year storm events.
10. Delineated wetland boundary, to include OHWL of any lakes or DNR waters.

11. Date of plan preparation and dates of any subsequent revisions.

(e) Tree Survey in accordance with City Code Section 1007.043(17)(l).

(f) Tree Preservation Plan in accordance with City Code Section 1007.043(17)(m).

(g) Landscaping Plan prepared by a licensed landscape architect or licensed engineer using the current Certificate of Survey as a base depicting the following:

1. Planting schedule including:

a. Symbols.

b. Quantities.

c. Common and botanical names.

d. Sizes of plant materials.

e. Root specification (bare root, balled/burlapped, potted, etc.).

f. Special installation instructions.

2. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).

3. Typical sections with details of fences, tie walls, planter boxes, tot lots, picnic areas and the like.

4. Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials to be used.

5. Delineation of both sodded and seeded areas with respective areas measured in square feet.

6. Coverage plan for underground irrigation systems, if any.

7. Other existing or proposed conditions that could be anticipated to affect landscaping.

8. Date of plan preparation and dates of any subsequent revisions.

9. Calculations table showing how required landscaping standards have been met as follows:

a. Canopy Coverage.

i. Total area of vehicular hardscape.



- ii. Required area of coverage.
    - iii. Quantity and value of all trees proposed.
  - b. Foundation Landscape.
    - i. Linear footage of building.
    - ii. Total number of trees and shrubs required.
    - iii. Quantity of trees and shrubs proposed.
  - c. Open Area Landscape.
    - i. Total square footage of open area.
    - ii. Total numbers of trees and shrubs required.
    - iii. Quantity of trees and shrubs proposed.
  - d. Boulevard Trees.
    - i. Linear feet of street frontage or number of lot frontages as applicable.
    - ii. Number of trees required.
- (h) Photometric Lighting Plan, to include fixture details/cut sheets/drawings.
  - 1. Date of plan preparation and dates of any subsequent revisions.
- (i) Architectural Plans prepared by a licensed architect.
  - 1. Date of plan preparation and dates of any subsequent revisions.
  - 2. Architectural elevations, in color, of all principal and accessory buildings and structures (type, color, and materials used in all exterior surfaces).
  - 3. Typical floor plan and typical room plan drawn to scale with a summary of square footage by use or activity.
- (j) Utility Plan prepared by a licensed engineer.
  - 1. Location of hydrants, valves, and manholes, if any.
  - 2. Location, sizing, and type of water and sewer system mains, and proposed service connections, hydrants, valves, and manholes; or,

3. Location and size of proposed primary and secondary on-site treatment systems, when allowed.

4. Storm sewer, catch basins, invert elevation, type of castings, and type of materials (refer to Engineering Manual for City standards).

5. Date of plan preparations and dates of any subsequent revisions.

(k) Other plans and information as may be required by the Zoning Administrator which may include (but not be limited to) the following:

1. Location, type and size (area and height) of all signs to be erected upon the subject property.

2. Vicinity map showing the subject property in relation to nearby highways or major street intersections.

3. Sound source control plan.

4. Fire protection plan.

5. Proposed protective covenants or private restrictions.

6. Where landscaping or man-made materials are used to provide screening from adjacent properties, a cross section shall be provided showing the perspective of the site from neighboring properties at the lot line elevation.

7. Written narrative describing proposed development.

8. Cost estimates for all on-site improvements.

9. Copies of RCWD, VLAWMO, FEMA or other applications made to other government agencies as applicable.

(l) For applications for new communication towers, the application must include information to demonstrate compliance with the provisions of City Code Section 1007.054, including but not limited to:

1. Demonstration that a significant gap in coverage exists that would be resolved by the proposed location and that adequate service cannot be provided utilizing existing structures within a two-(2) mile search radius of the proposed site.

2. Structural design information to ensure compliance with manufacturer specifications and to ensure the tower can accommodate additional antennas (co-location).

3. Authorization from the property owner if different from applicant.

4. Lease or agreement requiring removal of the tower and facilities after cessation of use.

5. Copies of applicable federal, state, and local licenses, permits, and approvals.

(3) *Procedure.* An application for site and building plan review shall be approved or denied within 60 days of the date of its official complete submission pursuant to M. S. §15.99 unless extended pursuant to Statute or a time waiver is granted by the applicant. Additional City requirements for site and building plan review are as follows:

(a) The property owner or their agent shall file with the Zoning Administrator a completed application form together with the required submittals and a fee as required in City Code Section 1007.000(8).

(b) The Zoning Administrator shall forward copies of the application and site and building plans to the appropriate staff, consultants and governmental agencies for review and recommendation. The Community Development Department shall perform a review and approve or deny the application. The Community Development Department may also suggest such conditions as they deem necessary to the approval of the site and building plans.

(c) The applicant may appeal any denial or decision by the Department according to City Code Section 1007.018.

(d) No application for a site and building plan review shall be resubmitted for a period of 12 months from the date of said order of denial.

(e) The Community Development Department shall provide to the City Council reports summarizing submitted site and building plan applications and outcomes regarding approval or denial as they occur.

(4) *Performance Standards.* Plans which fail to meet the following criteria shall not be approved.

(a) The proposed development application must be consistent with the policies and recommendations of the Lino Lakes Comprehensive Plan.

(b) The proposed development application is compatible with present and future land uses of the area.

(c) The proposed development application conforms to performance standards herein and other applicable City Codes.

(d) Traffic generated by a proposed development application is within the capabilities of the City when:

1. If the existing level of service (LOS) outside of the proposed development is A or B, traffic generated by a proposed development will not degrade the level of service more than one grade.

2. If the existing LOS outside of the proposed development is C, traffic generated by a proposed development will not degrade the level of service below C.

3. If the existing LOS outside of the proposed development is D, traffic generated by a proposed development will not degrade the level of service below D.

4. The existing LOS must be D or better for all streets and intersections providing access to the proposed development. If the existing level of service is E or F, the developer must provide, as part of the proposed project, improvements needed to ensure a level of service D or better.

5. Existing roads and intersections providing access to the proposed development must have the structural capacity to accommodate projected traffic from the proposed development or the developer will pay to correct any structural deficiencies.

6. The traffic generated from a proposed development shall not require City street improvements that are inconsistent with the Lino Lakes Capital Improvement Plan. However, the City may, at its discretion, consider developer-financed improvements to correct any street deficiencies.

7. The LOS requirements in paragraphs 1. to 4. above do not apply to the I-35W/Lake Drive or I-35E/Main St. interchanges. At City discretion, interchange impacts must be evaluated in conjunction with Anoka County and the Minnesota Dept. of Transportation, and a plan must be prepared to determine improvements needed to resolve deficiencies. This plan must determine traffic generated by the proposed development project, how this traffic contributes to the total traffic, and the time frame of the improvements. The plan also must examine financing options, including project contribution and cost sharing among other jurisdictions and other properties that contribute to traffic at the interchange.

(e) The proposed development shall be served with adequate and safe water supply.

(f) The proposed development shall be served with an adequate or safe sanitary sewer system.

(g) The proposed development shall not result in the premature expenditures of City funds on capital improvements necessary to accommodate the proposed development.

(h) Fire prevention and fighting equipment acceptable to the Board of Fire Underwriters and City Council shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

(5) *Expiration.* Activities authorized by site and building plan approval shall be initiated within six (6) months. The time limits established in this paragraph may be extended by the Zoning Administrator.

(6) *Site Improvement Performance Agreement and Financial Guarantee.* Following the approval of the site plan required by this section where no public improvements are proposed and

before issuance of a building permit, the applicant, as determined to be necessary by the Zoning Administrator, shall guarantee to the City the completion of all improvements as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as provided below:

(a) The applicant shall execute the site improvement performance agreement on forms provided by the City. The agreement shall be approved as to form and content by the City Attorney and shall define the required work and reflect the terms of this chapter as to the required guarantee for the performance of the work by the applicant.

(b) The required work includes, but is not limited to private exterior amenities such as landscaping, private streets, parking areas, recreation fields, drainage systems, stormwater basins, sanitary sewer systems, water mains, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities. The required work shall also include all aspects of a tree preservation plan, if applicable.

(c) A financial guarantee shall be submitted with the executed site performance agreement as provided herein:

1. Financial guarantees acceptable to the City include cash escrow; an irrevocable letter of credit; or other financial instruments which provide equivalent assurance to the City and which are approved by the Zoning Administrator.

2. The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the responsibility of the applicant to ensure that a submitted financial guarantee shall continue in full force and effect until the Zoning Administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this chapter.

3. When any instrument submitted as a financial guarantee contains a provision for an automatic expiration date, after which the instrument may not be drawn upon, notwithstanding the status of the site performance agreement or of the required work, the expiration date shall be October 31; further, it shall be the responsibility of the applicant to notify the City in writing, by certified mail, at least 60 days in advance of the expiration date of the intention to renew the instrument or to not renew the instrument. If the instrument is to be renewed, a written notice of extension shall be provided 30 days prior to the expiration date; if the instrument is not to be renewed, and has not been released by the Zoning Administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least 30 days prior to the expiration. The term of any extension shall be approved by the Zoning Administrator. Upon receipt of an acceptable substitute financial guarantee, the Zoning Administrator may release the original guarantee.

4. The amount of the financial guarantee shall be established by the Zoning Administrator based upon an itemized estimate of the cost of all required work as provided by the applicant. A cash escrow or irrevocable letter of credit shall be in the amount of 35 percent for private improvements and 125 percent for public improvements of the approved estimated cost. The amount of any other approved financial instrument shall be determined by the Zoning Administrator.

5. At the option of the City, the applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work. All trees shall be warranted to be alive, of good quality, and disease free for 12 months from the time of planting. Any subsequent replacement shall be warranted for 12 months from the time of planting.

(d) The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide for forfeiture to the City to cure a default or reimburse the City the cost of enforcement measures. As various portions of such required work are completed by the applicant, are in compliance with City requirements, and are approved by the City, the Zoning Administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping improvements shall not be deemed complete until the City has verified survivability of all required plantings through one "winter season" which is defined for the purpose of this section as the period October 31 through April 30.

(e) The applicant shall notify the Zoning Administrator in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the Zoning Administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant and appropriate action, to release or to reduce the amount of the financial guarantee shall be taken by the Zoning Administrator.

**§ 1007.021 DUTIES OF CITY STAFF.**

The offices of the Zoning Administrator and Building Official are hereby established; official(s) shall be appointed by the government body.

(1) *Duties of the Zoning Administrator.* The Community Development Director or designee shall be the Zoning Administrator. The Zoning Administrator shall enforce the provisions of this ordinance as provided herein; in addition to the duties and powers of the Zoning Administrator under this ordinance, express or implied, the Zoning Administrator shall have the duty and power to:

- (a) Issue permits required by this ordinance.
- (b) Maintain all records necessary for the enforcement of this ordinance; including, but not limited to, all data, maps, amendments, rezonings, and conditional use permits, variances, appeal notices, certificates of occupancy, and applications thereof, nonconforming uses.
- (c) Receive, file and forward all appeals, notices, applications for variances, conditional use permits, certificates of occupancy, or other matters to the appropriate officials or boards.
- (d) Serve as ex-officio, non-voting member of the Planning and Zoning Board.
- (e) Perform all duties set forth in job description.

(2) *Duties of the Building Official.* The Building Official shall enforce the provisions of this ordinance as provided herein; in addition to the duties and powers of the Building Official under this ordinance, express or implied, the Building Official shall have the duty and power to:

- (a) Conduct inspections of land, buildings or structures at reasonable times, to determine compliance with and enforce the provisions of this ordinance.
- (b) Perform annual and/or periodic review of all conditional use permits.
- (c) Institute in the name of the City any appropriate actions or proceedings to enforce this ordinance.
- (d) Perform all duties set forth in job description.

**§ 1007.022 CERTIFICATE OF OCCUPANCY.**

(1) No person may change the use of any land except for construction of essential services and transmission lines or occupy or utilize a new structurally altered building (except single-family detached dwellings or their accessory buildings in any district) or change the use of any building after the effective date of this ordinance unless he has first obtained a certificate of occupancy.

(2) Application for a certificate of occupancy for a new building or for an existing building which has been so altered or the reuse of any land may be filed with the Building Official any time after the application for a building permit. The Certificate of Occupancy shall be issued within 10 days after the construction or alteration of such building or part thereof or site has been completed in conformity with the provisions of this ordinance and building code. Pending the issuance of said certificate, a temporary certificate of occupancy may be issued, subject to the provisions of the building code and zoning ordinance for a period not to exceed 12 months during the completion of the erection or the alteration of such a building. The temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the community relating to the use or occupancy of the premises or any other matter, except under such restrictions and provisions as will adequately ensure the safety of the occupants. The use of any structure for which a building permit is required or the use of any land shall be considered a violation of this ordinance unless a certificate of occupancy has been issued.

(3) Application for a certificate of occupancy for a new use of land shall be made to the Building Official before any such land shall be so used. Such certificate of occupancy shall be issued within 10 days after this application if the use is in conformity with the provisions of this ordinance.

(4) A record of all certificates of occupancy shall be kept on file with the City.



**§ 1007.023 ENFORCEMENT AND PENALTIES.**

(1) *Administration and Enforcement.*

(a) This ordinance shall be administered and enforced by the Zoning Administrator who is appointed by the City Council. The Zoning Administrator may institute in the name of the City of Lino Lakes any appropriate actions or proceedings against a violator as provided by statute, ordinance, or code.

(b) If the provisions of this ordinance are being violated, the City shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The City shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Section to ensure compliance with or to prevent violation of its provisions.

(2) *Penalties, Violations, and Enforcement.* In addition to the remedies set out in the paragraph above, the City may enforce any provisions of this ordinance by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

**§ 1007.024 PLANNED UNIT DEVELOPMENT (PUD).**

(1) *Purpose.* The purpose of this section is to provide a district that grants flexibility from certain zoning regulations in order to achieve public benefits that may not otherwise be obtained under standard zoning regulations. It is further intended that PUDs are to be characterized by central management, integrated planning and architecture, a higher level of urban amenities, preservation of natural open space, and more economical efficient use of land.

(2) The PUD, by allowing deviation from the strict provisions of this ordinance related to setbacks, heights, lot area, width and depths, yards, etc., may be considered by the City when it would result in one or more of the following public benefits:

(a) 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) 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.

(d) 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) Efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.

(f) Mix of land use types.

(g) Provision of a housing type or target housing price that is desirable to the City.

(h) Other public benefits and values as recognized in the City's Comprehensive Plan.

(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:

Table 1

<b>PUD Land Use</b>	<b>Development Standards</b>
Low-Density Residential	R-1, §1007.090 R-1X, §1007.091 R-2, §1007.092
Low-Density Mixed Residential	R-1, §1007.090 R-2, §1007.092
Medium-Density Residential	R-2, §1007.092 R-3, §1007.093
High-Density Residential	R-4, §1007.094 R-6, §1007.096
Planned Residential / Commercial	R-5, §1007.096
Office Residential	R-2, §1007.092 R-3, §1007.093 NB, §1007.110 LB, §1007.111 GB, §1007.112
Signature Gateway	R-3, §1007.093 R-4, §1007.094 NB, §1007.110 GB, §1007.112
Commercial	NB, §1007.110 LB, §1007.111 GB, §1007.112
Town Center	R-4, §1007.094 GB, §1007.112
Business Campus	BC, §1007.122
Industrial	LI, §1007.121 GI, §1007.122

(a) The lot and yard standards, impervious surface coverage, building requirements and height regulations of the closest conventional zoning district shall be used as the regulations, but may be departed from to accomplish the purposes described in City Code Section 1007.024(2).

(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 City Code Section 1007.024(2).

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

(5) *General Requirements for a Planned Unit Development (PUD).*

(a) 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.

(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.

(f) 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.

(g) *Street, Private.*

1. Private streets within the project shall have an improved surface to 26 feet or more in width and shall be so designed as to permit the City emergency vehicles to provide protection to each building.

2. No portion of the required private street system shall be used in calculating required off-street parking space or be used for parking.

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

(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.*

1. A minimum of 50 percent of the gross townhome land area shall be reserved as common open space for townhomes.

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 City Code Section 1001.099 of the Lino Lakes Subdivision Ordinance.

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

4. Open space shall be exclusive of unit lots and driveways.

5. Street rights-of-way, parking lots, and driveways shall be designed to maximize tree preservation, natural habitat, and wetland protection.

6. All open space shall be platted as lots or outlots held as open space in perpetuity. Outlots designated as public trail corridors shall be conveyed by fee title or by easement.

*(d) Neighborhood Performance Standards.*

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

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

b. The neighborhood lots may be arranged such that a majority of the principal structure will 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. The neighborhood lots may be arranged such that the principal structures face a street space enhanced with landscaping, street trees, landscaped medians, sidewalks, trails, or other landscaping techniques appropriate to the City's street design standards.

*(e) Yards.*

1. The front, rear and side yard restrictions at the periphery of the PUD site shall be the same as imposed in the respective base districts.

2. Buildings shall maintain a minimum separation of 10 feet.

*(7) Commercial or Industrial Planned Unit Development Requirements.*

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

*(b) Open Space Performance Standards.*

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

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

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

(c) Commercial and industrial buildings shall comply with design standards of City Code Section 1007.043(2)(d). 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.

*(9) Procedure for Processing a Planned Unit Development.*

(a) Prior to submitting a PUD application, the applicant shall meet with the Community Development Department to generally describe the proposed PUD. The primary purpose of the conference is to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal and its conformity to the provisions of this ordinance before incurring substantial expense in the preparation of plans, surveys and other data.

*(b) PUD Concept Plan Application.*

1. The PUD Concept Plan provides an opportunity for the applicant to submit an application and plan to the City showing the basic intent and the general nature of the entire development before incurring substantial cost. The evaluation of the Concept Plan shall include but not be limited to the following criteria:

- a. Overall maximum PUD density range.
- b. General location of major streets and pedestrian ways.
- c. General location and extent of public and common open space.
- d. General location of residential and non-residential land uses with approximate type and intensities of development.
- e. A staging and time schedule of development.

- f. Other special criteria for development.

2. *PUD Concept Plan Submission Information.*

- a. Information for Concept Plan as specified in City Code Section 1001.026.
- b. An aerial photograph at a scale of at least one (1) inch equals 100 feet, depicting the proposed development of the subject property and all land within 500 feet and showing the precise location of existing streets.
- c. Schematic drawing of the proposed PUD including, but not limited to, the general location of major street and pedestrian ways, public and common open space, residential and other land uses.
- d. An estimate of the total number of dwelling and/or other units and a tabulation of the following land uses expressed in acres and as a percent of the total project area:
  - 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. Area devoted to streets.
  - vi. Area, and potential floor area, devoted to commercial uses.
  - vii. Area, and potential floor area, devoted to industrial or office uses.
- e. 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.
- 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.

3. The Community Development Department shall forward the PUD Concept Plan submission to the City's advisory boards and City Council for their informal review and comment on the project's consistency with the City's Comprehensive Plan and development regulations at regularly scheduled meetings.

- a. The Planning and Zoning Board shall recommend to the City Council whether the applicant shall hold a neighborhood meeting prior to submission of a PUD Preliminary Plan. The City Council shall make the final determination if a neighborhood meeting is required.

(c) *PUD Preliminary Plan Application*

1. The purpose of the PUD Preliminary Plan is to provide a master plan of the entire development upon which the Planning and Zoning Board will base its recommendation to the City Council. 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. Following review of the PUD Concept Plan, the applicant shall file with the Community Development Department a PUD Preliminary Plan, rezoning and preliminary plat applications. The PUD Preliminary Plan shall refine the PUD Concept Plan.

3. The Community Development Department shall forward the PUD Preliminary Plan submission to the City's advisory boards and City Council for their consideration at regularly scheduled meetings where the related rezoning and preliminary plat applications are being considered.

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

a. 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.

b. A sufficient amount of useable open space is provided.

c. The architectural design of the project is compatible with the surrounding area.

d. The development is in compliance with the requirements of the Lino Lakes City Code except where modified by the PUD.

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

a. Summary from the neighborhood meeting if a meeting was required by the City Council.

b. Information for Site and Building Review as specified in City Code Section 1007.020.

c. Information for Preliminary Plat as specified in City Code Section 1001.041.

d. Location, designation and total area of all common open space.

e. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.

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

g. Identification of existing natural resource areas and the proposed method for protection and restoration of these areas.



h. A written statement generally describing the proposed 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.

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

j. 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.

k. Such other information, either required as part of the Concept Plan review or as the Planning and Zoning Board, Community Development Department or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.

6. Zoning Enactment: A rezoning of a parcel of land to PUD shall not become effective until such time as specified in City Code Section 1007.015 (h).

7. 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. The City Council may approve such an extension after the deadline date passes.

*(d) PUD Final Plan Application.*

1. 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. Upon approval of the PUD Preliminary Plan and within the time established, the applicant shall file with the 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 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. After review of a PUD Concept Plan and approval of a PUD Preliminary Plan, the applicant will submit the following material for review by the City staff prior to issuance of a building permit:

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 Plat as specified in City Code Section 1001.056.

c. Final architectural 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.

d. Final engineering plans and specifications for streets, drainage, utilities and other public improvements

e. Any other plans, agreements, or specifications necessary for the City staff to review the proposed construction.

4. The Community Development Department shall forward the PUD Final Plan and Final Plat submission to the City Council for their consideration at a regularly scheduled meeting.

5. The terms of the PUD as approved by the City Council shall be embodied in a Development Agreement and Planned Unit Development Agreement, and such other documents as the City shall deem necessary or desirable. The Development and PUD Agreement and any appropriate resolution of the City Council shall be recorded with Anoka County at the expense of the applicant. At the election of the City, filing of 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.

a. Within one (1) year after the approval of a PUD Final Plan, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall automatically render void, all approvals of the PUD plan unless an extension, requested in writing, is granted by the City Council. The City Council may approve such an extension after the deadline date passes. 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.

*(e) 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. Modifications not qualifying as minor shall be considered a substantial departure. 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.

**§ 1007.025 ENVIRONMENTAL REVIEW.**

(1) When an environmental assessment worksheet (EAW), alternative urban areawide review (AUAR), or environmental impact statement (EIS) is required or otherwise ordered or submitted, the applicable review procedures shall be as set forth in the Minnesota Environmental Quality Board regulations for the Environmental Review Program, as authorized by Minnesota Statutes and specified in Minnesota Rules 4410.

(2) An EAW, AUAR, or EIS application, together with the completed data portions of the environmental document, shall be accompanied by a fee and cash escrow as set forth in ordinance. Costs of City time and materials expended in reviewing and processing the application shall be charged against the cash escrow account and credited to the City. If, at any time, the balance in the cash escrow account is depleted to less than 10 percent of the originally required cash escrow amount, the project proposer shall deposit additional funds in the cash escrow account as determined by the Zoning Administrator. Any balance remaining in the cash escrow account upon completion of the process shall be returned to the project proposer after all claims and charges thereto have been deducted.

(3) Upon completion of the environmental document for distribution and the start of the comment period, the Zoning Administrator shall provide mailed notice of the availability of the environmental document to all property owners within 600 feet of the boundaries of the property that is the subject of the environmental document. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth in this Chapter.

(4) Following the required comment period, the City shall prepare the final document with a response to comments. The Environmental Board shall review the final document and provide its recommendations to the City Council. The City Council shall act on the document as required by Minnesota Rules 4410.

## **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 (1) 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) *All Districts Exception.* Where a pre-existing principal or accessory structure, including expansion thereof, for which a lot line setback dimension has been made substandard by eminent domain or other formal public agency action, such structure shall be considered a legally conforming structure. All future additions to the structure or use shall meet the current required setback from the revised property or easement line.

(d) 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 the ordinance.

(e) 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

(f) Notwithstanding paragraph (a), the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas in compliance with City Code Chapter 1103.

(g) Notwithstanding paragraph (a), a nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements in compliance with City Code Chapter 1102.

#### **§ 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 construction of a structure if it conforms with the use regulations of the district in which it is located subject to the following conditions:

(a) The lot satisfies all other appropriate provisions of this ordinance.

(b) The lot 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 sewered 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 construction of a structure conforming to the use regulations of this ordinance, provided its area, width, and depth meet 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 construction of a structure conforming to the use regulations of this ordinance subject to the following conditions:

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 compliance with MN Stat. 7080 and other applicable requirements.

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

(2) *Unsewered Lots.*

(a) Except as provided for in City Code Section 1007.042(1)(d), Section 1007.042(2)(b), Section 1007.066 and Section 1007.082, the minimum unsewered lot size within any zoning district is 10 acres.

(b) A lot with a minimum area of one (1) acre may be created subject to the following conditions:

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

2. The new lot that has a minimum area of one (1) acre contains an existing habitable home, and

3. The balance of the property meets the minimum lot size requirement of the zoning district in which the property lies, and

4. The new lot that has a minimum area of one (1) acre contains one (1) acre of contiguous buildable land, not including street right of way, electrical transmission line easements, or pipeline easements, and

5. Both the one-acre-minimum lot and lots made from the remaining land shall meet all minimum lot, building, and setback requirements, and

6. 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 compliance with Minn. Stat. 7080 and other applicable requirements.

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

(d) All development in areas without public sanitary sewer shall be designed such that the larger non-sewered lots can be subdivided 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 subdivisions.

(3) *Buildable Area.*

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

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

(4) *Building Placement and Multiple Structures.*

(a) *Street Obstructions.* All buildings shall be so located 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.* No more than one (1) principal building shall be located on a lot except where approved by Conditional Use Permit or Planned Unit Development.

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

(5) *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. 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 Lot Line Setbacks.* Where principal buildings on adjoining lots existed at the time of adoption of this ordinance have a lesser front lot line setback from that required, the required front lot line setback of a new structure shall not be less than the average front lot line setback of the adjoining buildings on each side lot and in no case shall be less than 20 feet.

3. *Corner Lots.*

a. On corner lots, the narrowest lot line abutting a public street or street easement that meets minimum lot width requirements shall be the front lot line. If none of the boundaries abutting a public street or street easement meet minimum lot width requirements, the widest boundary abutting a street shall be the front lot line. The lot line opposite and most distant



from the front lot line shall be the rear lot line. The lot line opposite the other public street or street easement shall be the side lot line. Setbacks from street right-of-way, rear lot line and side lot line shall then apply. These setbacks shall apply regardless of which street the building faces.

b. On corner lots, nothing shall be located or allowed to grow to impede vision between a height of two and a half (2 1/2) and 10 feet above the centerline grades of the intersecting streets within 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 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 City Code Section 1007.043(6).

b. Posts, flues, belt course, bay windows, leaders, sills, pilaster, eaves, gutters, awnings, open terraces, open canopies, chimneys, ornamental features, and open fire escapes extending from the principal structure provided:

- i. They do not encroach more than three (3) feet into a required setback.
- ii. They do not encroach into a public easement.

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. The setback shall be five (5) feet from any side or rear lot line, and

iii. The setback shall be 20 feet from any lot line abutting a street, and

iv. The setback shall be one (1) foot from any existing or proposed driveway, and

v. They do not encroach into a public easement.

d. In rear yards, the setback for laundry drying equipment, recreational equipment (non-vehicular), trellises, open arbors, and detached outdoor living rooms not exceeding 500 square feet shall be five (5) feet from any side or rear lot line.

e. Air conditioning or heating equipment setbacks shall be five (5) feet from any rear lot line and 10 feet from any side lot line.

(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 City Code Section 1007.024.

2. *Subdivision of Two Family or Townhouse Lots.* The subdivision of base lots containing two family dwellings or townhouses 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 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 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.

d. A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for their review and 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 shall be recorded with Anoka County 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 compliance to requirements of the City Code Chapter 1001.

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 the City. A property management and maintenance agreement shall be required in compliance with City Code Section 1007.024.

**§ 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 quarter, temporarily or permanently, except as approved by the City in emergency cases.

(2) *Building Type and Construction.*

(a) *Single Family Detached Dwellings.* All single family detached dwellings shall meet the following design criteria:

1. All dwellings shall have permanent concrete, treated wood foundation, or other foundation anchoring system approved by the Building Official.

2. All dwellings, including an attached garage, shall have a minimum width of 24 feet at its narrowest point. Width measurement shall not take into account overhangs or other projections beyond the principal exterior walls.

3. All dwellings shall have a garage that is a minimum of 20 feet in width and has a minimum footprint of 520 square feet.

4. All dwellings with a sloped roof shall have a minimum 12 inch roof overhang and enclosed soffit.

5. All dwellings and any attached garage, excluding porches, shall have a minimum 4/12 roof pitch and shall be covered with shingles or tiles or a standing seam metal roof.

6. All dwellings shall be built in compliance with the Minnesota State Building Code.

7. The exterior walls of all single family dwellings shall be similar in appearance to standard wood or masonry residential construction. Any metal siding upon single family residence structures shall have a vertical dimension no greater than 12 inches. Sheet metal siding shall not be permitted.

(b) *Two Family Dwellings and Townhouse Design and Construction Standards.*

1. *Unit Width.* The minimum width of a two family or townhouse dwelling unit shall be 24 feet. The minimum footprint 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 City Code Section 1007.043 (2)(b)2.d. Building floor plans shall identify the interior storage space within each unit.

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

c. *Minimum Overhang.* All dwellings with a sloped roof shall have a minimum 12 inch roof overhang and enclosed soffit.

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

i. A minimum of 25% of the combined area of all building walls shall have an exterior finish of brick, natural stone, or artificial stone.

ii. Except for brick, natural stone, or artificial stone, no single building wall shall have more than 75% of one type of exterior finish.

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

e. All dwellings and any attached garage shall have a minimum 4/12 roof pitch and shall be covered with shingles or tiles or a standing seam metal roof.

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. *Garages.* Each dwelling unit shall have a garage that is a minimum of 20 feet in width and has a minimum footprint of 520 square feet.

5. *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.

6. *Homeowners Association.* A homeowners association shall be established for all townhouses, multiple-family and townhouse 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 streets and other areas owned in common when there is more than one (1) individual property owner having interest within the development.

(c) *Multiple-Family Dwelling Construction Standards.* All multiple-family dwellings shall comply with the following requirements:

1. The exterior of multiple-family dwelling structures shall include a variation in building materials which are to be distributed throughout the building walls and coordinated into the architectural design of the structure to create an architecturally balanced appearance.

2. A minimum of 33% of all building exterior walls of a structure shall have an exterior finish of brick, natural stone, or artificial stone.

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

4. Building elevations shall be articulated to add visual interest. Large blank exterior walls shall be prohibited. Variation in elevations can be accomplished with projections or recesses, material changes, or other methods of building articulation.

5. *Distinct Ground Level(s).* The ground level of any 3-story building and the first two (2) stories of a building four (4) stories or taller shall be visually distinct from the upper stories. This distinction shall be articulated by at least one (1) of the following: an intermediate cornice line; an awning arcade or portico; a change in building materials, texture, or detailing; a change in window shape or treatment; or other elements which meet the objective.

6. *Minimum Overhang.* All dwellings with a sloped roof shall have a minimum 12 inch roof overhang and enclosed soffit.

7. All sloped roofs shall be covered with shingles, tiles or a standing seam metal roof.

8. A minimum of one-half (½) of the required parking spaces shall be in an underground parking area or in a parking area below the building.

(d) *Commercial, Industrial, and Institutional.* All buildings constructed on land within commercial, industrial, 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. Definitions. For the purpose of this section, the following definitions shall apply:

**ARCHITECTURAL 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.

**ARCHITECTURAL REVEALS.** A groove or a step in a panel face generally used to create a desired architectural effect.

2. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment.

3. *Classes of Primary Materials.* For the purpose of this section, primary materials shall be divided into class 1, class 2, and class 3 categories as follows:

<b>Classes of Materials</b>		
Class 1	Class 2	Class 3
Brick	Precast concrete panels with at least two architectural reveals per panel	Exterior Insulation and Finish Systems (EIFS)
Glass, or other glazing materials	Specialty concrete block including textured, burnished block or rock faced block	Fiber Cement Exterior Siding
Natural or cultured stone	Ceramic Tile (masonry, stone or clay),	Glass Block
Architecturally textured concrete precast or poured in place panels	Masonry Stucco	
	Architectural metal cladding	Wood
Other materials not listed that are of equal quality to materials in a specific class may be approved for use by the Community Development Director		

4. Buildings shall incorporate classes of primary material in the following manner:

a. Commercial, public, educational and religious buildings. At least 50 percent of all exterior wall finishes shall be composed of at least three class 1 materials. Class 3 materials shall not comprise more than 25 percent exterior wall finishes.

b. Industrial and warehouse buildings, multi-tenant office/industrial/warehouse or showroom/warehouse or other combinations. At least 75 percent of all exterior wall finishes shall be composed of at least two different class 1 or 2 materials. Class 3 materials shall not comprise more than 25 percent of the building.

c. To be counted as a primary material, the product must comprise at least five (5) percent of the exterior wall surface.

5. 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.

6. Commercial, public, educational and religious 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. A cap shall include the area from the top floor to the roof of the building and shall include a cornice, roof overhang, and change of color or material to differentiate it from the middle section of the building. Flashing shall not be considered a cap.

7. Any wall facing a public right-of-way shall not have an uninterrupted length exceeding 100 feet without including at least two of the following: change in plane, change in texture or masonry pattern, two (2) class 1 materials, windows in a manner that is impactful to the design, or an equivalent element that subdivides the wall into human scale proportions. This shall only apply to commercial, public, educational, and religious buildings.

8. Buildings may be constructed of primarily one (1) class 1 material if the design meets or exceeds the intent of this section.

9. A distinctively different color of brick may be considered as a second class 1 material. However, minor blended color variations shall not be considered as a separate material.

10. 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, green, blue, or white.

11. The building walls may contain up to 10% contrasting colors. Contrasting colors shall be those colors not defined as earth tones.

12. All buildings with a sloped roof shall have a minimum 12 inch roof overhang and enclosed soffit.

13. All buildings with sloped roofs shall be covered with shingles or tiles or a standing seam metal roof.

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



15. 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.

16. Building foundations not exceeding two (2) feet need not comply with the requirements for the primary water treatments or materials.

17. Garage doors, window trim, and flashing shall not constitute required materials that make up exterior finish of a building for purposes of this section.

18. Replacement of non-conforming materials on existing buildings, or expansions of less than 50% of the floor area of an existing building may use the same or superior materials as existing.

(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. Chimneys and smokestacks.
6. Flag poles mounted on a building.
7. Non-commercial television and radio antennae, and satellite dishes.
8. Parapet walls extending not more than four (4) feet above the limiting height of the building.
9. Elevator penthouses.
10. Cooling towers/water towers.
11. Lighting structures for public outdoor recreational fields not exceeding 80 feet in height.
12. Lighting structures for public hockey rinks not exceeding 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 by conditional use permit if the following conditions are met:

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 10 feet above the maximum allowed per district, front and side yard setback requirements shall be increased by 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 City Code Section 1007.016 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 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 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 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, Structures, and Uses.*

(a) *General Provisions.*

1. No accessory building, structure, or use shall be constructed or located 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 M. S. §273.13 and §273.23, 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. Unless otherwise allowed by this Chapter, no detached accessory building, structure, or use shall be closer to the front lot line than the principal building or its attached garage except within the R and R-X zoning districts. The accessory building, use, or structure setback shall be at least 100 feet from the front lot line.

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

5. Accessory buildings may, by permit, be located within public easements if the following conditions are met:

a. No permanent footings or foundation shall be located within the public easement.

b. The building, including any base material, must be designed to be easily moved.

c. The building shall not be located within the 100-year high water level of a waterbody or watercourse.

d. The drainage shall not be adversely affected by the building.

e. The building footprint shall not exceed 120 square feet.

f. The building shall not interfere in any way with any existing underground or over ground utility.

g. The City or any utility company having authority to use such public easements, shall not be liable for repair or replacement of such buildings or appurtenance in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement.

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 buildings allowed on a site, as long as the sides of the gazebo remain at least 50 percent open, though the open areas may be covered with screens.

7. In rural and residential districts, accessory buildings and structures constructed primarily of canvas, plastic, fabric, vinyl or other similar non-permanent construction materials are prohibited unless otherwise permitted in this ordinance.

8. A building permit is not required for detached accessory buildings that do not exceed a footprint of 200 square feet. A zoning permit is required for such buildings and the buildings 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 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. The sport court setback shall be 10 feet from any side or rear lot line. Sport courts shall not be located in the front yard or the required side setback abutting a street.
4. Sport courts shall not be located in a public easement.
5. Solid sport court practice walls shall not exceed 10 feet in height. A building permit shall be required. The practice wall setback shall be 30 feet from any lot line.
6. Chain link fencing surrounding the sport court may extend up to 12 feet in height above the sport court surface elevation. The fence setback shall be 10 feet from any side or rear lot line
7. Lighting for the sport court shall be directed toward the sport court and not toward adjacent property. Lighting shall meet the requirements of City Code Section 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 motor 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 a footprint of 300 square feet.
4. The eave line (or lowest sloped roof section if there is no eave) for a carport shall be at least seven (7) feet in height, but shall not exceed 10 feet in height. Carports with flat roofs shall be at least seven (7) 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 5,000 gallons and with a depth potential of 24 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 pool unit, 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.
  - c. Pools shall not be located within 10 feet of any septic tank and 20 feet from drain field nor within six (6) feet of any principal structure or frost footing. Pools shall not be located in the front yard, or within any accessory structure setback.
  - d. The filter unit, pump heating unit, and any noise-making mechanical equipment setback shall be 20 feet from any lot line.
  - e. Pools shall not be located in a public easement.
  - f. 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.

iii. 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 property.

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

h. 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.

i. 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.

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

k. All swimming pools that require a building permit shall provide safeguards to prevent uncontrolled access. This can be accomplished with fencing, screening or other enclosure, or any combination thereof. These safeguards shall be of sufficient density as to be impenetrable.

i. If fences are used, 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 must be completely in place and inspected and approved by the City Building Official.

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.

l. 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.

m. 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.

n. Drainage of pools directly into public streets or other public drainageways shall require written permission of the City Engineer.

2. *Multiple-Family, Commercial and Public Developments.* For private swimming pools which are intended for use by the occupants and guests of a multiple-family dwelling, 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 City Code Section 1007.043 (4)(d)1. above:

a. No part of the water surface of the swimming pool shall be less than 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 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 located 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 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.

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

1. 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 street.

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

3. No houseboat shall be used as a permanent residence and no utilities including sanitary sewer, water, electricity, and phone shall be extended to the houseboat.

(f) *Ice Fishing Houses.* Ice fishing houses stored on property during summer months shall be considered an accessory building. All ice fishing houses shall be licensed in compliance with State law.

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

(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 that allows for such use; and
2. They are located on the lot the produce is grown; and
3. They are located at least 60 feet back from the nearest edge of the street surface;

and

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

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

1. The keeping of animals is allowed in compliance with the provisions of City Code Chapter 503.

2. The animal shelters shall not count towards the maximum number and size of accessory buildings subject to the following conditions:

- a. The total combined footprint of all animal shelters shall not exceed 64 square feet.
- b. The maximum height shall not exceed 60 inches.

(j) *Rural, Residential and Special Zoning District Accessory Buildings.* The following establishes accessory buildings requirements allowed on a property according to lot size and zoning district. For the purposes of this section, lot size for metes and bounds properties shall include roadway easements.

1. One (1) tool shed not to exceed a footprint of 120 square feet is allowed. The tool shed shall not count towards the total number of allowed accessory buildings, or the total allowed building footprint as regulated below. Tool sheds are not subject to material or roof requirements as regulated below.

2. *20 Acres or Greater.*

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

b. Metal buildings and pole barns are allowed .



- c. Canopy structures made of fabric or vinyl are allowed.
- d. Building height shall not exceed base district requirement.
- e. One (1) attached garage not to exceed a footprint of 1,200 square feet or equal to the size of the house foundation, whichever is greater.

3. *10 to Less than 20 Acres.*

- greater of:
- a. The combination of accessory building(s) and garage(s) shall not exceed the
    - i. 10,000 square feet, or
    - ii. 1.85 percent of the lot area, not to exceed 15,000 square feet.
  - b. Total allowable accessory building footprint shall be limited to the following:
    - i. One (1) attached garage and
    - ii. Three (3) detached accessory buildings.
  - c. Metal buildings and pole barns are allowed.
  - d. Canopy structures made of fabric or vinyl are allowed.
  - e. One (1) attached garage not to exceed a footprint of 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. *Five (5) to Less than 10 Acres.*

- greater of:
- a. The combination of accessory buildings and garages shall not exceed the
    - i. 5,000 square feet, or
    - ii. 2.21 percent of the lot area, not to exceed 10,000 square feet.
  - b. Total allowable accessory building footprint shall be limited to the following:
    - i. One (1) attached garage and
    - ii. Three (3) detached accessory buildings.

- c. Metal buildings and pole barns are allowed.
- d. Canopy structures made of fabric or vinyl are allowed .
- e. One (1) attached garage not to exceed a footprint of 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.

5. *Less than Five (5) Acres.*

- a. The combination of accessory buildings and garages shall not exceed the greater of:
  - i. 1,200 square feet, or
  - ii. 3.75 percent of the lot area, not to exceed 5,000 square feet.
- b. Total allowable accessory building footprint shall be limited to the following:
  - i. One (1) attached garage and one (1) detached building, or
  - ii. Two (2) detached accessory buildings.
- c. One (1) attached garage not to exceed a footprint of 1,200 square feet or equal to 90 percent of the size of the house foundation, whichever is greater.
- d. Building height shall not exceed 20 feet.
- e. Metal sheet or metal panel siding with vertical orientation is prohibited. Metal horizontal lap siding is allowed.
- f. Exterior walls shall be similar in appearance to standard wood or masonry residential construction. The accessory building shall be covered with shingles, tiles, or a standing seam metal roof.
- g. Canopy structures made of fabric or vinyl are allowed.

(k) *Business and Industrial Zoning Districts.* The following establishes the maximum number, size, and height of accessory buildings allowed in the business and industrial zoning districts:

1. One (1) accessory building not exceeding a footprint of 400 square feet approved by conditional use permit or planned unit development shall be allowed, except when intended for storage of buses.

2. Building height shall be limited to 12 feet maximum except when intended for storage of buses per City Code Section 1007.043(2)(b)2.

3. Metal buildings and pole barns are prohibited.

4. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment in compliance with City Code Section 1007.043(2).

5. Accessory buildings on commercial or industrial sites shall be limited to typical accessory storage uses. No additional commercial or industrial use shall be allowed within an accessory storage building.

6. Accessory buildings in compliance with this section shall not be subject to the site and building plan review requirements of City Code Section 1007.019(2).

7. Accessory buildings shall not be located within a public easement.

8. Building permits shall be required in compliance with the State Building Code.

(5) *Refuse and Recyclable Material.*

(a) *Removal.*

1. Motor vehicles not currently licensed by the state, or that because of mechanical deficiency are incapable of movement under their own power, parked or stored outside for a period in excess of 30 days, shall be disposed of within 30 days of notification by the City.

2. All materials stored outside in violation of City Code provisions are considered refuse or junk and shall be disposed of within 30 days of notification by the City.

(b) *Location and Screening.*

1. *Single Family Detached Dwellings, Two-Family Dwellings, and All Other Residential Buildings With Four (4) or Less Units.* Garbage cans, waste containers and recycling bins shall be kept in a garage, an accessory building, or rear or side yards.

2. *Commercial, Industrial, Institutional, and Residential Buildings 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 building, within an accessory building, or within an enclosure. This section shall not apply to public parks.

b. *Enclosures.* Outdoor 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 enclosure shall be located in the rear or side yard and shall comply with all applicable accessory structure setback requirements and easements.

iii. The enclosure shall be in an accessible location for pick up hauling vehicles.

iv. The enclosure shall be fully screened by a fence or wall of at least six (6) feet in height and has a minimum opaqueness of at least 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.

(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. Temporary outdoor lighting used during customary holiday seasons.
2. 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 March 10, 2003 are exempt from regulations of this section but shall comply with the following requirements for glare:

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 prior to March 10, 2003 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 property exceed four-tenths (0.4) foot candles (meter reading) as measured at the lot line per the method outlined in City Code Section 1007.043(6)(e).

(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 different between the two readings will be identified as the light intensity.

(f) *Performance Standards.*

1. *Rural, Residential, Public, and Semi-Public District Standards.* In all residential, rural 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 compliance 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 and 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 property or from any public right-of-way. All lighting shall be installed in compliance with the following provisions:

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

b. Architectural/historical light fixtures that feature globes that are not shielded, or lighting of entire façades or architectural features of a building may be approved by the Zoning Administrator. In no case shall the light affect adjacent property in excess of the maximum intensity defined in City Code Section 1007.043(6)(d).

c. The maximum height of the fixture and pole above the ground grade permitted for light sources is 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.

d. *Location.*

i. The outdoor light fixture setback shall be 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 Zoning Administrator.

e. *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.

f. 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 City Code Section 1007.043(6)(f)2.

c. The provisions for an administrative use permit per City Code Section 1007.019 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 7009, as amended.

(8) *Dust and Other Particulate Matter.* The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7009, 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 7009, 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) *Outdoor Storage.*

(a) *Rural and Residential Zoning Districts.*

1. All personal property in a rural or residential zoning district shall be stored within a building except for the following items which are in use or useable and are in good condition:

- a. Clothesline in side and rear yards only.
- b. Non-vehicular recreational equipment in side and rear yards only.
- c. Home heating fuel tanks.
- d. Stacked firewood in side and rear yards only.
- e. Construction and landscaping materials or equipment currently (within a period of 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 and storage of licensed passenger motor vehicles and motorcycles shall be limited to operable vehicles registered and licensed to the occupants of the dwelling unit and their guests only.



h. Off-street parking of licensed passenger motor vehicles in designated driveway or parking area, surfaced in compliance with City Code Section 1007.044(3)(h)16.

i. Licensed motor vehicles per City Code Section 1007.044(11).

j. Refuse and Recyclable Materials per City Code Section 1007.043(5).

k. Storage pods or roll-off dumpsters in compliance with the following:

i. No permit is required.

ii. They shall be located in a driveway.

iii. They shall not block a sidewalk or trail.

iv. They shall be removed after 30 days.

l. Lawn, garden, and holiday ornamentation.

m. Outdoor furniture including grills and similar items.

(b) *Business, Industrial and Special Zoning Districts.*

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

2. *Screening.* All outdoor 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 compliance with zoning district requirements.

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

3. *Semi-Trailers.*

a. Semi-trailers backed up to a loading space or dock door shall be exempt from these requirements.

b. Semi-trailers connected to semi-tractors waiting to be loaded or unloaded shall be considered truck parking and shall be exempt from these requirements.

c. Within an industrial zoning district, the outdoor storage of semi-trailers accessory to the principal use may be allowed by conditional use permit according to City Code Section 1007.120 and Section 1007.121.

(c) *All Zoning Districts.*

1. Except temporary construction trailers and facilities operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the City, no recreational vehicle may be used for habitation, 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 outdoor 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) *Screening, Landscaping, Buffer Yards and Tree Preservation.*

(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.** The area necessary for construction of the site's allowed use in accordance with the following:

a. Commercial, industrial, and institutional uses include the area within the footprints of buildings and vehicular hardscape and within 20 feet around those improvements

b. Residential subdivisions include the area within the street right-of-way and that portion of a residential lot between the right-of-way and within 100 feet beyond and parallel to the street right-of-way.

c. Surface water management 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'.5"-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).** An area that contains native vegetation, natural features and/or natural resources. These include surface water (rivers, lakes, streams and ditches); shoreland and floodplain areas, especially riparian and wildlife corridors; wetlands, sensitive groundwater (wellhead) protection areas and sensitive geological features; state or federally listed (endangered, threatened or special concern) plant and animal species and their habitat; natural plant communities, including forests, woodlands and prairies, particularly those of high species diversity and other unique and sensitive features. ESA's are categorized as Natural Resource Conservation Areas and Natural Resource Enhancement Area.

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

**LARGE SHRUB.** Large shrubs have a mature height over six (6) feet.

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

**MEDIUM SHRUB.** Medium shrubs have a mature height of three (3) – six (6) feet.

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

**NATURAL RESOURCE CONSERVATION AREA.** An area within the, Shoreland District of DNR Public Waters (lakes and creeks), 50 feet of a creek or public ditches, and areas within the Rice Creek Watershed District (RCWD) Wetland Management Corridor (WMC).

**NATURAL RESOURCE ENHANCEMENT AREA.** Includes wetland areas non-contiguous to the RCWD WMC extending outward from wetland boundary 75 feet for management class A (Preserve), 50 feet for management class B (Manage 1), 30 feet for management class C (Manage 2) and class D (Manage 3); areas located within the 100-year (1 percent chance) floodplain; and Woodland Preservations Areas.

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

**ROOT PROTECTION ZONE.** An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree DBH (e.g., a 20 inch diameter tree has a Root Protection Zone with a radius of 20 feet).

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

**SMALL SHRUB.** Small shrubs have a mature height of less than three (3) feet. 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 feet and under.

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

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

**WETLAND MANAGEMENT CORRIDOR.** A contiguous corridor encompassing high priority wetland resources established by the Rice Creek Watershed District.

**WOODLAND PRESERVATION AREA** - a remnant woodland ecosystem that is generally mapped in the City's Minnesota Land Cover Classification System, and although it may be degraded it generally meets the criteria for one of the following types of ecosystems as reasonably determined by the city: alder, aspen, black ash swamp, deciduous forest, floodplain forest, lowland forest, maple-basswood, mixed hardwood swamp, northern hardwood, oak forest, paper birch, saturated or seasonally flooded deciduous forest, seasonally flooded deciduous forest, tamarack swamp, upland deciduous forest or woodland and willow swamp.

(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 outdoor storage areas in Industrial Districts.

1. The required minimum canopy coverage for all uses is 40 percent.

2. The following equation shall be used to calculate required canopy coverage:

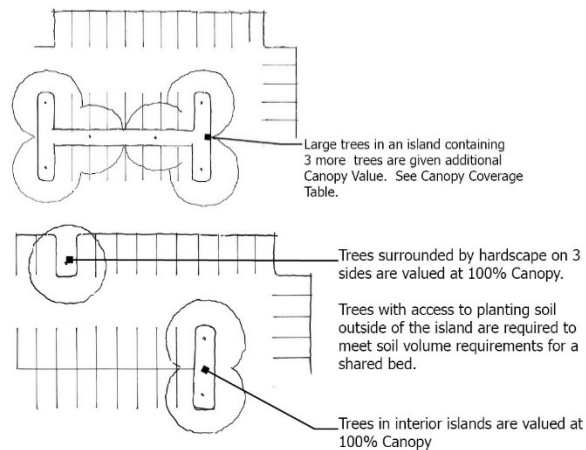
$$\text{Vehicular Hardscape (Square Feet)} \times \text{Canopy Cover Percent} = \text{Required Minimum Canopy Cover (Square Feet)}$$

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 percent 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:

**Table 1**

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



4. Existing trees may be used to fulfill canopy coverage, as described in City Code Section 1007.043(17)(i), when the drip line has proximity to the edge of the hardscape; therefore, existing trees do not need to be within less than seven (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:

**Table 2**

<b>Foundation Landscape Standards</b>		
	<b>Per 100 linear feet (LF) of Building*</b>	
<b>Location</b>	<b>Trees</b>	<b>and Shrubs</b>
<b>Front and Public/Private Street</b>	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 City Code Section 1007.043(17)(i).

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. One (1) large tree may be substituted for every two (2) large shrubs in lieu of the shrub requirement at the discretion of the city.
8. 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.
9. 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, that are not located within the foundation landscape zone, vehicular hardscape area or the building footprint and include cul-de-sac islands, boulevard medians, storm water management areas, and common areas in multifamily sites that are not for recreation facilities. 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:

**Table 3**

Open Areas Landscape Standards		
Per 2500 SF*	Trees and Shrubs	
		1 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 City Code Section 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. One (1) large tree may be substituted for every two (2) large shrubs in lieu of the shrub requirement at the discretion of the city.

7. 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:

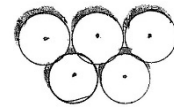
**Table 4**

<b>Landscape Screen Location, Height and Materials</b>		
<b>Location</b>	<b>Required Screen Height</b>	<b>Required Screen Materials</b>
Between a parking lot and public right of way or sidewalk where parking projects toward the public right-of-way or sidewalk	30 inches	<ul style="list-style-type: none"> <li>• Planting screen in compliance with paragraph (f)2.</li> <li>Or</li> <li>• A combination of berm and screen in compliance with paragraph (f)2.</li> </ul>
Between residential uses and arterial or collector street	6 feet	<ul style="list-style-type: none"> <li>• Planting screen in compliance with (f)2.</li> <li>Or</li> <li>• Wall or fence and plantings shall provide shrub cover for 50 percent of the wall or fence on the exterior side</li> <li>Or</li> <li>• A combination of berm and screen in compliance with paragraph (f)2.</li> </ul>
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		



Landscape Screen Location, Height and Materials		
Location	Required Screen Height	Required Screen Materials
Outdoor Storage Yards	10 feet	<ul style="list-style-type: none"> <li>A wall or fence of permanent materials and planting shall provide shrub cover for 50 percent 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 lot line adjoins another industrial property.</li> </ul>

2. All 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 (5) years of planting. Small shrubs shall be 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.



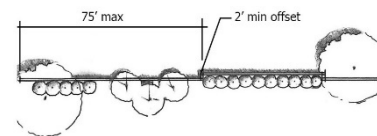
3. A wall or fence intended to provide a continuous year round screen shall block visibility completely.

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, 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 requirements.

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 (1) 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 street frontage where property fronts any public street.
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 compliance 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, or
  - b. Where the seed is applied adjacent to natural areas or wetlands. Seed mixture shall be approved by the City, or
  - 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 lot line and/or side lot 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 City Code Section 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 compliance with City Code Section 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:

**Table 5**

<b>Existing Tree Value</b>			
<b>Tree Size</b>	<b>deciduous trees under 6" DBH or evergreen trees under 12' tall</b>	<b>deciduous trees between 6"-12" DBH or evergreen trees between 12'-20' tall</b>	<b>deciduous trees over 12" DBH or evergreen trees over 20' tall.</b>
<b>Tree Value</b>	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, Landscape Screen, and Open Space Standards simultaneously if applicable by location.

7. An existing tree is considered to be removed if the tree trunk is damaged or if more than 30 percent of the root protection zone 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:

**Table 6**

<b>Tree Preservation and Mitigation Standards</b>			
<b>Environmentally Sensitive Area (ESA) Category</b>	<b>Tree Location: within Basic Use Area</b>	<b>Tree Location: not within Basic Use Area</b>	
	<b>deciduous trees 6" dbh and over or evergreen trees between 12'-20' tall</b>	<b>deciduous trees 6-12" dbh or evergreen trees</b>	<b>deciduous trees over 12" dbh or evergreen trees over 20' tall</b>

		<b>between 12'-20' tall</b>	
Non-ESA	no mitigation required	provide one tree per tree removed	provide two trees per tree removed
Natural Resource Conservation 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 30 percent 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. Areas where trees are being removed for ecological restoration in accordance with a City approved restoration plan are not subject to the Tree Preservation and Mitigation.

6. 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.

7. Replacement trees shall be planted on site.

8. 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 compliance 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 significant tree.

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 significant trees:

i. tree species

ii. size

iii. location

iv. root protection zone

v. tree condition

b. The location of the combined root protection zones of all tree stands designated for preservation on the development property.

c. On adjacent properties, the root protection zone of significant tree where the root protection zone is within five (5) feet 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. significant trees will not be removed and are not likely to be impacted by construction.

b. significant trees 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 significant trees are on the development property or adjacent properties are near the construction area, the City may waive the tree preservation plan requirement.

4. A tree preservation plan shall identify:

a. The basic use area and environmentally sensitive areas.

b. The disturbance area.

c. Tree size (dbh), species, condition, location, and root protection zone for all significant trees 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 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 route 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. The plan shall be coordinated with utility planning so that utilities are installed in a manner that protects trees intended to be saved.

5. 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.

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

7. 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. Before land clearing, grading, or construction begins, the City approved tree protection fencing or other method shall be installed and maintained around the Root Protection Zone of the trees to be protected. Fencing shall be a minimum of four (4) feet 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 30 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 15<sup>th</sup> 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 60 calendar days.

(q) *Performance Security:* The City may require performance security to ensure compliance 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 60 calendar days, the City may exercise its authority to use the performance security to address compliance.

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

(a) *Permit Required.* It is unlawful for any person to construct a fence or retaining wall without first making an application for and securing a permit.

(b) *Certificate of Survey.* An application for a fence or retaining 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 or retaining wall. At the discretion of the City, a final plat detail or aerial map 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 retaining walls shall be located on the property being fenced or walled.

1. No fence or retaining wall shall be located on public right-of-way.
2. Traffic visibility requirements set forth in City Code Section 1007.042(5)(a)3. shall be satisfactorily met.
3. No fence or retaining wall shall obstruct drainage.
4. Fences or retaining walls may, by permit, be located within public easements if the following conditions are met:
  - a. The fence or retaining wall shall not be located within the 100-year high water level of a waterbody or watercourse, and
  - b. The drainage shall not be adversely affected by the fence or retaining wall, and
  - c. The fence or retaining wall shall not interfere in any way with any existing underground or over ground utility.
  - d. The City or any utility company having authority to use such public easements, shall not be liable for repair or replacement of such fence, retaining wall or appurtenance in the event they are moved, damaged, or destroyed by virtue of the lawful use of said easement.

(d) *Construction and Maintenance.*

1. Every fence or retaining wall shall be constructed in a professional and substantial manner and of substantial material reasonably suitable for the purpose for which the fence or retaining wall is proposed to be used. The materials and design shall also be compatible with other structures in the area in which the fence or retaining wall is located and shall not cause blight or a negative impact. Chain link fences shall not include slats or fabric except for use on public recreational facilities or private sport courts.
2. Every fence or retaining 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 retaining 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 retaining wall considered to be the face shall be oriented toward abutting property.

4. Fences which are 90 percent open (barb wire, chain link, woven wire, and other similar type fences) which are for the sole purpose of agriculture or containing farm animals within a rural zoning district are not subject to the provisions of this ordinance 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 48 inches in height, including buried portions, shall require a building permit. When utilized, tiered retaining walls shall be separated by a horizontal landing at least three (3) feet in width.

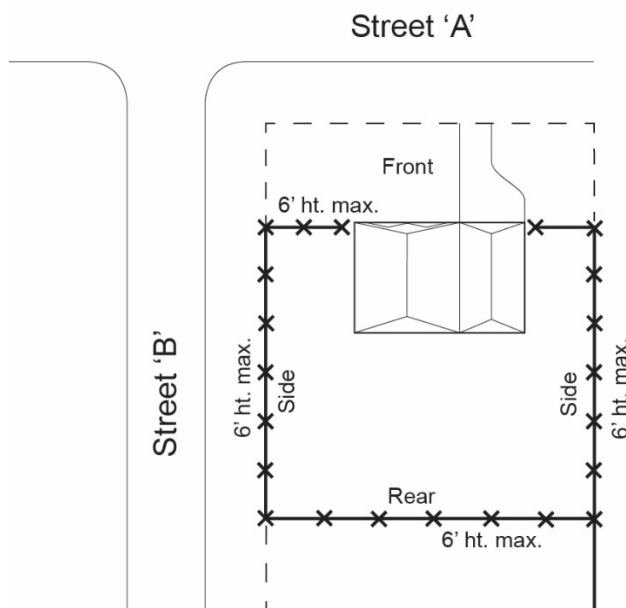
(e) *Access.* All fences shall have a gate which allows reasonable and convenient access for public safety.

(f) *Rural and Residential District Fences.*

1. A fence not exceeding four (4) feet in height may be located in any yard.

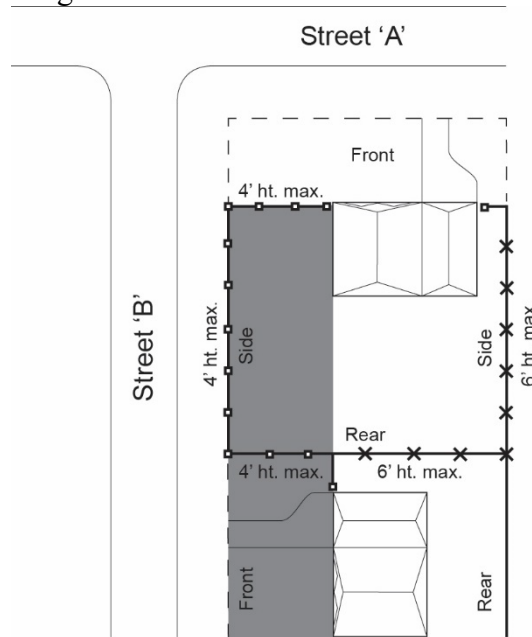
2. Except as prohibited by City Code Section 1007.043(18)(f)3. below, a fence not exceeding six (6) feet in height may be located from a line extended from the front wall of the principal building to the side lot lines, and then along the side lot lines and the rear lot line (see Diagram 3).

Diagram 3



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 lot line 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 4).

Diagram 4



4. *Rural and Residential Fences Height Exceptions.*

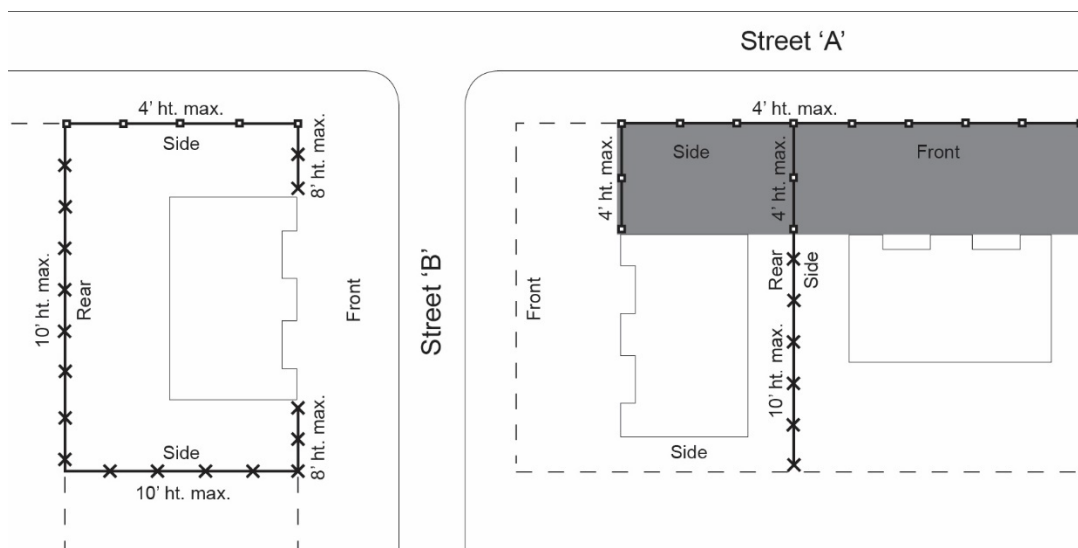
- a. A fence for a sport court not exceeding 12 feet in height may be located at least 10 foot from side and rear lot lines.
- b. Residential and rural boundary line fences not exceeding eight (8) feet in height may be located along a lot line abutting a commercial, industrial, or semi-public use or zoning district.

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

6. Electrical and barb wire fences shall not be permitted in residential zoning districts.

(g) *Business and Industrial District Fences.* (See Diagram 5)

Diagram 5



1. A fence not exceeding four (4) feet in height may be located in any yard.
2. A fence not exceeding eight (8) feet in height may be located parallel to the front lot line from a front corner of a principal building to a side lot line that is not adjacent to a street.
3. A fence not exceeding 10 feet in height may be located on a rear lot line or on a side lot line that is not adjacent to a street from a point where the front wall of a principal building would intersect with a side lot line extending to the rear lot 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 lot line setback of the abutting lot shall not be fenced to a height of more than four (4) feet.
5. Within commercial and industrial zoning districts, barbed wire may be attached to the tops of fences subject to the following conditions:
  - a. Fences shall be a minimum of eight (8) feet in height exclusive of the security arm.
  - b. The security arm shall be angled in such a manner that it extends only over the property of the permit holder.
  - c. Wire security fencing shall not be located within the front yard or along a lot line abutting a residential use.

(h) *Public and Semi-Public District Fences.*

1. A fence not exceeding eight (8) feet in height may be located in any yard.

2. Barbed wire fences used for security purposes may be permitted per City Code Section 1007.043(18)(g)5.

(19) *Submission of Permit and Site Plan.* Any person desiring to develop or improve property shall submit to the Community Development Department a permit and site plan, or certificate of survey in compliance with City Code Section 1007.020(2)(b) as determined by the Zoning Administrator, and any other information which may be necessary to ensure compliance with City ordinances.

## § 1007.044 OFF-STREET PARKING.

(1) *Purpose.* The purpose of this section is to establish minimum requirements for off-street parking of motor vehicles in order to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public.

(2) *Application of Off-Street Parking Regulations.* These regulations and requirements shall apply to all off-street parking areas 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 compliance with City Code Section 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 requiring more off-street parking areas shall not be permitted until there is furnished such additional off-street parking spaces as required by these zoning regulations.

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

(e) *Accessible Off-Street Parking.* All off-street parking associated with any building, structure or use shall be required to conform to the disability accessible parking standards pursuant to Minnesota Statutes 169.346, as may be amended.

(f) *Use of Off-Street Parking Areas in a Residential District.* Except as allowed under City Code Section 1007.044(11), off-street parking areas accessory to a residential use shall be utilized solely for the parking of passenger motor vehicles, recreational vehicles, and/or one (1) truck not to exceed 12,000 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 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 18 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 building or 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) *Parking Space, Aisle and Driveway Design.*

1. *Off-Street Parking Area Standards.* Off-street parking areas and the aisles shall be developed in compliance with the following standards:

**Table 1**

<b>Angle of Parking</b>	<b>Space Width</b>	<b>Space Length</b>	<b>Aisle Width One Way</b>	<b>Aisle Width Two Way</b>
90°	9 feet	18 feet	24 feet	24 feet
75°	9 feet	18 feet	22 feet	23 feet
60°	9 feet	18 feet	18 feet	22 feet
45°	9 feet	18 feet	15 feet	22 feet
0°	9 feet	22 feet	12 feet	24 feet

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 dwellings, off-street parking areas shall be designed so that circulation between parking spaces 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 dwellings, off-street 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 off-street parking spaces serving single family and two family dwellings may be designed for parking two (2) motor 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 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 shall be located at least 40 feet from one another except for single family, two family, and townhouse dwellings.

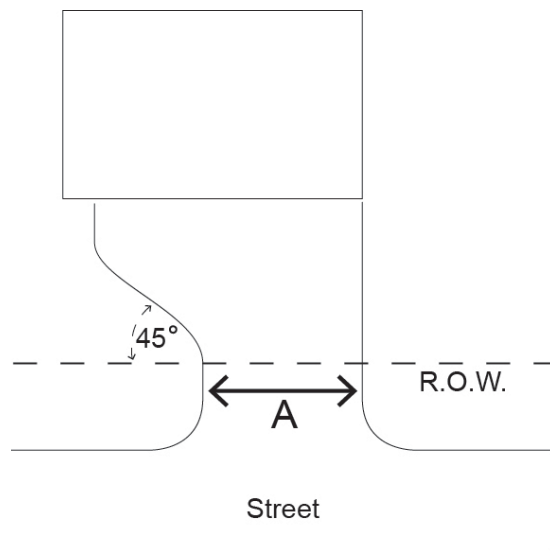
c. Curb cut/driveway access shall be a minimum of five (5) feet from the side lot line in all districts, except shared driveways approved by the City Engineer. Any shared driveway shall include a maintenance and access agreement.

d. A single family detached dwelling in a residential zoning district shall not have more than one (1) driveway.

e. A single family detached dwelling in a rural zoning district may have one (1) or more driveways provided they are at least 40 feet from one another. No second driveway shall be allowed onto a major collector or arterial street as defined by the City’s Transportation Plan.

7. *Curb Cut/Driveway Width.* No curb cut shall exceed 28 feet in width within a rural or residential zoning district, or 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 45 degrees. (See Diagram 6)

Diagram 6



8. *Emergency Vehicle Access.*

a. Access drives to principal buildings or 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 requirements:

**Table 2**

<b>DRIVEWAY/ACCESS STANDARDS</b>		
	<b>Rural and Residential Districts</b>	<b>Business, Industrial, PSP Districts</b>
<b>Maximum Slope</b>	10 foot vertical rise in 100 horizontal feet.	Eight (8) feet vertical rise in 100 horizontal feet.

<b>Minimum Width</b>	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 lot line.	20 feet driveway base or as approved by community engineer.
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b. All property shall have direct, adequate, physical access for emergency vehicles along the frontage of the lot 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 property to the approved public or private street, a property may have existing private easement access drives over adjacent properties.

9. *Grade Elevation.* The grade elevation of a parking lot shall not exceed five (5) percent.

10. *Striping.* All parking spaces shall be marked with white or yellow painted lines at least four (4) inches wide except for single, two family, townhouses, and green parking lots.

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 City Code Section 1007.043(6).

12. *Curbing and Landscaping.* All open off-street parking shall have a continuous concrete perimeter curb barrier around the entire parking lot except for single, two family, and townhouses. 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. Curbed islands or peninsulas shall be installed to promote the safe and efficient flow of traffic, regardless of parking lot size.

13. *Off-Street Parking Area Landscaping.*

a. All open off-street parking areas of six (6) or more required spaces shall be landscaped on all sides in compliance with City Code Section 1007.043(17).

b. Within off-street parking areas of 50 or more spaces, irrigated landscaped islands or peninsulas or rain gardens shall be provided at a rate of 100 square feet per 25 surface spaces 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.

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.

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

a. In business, industrial, and public and semi-public zoning districts the City may allow up to 25 percent of the required off-street parking spaces 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 (1) acre in size or greater, class 5 gravel or other surfacing material may be allowed as approved by the City Engineer. Any driveways on a paved street shall be hard surfaced from the edge of the paved street to the lot line.

c. A permit is required for the installation of a new driveway or the replacement of an existing driveway.

(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 off-street parking space, access ways, landscaping and required screening.

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

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

(b) Off-street parking spaces for one and two family dwellings shall be located on the same lot as the principal use served.

(c) Off-street parking spaces for multiple-family dwellings shall be located on the same lot as the principal use served and within 200 feet of the main entrance to the principal building served.

(d) Off-street parking spaces for uses in a business, industrial, or public and semi-public district shall be located within 800 feet of a main entrance to the principal building served.

(e) Off-street parking spaces shall not be located within a public right-of-way.

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

(g) Off-street parking spaces for single family dwellings, two family dwellings, and townhouse dwellings shall not be located in the front yard except designated driveways leading directly into a garage. One (1) off-street parking space may be located on the side of a driveway, away from the principal use. This parking space shall be surfaced in a manner consistent with City Code Section 1007.044(3)(h)15.

(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:

**Table 3**

Use	Number of Parking Spaces Required
Single Family and Two Family Dwellings	2 spaces per unit.
Boarding House/Accessory Apartment	At least 1 space for each person for whom sleeping accommodations are provided.
Townhouses and Manufactured Home Parks	2 rent-free spaces per unit. In projects involving 8 or more units, guest parking at a rate of 1 space per 3 units shall be provided.
Multiple-Family Dwellings	2 rent-free spaces per unit. A minimum of one-half (½) of the required parking spaces shall be within the building.
Senior Housing	1.5 spaces per independent living apartment unit other than studio apartments. Studio apartments require 1 space per unit. Half of the parking spaces for independent living shall be underground.
Rest Home, Nursing Home, Convalescent Center, or Assisted-Living	1 space for each 6 beds based upon maximum design capacity plus 1 space for each 2 employees.
Hospitals	2 spaces for each bed.
Schools, Elementary and Junior High	At least 3 parking spaces per classroom, plus necessary spaces for student drop off. Auditoriums and special events space shall be calculated separately.
High School and Colleges	1 space for each classroom plus 1 additional space for each 7 students based upon maximum design capacity.
Church, Theater, Auditorium	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

Use	Number of Parking Spaces Required
	subject to additional requirements which are imposed by this ordinance.
Community Centers, Libraries, Private Clubs, Lodges, Museums, Art Galleries	1 space for each 300 square feet of floor area in the principal structure.
Day Care Facilities	1 space for each 300 square feet of floor area.
Office Buildings, Veterinary Hospitals, Professional Offices, and Medical Clinics	1 space for each 200 square feet of floor area.
Financial Institutions, Banks, Savings and Loan	1 space for each 250 square feet of floor area.
Health Club	1 space for each 300 square feet of floor area.
Retail Store and Service Establishment	1 space for each 200 square feet of floor area.
Shopping Centers	1 space for each 200 square feet of floor area (exclusive of common areas).
Retail Sales and Service Business with 50 percent or More of Gross Floor area Devoted to Storage, Warehouses and/or Industry	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.
Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, On-Sale Nightclubs	1 space for each 100 square feet of dining room, plus 1 space for each employee of the maximum work shift.
Fast Food Restaurant	1 space for each 50 square feet of floor area, plus 1 space for each employee of the maximum work shift.
Motels, Motor Hotels, Hotels	1 space per each rental unit plus 1 space for each 8 units, and 1 space for each employee on any shift.
Motor Fuel Station	1 space for each 250 square feet of gross floor area.
Auto Repair	4 spaces plus 2 spaces per service bay.
Motor Vehicle Sales Lot	1 space for each 250 square feet of floor area of the building plus 1 space per each 2,000 square feet of gross land area.
Commercial Car Wash	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.
Garden Supply Store, Building Material Sales in Structure	8 spaces, plus 1 space for 800 square feet of floor area over 1,000 square feet.
Private Racquetball, Handball and Tennis Courts	6 spaces per court.

Use	Number of Parking Spaces Required
Indoor Sports Arenas, Private Skating Rink, Dance Hall, or Public Auction House	20 spaces, plus 1 space for each 200 square feet of floor space over 2,000 square feet.
Golf Driving Range, Miniature Golf, Archery Range	10 spaces plus 1 space for each 100 square feet of floor space of building.
Golf Courses	4 spaces per hole, plus 50 percent of the requirements for any other associated use.
Bowling Alley	5 spaces for each alley, plus additional spaces for related uses.
Funeral Homes and Mortuaries	20 spaces for each chapel or parlor, plus 1 space for each funeral vehicle.
Contractors' Offices, Shops and Yards	2 spaces for each employee.
Light Manufacturing	1 space for each 500 square feet of gross floor area.
Warehousing, Storage of Handling of Bulk Goods	1 space for each 2,000 square feet of gross floor area.
Other Uses	Any use not in the parking requirements in this section shall be assigned a parking requirement by the Community Development Director or designee.

(7) *Parking Deferment.* The City may reduce the number of required off-street parking spaces for business, 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 off-street parking under City Code Section 1007.044(6). 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 off-street 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 area to meet the minimum requirements of this ordinance if the parking demand exceeds on site supply.

(d) Off-street parking shall only occur in areas designed and constructed for parking in compliance with this ordinance.

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

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

(8) *Joint Off-Street Parking Areas.* Off-street parking areas for a combination of mixed buildings, structures, or uses may be provided collectively in any non-residential zoning district in which separate parking areas 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 located on the shared area and recorded with the properties and a maintenance agreement required.

(9) *Control of Off-Site Parking Areas.* When required off-street parking areas are provided on a different property in which the principal use is located, the parking area shall be in the same ownership, or controlled either by deed or long term lease as the property occupied by such principal use. The owner of the principal use shall file a recordable document with the City requiring the owner and their heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.

(10) *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 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.

(11) *Motor Vehicle Off-Street Parking in Residential and Rural Zoning Districts.*

(a) Passenger motor vehicles and motorcycles may be parked or driven on a residential or rural property provided that:

1. They are parked or driven on an appropriate surface leading to the parking area in compliance with City Code Section 1007.044(3)(h)15.
2. They are operable and appropriately licensed at all times they are parked outside of an accessory building.
3. They are set back a minimum of five (5) feet from side and rear lot 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 City Code Section 1007.001, may be parked or stored on a residential or rural property provided that:

1. The vehicles are registered to or rented by a resident of the dwelling on such property, 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 City Code Section 1007.044(3)(h)15.
2. All front yard storage shall comply with the following setbacks from street curb and pavement lines:

**Table 4**

Street Classification	Minimum setback from curb/pavement line
Arterial	30 feet
Major Collector	20 feet
Minor Collector and Local	15 feet

3. No vehicle shall be parked in a manner that blocks a City or County sidewalk, park, or trail.
4. The vehicles are not connected to any water or sewage disposal system on the residential or rural 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 quarter while stored/parked on a residential or rural property.

(c) *Motor Vehicles exceeding a gross weight rating of 12,000 pounds.*

1. No motor vehicle, except recreational vehicle, exceeding a gross weight rating of 12,000 pounds shall be parked or stored, indoors or outdoors, in a residential zoning district, or on a lot of less than two and a half (2 ½) acres in a rural zoning district, except when loading, unloading, or rendering a service.
  - a. An administrative permit may be obtained from the Community Development Department for the temporary parking or storage of motor vehicles that comply with the following requirements:
    - i. The motor vehicle is operable and appropriately licensed at all times.
    - ii. The vehicle shall not be parked or stored for more than 72 hours within a seven (7) day period excluding legal holidays.
    - iii. The vehicle shall be parked or stored behind the front of the dwelling.
    - iv. No more than one permit shall be granted per residence.
    - v. Neither the truck engine nor any other motorized component shall be left running while the vehicle is parked or stored.
    - vi. There shall be a minimum of 150 feet from the vehicle to the nearest lot line.
    - vii. The vehicle and trailer shall remain connected.
    - viii. All parking permits shall be reviewed and renewed on July 1st 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.

2. On lots two and a half (2 ½) acres or greater in rural zoning districts, no more than two (2) motor vehicles exceeding a gross weight rating of 12,000 pounds shall be parked or stored, indoors or outdoors. Vehicles parked or stored shall meet the following requirements:

- a. The motor vehicles are operable and appropriately licensed at all times.
- b. Neither the truck engine nor any other motorized component shall be left running while the vehicle is parked or stored.
- c. There shall be a minimum of 150 feet from the vehicle to the nearest lot line.
- d. The vehicle and trailer shall remain connected.

**§ 1007.045 OFF-STREET LOADING SPACES.**

(1) *Purpose.* The purpose of this section is to establish the minimum requirements for off-street loading spaces in order to alleviate or prevent congestion of the public right-of-way related to the loading and unloading of motor vehicles.

(2) *Location.* Off-street loading spaces are subject to the following conditions:

(a) Loading spaces shall be off-street.

(b) Loading spaces shall be located on the same lot as the building or use being served.

(c) Loading spaces shall be at least 50 feet from a residential district.

(d) Loading spaces may be located in the front yard if the lot has more than one (1) frontage on a public right-of-way.

1. The loading space shall be located on the frontage that has the least significant impact as determined by the Zoning Administrator.

2. Additional landscaping and earth berming shall be required to reduce the visual impact of the loading space as determined by the Zoning Administrator.

(3) *Size.* Loading spaces shall be of a size determined by the City as necessary to accommodate anticipated truck and service vehicles.

(4) *Access.* Loading spaces 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.* Loading spaces and access ways shall be surfaced with a bituminous, concrete or other material approved by the City Engineer.

(6) *Accessory Use.* Any space allocated as a loading space or maneuvering areas 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) *Off-Street Loading Space Required.* In connection with any structure which is to be constructed 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 City Code Section 1007.043(10), the City Council may limit the hours of operation.

(9) *Screening.* Except in the case of multiple dwellings, all loading spaces shall be screened and landscaped from abutting and surrounding residential uses in compliance with City Code Section 1007.043(17).

## § 1007.046 PRIVATE STREETS.

(1) *Purpose.* The purpose of this section is to establish minimum requirements for private streets in order to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public.

(2) *Requirements.* In conjunction with the review of two family, townhouse, or multiple-family residential plats, the City Council may approve private streets that serve more than one dwelling unit if the following conditions are met. Private streets serving business, industrial, or special district developments shall require a Planned Unit Development (PUD) in compliance with City Code Section 1007.024.

(a) The City Council finds that the private street is deemed necessary to allow reasonable development of a particular site, and that such private street is not allowed or intended to be a substitute for the public street system.

(b) The private street shall not exceed 300 feet in length unless it forms a continuous connection or loops back to a public street. A private street 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 compliance with City General Specifications and Standard Detail Plates.

(c) The private street shall gain access only from streets classified as “local” or “minor collector” by the City’s Comprehensive Plan.

(d) The private street shall gain access from the public street and shall maintain the street drainage with concrete curb and gutter per City Standard Specifications for Construction. Private street access on urban and rural streets shall have at a minimum a five (5) foot bituminous or concrete apron. The remainder of the private street shall be designed, constructed and surfaced as approved by the City Engineer.

(e) The private street shall be a minimum of 26 feet wide. No parking shall be allowed on the private street, however, guest parking spaces may be required to be installed adjacent to the private street, as determined by the City Council.

(f) Individual unit driveways that gain access from the private street shall be a minimum of 25 feet in length.

(g) Approval of the private street shall not be granted if the private street is to be located within a separate lot.

(h) Street signs shall be designed and installed in compliance with City General Specifications and Standard Detail Plates.

(i) Signage stating “No Parking – Fire Lane” shall be located along the private street in locations as approved by the City Fire Inspector.

(j) A homeowners association agreement or other instrument acceptable to the City shall be required to ensure that the private street remains “private” in perpetuity. Such instrument shall require mandatory participation of all homeowners that have access via the private street and shall include the requirement for creation of a fund to address maintenance, snow removal, and future reconstruction of the private street in accord with City General Specifications and Standard Detail Plates. A copy of such instrument shall be filed with the City as a matter of public record.

**§ 1007.047 RELOCATED STRUCTURES.**

(1) Before any house or other structure is moved onto a lot, a building permit must be obtained in compliance with City Code Section 1007.019. 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 a building permit if it determines that the structure does not meet the performance standards of this ordinance.



**§ 1007.048 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 property, and without jeopardizing the residential character of the neighborhood.

(2) *Application.* All occupations conducted in the home shall comply with the provisions of this section except as follows:

- (a) Permitted agricultural/farm related uses in the R and R-X Districts.
- (b) The limited seasonal sale of products grown solely on the site by the residents of the homestead.
- (c) Day care 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.
- (f) Garage Sales in compliance with the following:
  - 1. Each property is limited to four (4) garage sales per year.
  - 2. Each sale is limited to three (3) days.
  - 3. Signs must be in conformance with City Code Chapter 1010.

(3) *Procedure.*

(a) Home Occupation Level A does not require an application, review, or permit as 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:

- 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, ordinances, and applicable performance standards set forth in the ordinance. The Zoning Administrator shall notify the applicant, in writing, of any incomplete application within 15 business days of the date of submission.

(c) Home Occupation Level C requires an Interim Use Permit. The procedure for an Interim Use Permit is described in City Code Section 1007.017.

(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 60 days of the last complaint. Home Occupation Level C, which requires an Interim Use Permit, shall be subject to the Revocation clause included in City Code Section 1007.017.

(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. The permit is revoked by the City per section (4) above.

(b) A Home Occupation Level C, approved as part of an Interim Use Permit application, shall comply with City Code Section 1007.017.

(6) *Requirements - General Provisions.* All home occupations shall comply with the following requirements:

(a) *General Provisions.*

1. The home occupation shall be operated by an occupant of the dwelling.
2. The home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall not change the residential character thereof.

3. The home occupation shall comply with all requirements of the City Code Chapter 901 and shall not be incompatible or disturbing 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.
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 property, except any signage allowed by the sign code and any vehicles allowed by City Code Section 1007.044(11).
7. Personal motor vehicles not exceeding a gross weight rating of 12,000 pounds used in the home occupation may be parked on the property.
8. Any motor vehicle with a gross weight rating in excess of 12,000 pounds is subject to City Code Section 1007.044(11)(c).
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 the need for an additional driveway access to the property.
11. When applicable, all state licensing requirements shall be met.
12. The applicant shall demonstrate the home occupation 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 requirements specific to the Home Occupation Level A.

(a) *Requirements.*

1. Permitted home occupation shall be confined to the dwelling unit, and shall not be conducted in any accessory structure on the property, 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 10 delivery/pickup trips per week shall be permitted.
4. The home occupation may not occupy more than 10 percent of the dwelling.
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 requirements 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 (2) 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 24-hour period.
5. If the home occupation will require a delivery service, such as UPS, no more than 10 delivery/pickup trips per week shall be permitted.
6. If the home occupation is to occupy more than 10 percent 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 7:00 PM and 7:00 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 dwelling are permitted. For the purpose of this section, an attached garage does not count as part of the 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 with a dwelling, zoned Rural, Rural Executive, or Future Urban Development, and fronting on an arterial or major collector roadway are eligible to apply for an Interim 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 requirements specific to the Home Occupation Level C.

(a) *Requirements.*

1. The property shall be a minimum of 10 acres in size.
2. Permitted home occupation may be conducted in an accessory structure provided that the use can comply with life safety requirements.
3. A limit of five (5) customers or employees who do not reside at the dwelling may be permitted on the property at one time.
4. Areas accessible to customers or employees shall comply with all applicable life safety codes.
5. Vehicle trips generated by the business shall not exceed 40 in any 24-hour period.
6. If the home occupation will require a delivery service, such as UPS, no more than 15 delivery/pickup trips per week shall be permitted.
7. If the home occupation is to occupy more than 10 percent of the dwelling, additional building and fire code issues may need to be addressed.

8. All off-street parking generated by the home occupation shall be provided on a hard surface in or adjacent to the driveway.

9. Personal Service Businesses shall be limited to allow the servicing of only two customers at a time.

10. Between the hours of 9:00 PM and 7:00 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.

11. 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 rural and 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 Interim Use Permit for a Home Occupation Level C, 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.

(12) *Penalty.* Violation of the home occupation performance standards shall be subject to the enforcement and penalty provisions of City Code Section 1007.023.

**§ 1007.049 ACCESSORY APARTMENTS.**

(1) *Purpose.* The purpose of this section is to provide standards for the establishment and use of accessory apartments in owner occupied single family detached dwellings.

(2) *Application.* All accessory apartments as defined in City Code Section 1007.001(2) established after the effective date of this ordinance shall comply with the requirements of this section.

(3) *Procedures and Permits.* All 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 accessory apartments shall comply with the following requirements:

(a) The accessory apartment shall be clearly a subordinate part of the principal dwelling. The accessory apartment shall not exceed 40 percent of the building's total floor area or 960 square feet, whichever is less. 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 dwelling shall have at least 960 square feet of living space remaining after creation of the accessory apartment exclusive of garage area. Accessory apartments shall have at least 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) The accessory apartment shall not have more than two (2) bedrooms.

(d) 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 dwelling provided that no unenclosed ramps or enclosed 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.

(e) The principal dwelling and accessory apartment shall share an internal doorway connection between the dwellings.

(f) Both the principal dwelling and accessory apartment shall share a single utility hookup.

(g) All parking standards of City Code Section 1007.044 shall be met.

(h) The principal dwelling and accessory apartment shall meet the applicable standards and requirements of the Lino Lakes Zoning Code, Building Code, Anoka County Health Codes and Fire Codes.

(i) Either the principal dwelling or accessory apartment shall be occupied by the owner of the property.

(j) The property shall only have one (1) mailing address.

(k) A maximum of one (1) accessory apartment permit shall be issued per detached single family home.

(l) 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 requirements of this section. Prior to revocation, the City Council shall conduct a hearing preceded by 10 days mail notice to the permittee.



**§ 1007.050 DRAINAGE.**

(1) No land shall be developed or altered, and no use shall be permitted that results in increasing surface water runoff rates; causes unreasonable flooding; degrades water quality; or creates erosion or deposit of minerals on said land, adjacent properties, or water bodies in compliance with City Code Chapter 1011 and as required below.

(2) For land disturbance and all construction, erosion control measures must be in place prior to the beginning of site work, e.g., grading, topsoil 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 in the amount equal to the value of the project to ensure 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 submit a grading plan and an erosion and sediment control plan prior to permit issuance.

(5) Agricultural, residential, commercial, and industrial developments shall be in compliance 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, erosion control, 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. If no such City approved drainage and grading plan for the entire subdivision exists, that such person or entity must represent that the grading, drainage and building pad elevations are consistent with the requirements of City Code Section 1007.050 (1) through Section 1007.050(5).

**§ 1007.051 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 50 cubic yards per acre without first having applied for and having obtained a permit from the City. When 5,000 or more cubic yards of material is to be removed or deposited on any lot or parcel, an interim 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. The plan shall contain among other things a to scale 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. The plan shall also be in compliance with the City Standard Specifications for Construction.

(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:

- (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 City 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 ground cover 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) Post a form of security as determined by the City Engineer to cover potential City cost 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 for damages resulting from the negligent excavation, removal, storage, or filling of rock, sand, dirt, gravel, clay, or other like material within the City.
- (m) Other conditions deemed appropriate to the application by the City Engineer.

**§ 1007.052 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 zoning permit and conform to all requirements of the City 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 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.

**§ 1007.053 ADULT USES.**

(1) *General.* Adult uses as defined in the City Code shall be subject to the following conditions:

(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 300 radial feet, as measured in a straight line from the closest point of the lot line of the building upon which the adult use-principal is located to the lot 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 City Code Section 1007.053(2)(a).

(c) Adult use-principal shall, in addition to other sign requirements established by City Code, adhere to the following signing regulations:

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 10 percent of the floor area of the establishment in which it is located.
2. Comprise no more than 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.

## § 1007.054 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. Small wireless facilities are regulated under City Code Chapter 305.

(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 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 shall require related permits as applicable. Applications to construct 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 construction 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 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 compliance 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 compliance 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: City Code Section 1007.054(2)(c); Section 1007.054(2)(h); Section 1007.054(4); and Section 1007.054(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 compliance 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:



(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 constructed in any required yard (except a rear yard) or within public easements. The setback shall be five (5) feet from all lot lines.

(b) Guy wires or guy wire anchors shall not be constructed within public easements. The setback shall be one (1) foot from all lot lines.

(c) Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of 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.*

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 if the following condition are met:

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 15 feet above the structural height of the building or structure to which they are attached.

ii. Wall or façade 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 construction 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 antennas as a permitted secondary use may be located upon an existing structure or co-located on an existing tower subject to the following conditions:

a. An administrative permit is issued by the Zoning Administrator.

b. Antennas mounted on buildings or structures shall not extend more than 15 feet above the structural height of the building or structure to which they are attached.

c. Wall or façade 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 requirements:

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 140 feet in height. Towers with a minimum capacity to support three (3) antennas shall not exceed 160 feet in height.

ii. The setback of the tower from the nearest lot line is at least 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 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 requirements:

a. Temporary mobile towers are exempt from co-location and permanent tower structure design standards provided for in the following sections: City Code Section 1007.054(2)(h); Section 1007.054(2)(i); Section 1007.054(4); and Section 1007.054(5).

b. The termination date of the permit shall not exceed 120 days. Temporary mobile towers located on a site longer than 120 days shall require the processing of an interim use permit subject to the standards contained in City Code Section 1007.017.

c. Guyed towers are prohibited.

d. Mobile units shall have a minimum tower design wind load of 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 100 feet.

*(c) Public and 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 subject to the following conditions:

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 15 feet above the structural height of the building or structure to which they are attached.

ii. Wall or façade 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 requirements:

a. The applicant shall demonstrate to the satisfaction of the City that the 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 140 feet in height. Towers with a minimum capacity to support three (3) antennas shall not exceed 160 feet in height.

ii. The setback of the tower from the nearest lot line is at least 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 50 percent shall be provided around the support structure and no-climb security measures shall be provided on the tower or support structure.

(8) *Commercial, 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 requirements:

(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 City Code Section 1007.016.

(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 lot line and said lot 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 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.

## § 1007.055 ACCESSORY OUTDOOR DINING AREAS.

(1) *Purpose and Intent.* The purpose of this section is to provide standards for the establishment and use of accessory outdoor dining areas that are intended for consumption of food or beverages purchased at the principal use on the property. This section is not intended to apply to outdoor seating areas such as park benches or picnic tables in parks or other public gathering and recreation areas. When an administrative permit for an outdoor dining area 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 dining area, the proper license required by City Code Chapter 700 must be current.

(c) All lighting be hooded and directed away from adjacent residential uses in compliance with City Code Section 1007.043(6).

(d) The site plan shall demonstrate that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:

1. The outdoor dining 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 dining area consists of four (4) 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 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. 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.

(e) The outdoor dining 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 36 inches shall be provided within aisles of the outdoor dining 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 Spaces:*

1. For outdoor dining areas that are 500 square feet or less in size, no additional off-street parking spaces shall be required.

2. For outdoor dining areas that are greater than 500 square feet in size, one (1) additional off-street parking space for every 100 square feet of outdoor dining area in excess of the first 500 square feet shall be required.

(i) The outdoor dining 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 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 dining area shall be kept clean and otherwise maintained in an orderly, sanitary, attractive condition.

**§ 1007.056 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 shall be located within the Light Industrial, General Industrial, Rural, Rural Executive, or Future Urban Development zoning districts, and must obtain an Interim Use Permit per City Code Section 1007.017.

(3) *Requirements.* Batch plants are allowed subject to the following conditions:

(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 setback shall be 50 feet 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 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.

(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.



**§ 1007.057 OPT OUT OF MINN. STAT. 462.3593.**

Pursuant to authority granted by M. S. §462.3593, subd. 9, the City of Lino Lakes opts-out of the requirements of M. S. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**§ 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.** The business of boarding horses for fee for persons not residing on the premises and may include instruction, exhibition and sale of horses. This shall include the raising and breeding of horses.

(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 10 or more horses, shall have their principal entrance located on an arterial or 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 compliance with the state building code, and connected to an individual sewage treatment system or the public 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.

## § 1007.059 AGRITOURISM.

(1) The purpose of this section is to provide standards for agritourism, which consists of uses of a commercial/tourism nature that are complementary and accessory to the primary agricultural land use. It is also intended to promote and maintain local farming and encourage new agriculturally based businesses that contribute to the general economic conditions of the City and surrounding region.

(2) The purpose of this designation is to provide a clear understanding of the expectations for agricultural commercial/tourism businesses for operators, local residents, other businesses, and local officials.

(a) A property's size must be adequate to accommodate any agritourism use so as not to create a nuisance or hazard. Issues affected by farm size include, but are not limited to, setbacks for noise abatement, adequate off street space for a farm stand, and adequate parking for all farm activities including, but not limited to, daily operation.

(b) Agritourism uses must meet all City zoning ordinances as well as all health, building, street, safety and other applicable local, state and federal regulations and codes.

(c) Agricultural operations whose gross revenues are solely or primarily derived from alcoholic products are not included under these provisions. Applicable state or local laws will apply.

(d) Documentation that an agritourism use as defined in the City ordinance is operating within these limits must be made available to the City upon request.

(3) The following agricultural commercial/tourism businesses may be permitted after a conditional use review, pursuant to Section 1007.016 provided that the agricultural heritage and rural character of the site are respected and maintained:

(a) Cider mills or wineries selling product, in a tasting room, if at least 50 percent of the cider or wine offered for sale contains crops or produce grown on-site or in Minnesota, Wisconsin, Iowa, North Dakota or South Dakota.

(b) Seasonal outdoor mazes of agricultural origin such as straw bales or corn.

(c) The processing, storage, and retail or wholesale marketing of agricultural products into value-added agricultural products containing agricultural products grown on site or in Minnesota, Wisconsin, Iowa, North Dakota or South Dakota.

(d) Kitchen facilities, for the processing, cooking, and/or baking of goods featuring agricultural products grown on site or in Minnesota.

(e) The retail sale of agricultural products and agriculturally related products. The retail sale of non-agriculturally related products is limited to 25 percent of items offered for sale.

(f) Uses (a) through (e) listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained, and the non-agriculturally related uses comprise less than 50 percent of the gross receipts from the farm.

1. Value-added agricultural products or activities such as educational tours of the site or processing facilities, educational classes, lectures, seminars, etc.

2. Playgrounds or equipment such as slides, swings, or similar structures (not including motorized vehicles or rides).

3. Petting farms, animal display, and pony rides.

4. Wagon, sleigh, and hayrides.

5. Nature trails.

6. Open air or covered picnic area with restrooms.

7. Historical agricultural exhibits.

8. Food trucks, concession stands, or temporary food services to host visitors once attracted to the agricultural business for the purposes of entertaining and/or educating.

(4) The site shall comply with the following requirements:

(a) Minimum lot area of 10 acres.

(b) All uses permitted by this section shall have at least one (1) primary access onto a collector street as identified on the functional classification map with the condition that the increase in traffic shall not create a nuisance, to nearby residents by way of traffic or noise or increase the public cost in maintaining the street.

(c) All structure, parking area, and agritourism related activity setbacks shall be 50 feet from any side or rear lot line. Drive aisle setbacks shall be 20 feet to any side or rear lot line.

## § 1007.060 WIND ENERGY CONVERSION SYSTEM (WECS)

(1) *Purpose.* The purpose of this section is to establish regulations for the installation of WECS in locations that are not detrimental to the public health safety and welfare of neighboring property owners or occupants.

(2) *Applicability.* 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.

(3) *General Requirements.* The following requirements shall apply to all WECS:

- (a) WECS shall be allowed as an accessory structure in all zoning districts.
- (b) WECS shall be mounted to a monopole or building that has the structural integrity to carry the weight and wind loads of the WECS and can 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 1007.043(10) 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 compliance 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.

(l) Obsolete WECS and any related support or equipment shall be removed within 12 months of cessation of operating, unless an exemption is granted by the Zoning Administrator.

(4) *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 (1) 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 of a residential zoning district.

(e) Freestanding WECS setbacks from all lot lines, from any principal building, from any recreational facility (e.g., playfield, rink), and from lakes, wetlands, and ponds shall be a distance 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 (2) 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, within a bluff or shore 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 public 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 at least 30 feet above the ground.

(j) Freestanding WECS shall not include tower climbing apparatus within 12 feet of the ground.

(k) Freestanding WECS shall display a sign posted at the base of the tower, not to exceed two (2) square feet in area, containing the following information.

1. A warning of danger to unauthorized persons.

2. The WECS manufacturer's name.

3. Emergency shutdown procedures.

(5) *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 (1) rooftop WECS shall be permitted per single family detached 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 setbacks shall be 10 feet from exterior walls of the building.

(6) *Submittal Requirements.* An applicant for a WECS shall provide the following:

(a) Information that demonstrates compliance with the requirements specified in this Section, as applicable.

(b) Application materials required for a building 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.

(e) 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 detached dwellings.

**§ 1007.061 SOLAR ENERGY SYSTEMS.**

(1) *Purpose.* The purpose of this section is to establish regulations for the installation of solar energy systems in locations that are not detrimental to the public health safety and welfare of neighboring property owners or occupants.

(2) *Zoning district.* Solar energy systems in compliance with the standards in this section are allowed as a permitted accessory use in all zoning districts. This does not include solar farms.

(3) *Standards.*

(a) *Exemption.* Passive or building integrated solar energy systems are exempt from the requirements of this chapter and shall be regulated as any other building element.

(b) *Height.*

1. Rural and residential roof mounted solar energy systems are allowed subject to the following conditions:

- a. The system is permitted to exceed the maximum height requirements in the applicable zoning district up to 18 inches above the rooftop to which it is attached.
- b. The system shall be installed parallel to the rooftop to which it is attached.

2. Rural and residential ground mounted solar energy systems shall not exceed 10 feet in height.

3. Business, Industrial, and Special District roof mounted solar energy systems are allowed subject to the following conditions:

- a. The system is permitted to project a maximum of four (4) feet from the roof to which is it attached.
- b. The pitch shall not exceed 40 percent at maximum tilt.
- c. The system shall not exceed 15 feet in height at maximum tilt.

4. Ground mounted solar energy systems must be engineered to include three (3) feet of clearance from grade to bottom of the solar energy system.

(c) *Location.* Ground mounted solar energy systems shall not be located in any front yard in any zoning district except within rural zoning districts, they shall be located at least 100 feet from the front lot line.



(d) *Setbacks.* Ground mounted solar energy systems shall comply with all accessory structure setbacks in the applicable zoning district. Roof mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(e) *Roof mounting.* Roof mounted solar collectors may be flush mounted or bracket mounted. Bracket mounted collectors shall be permitted only when a determination is made by the City Building Official that the underlying roof structure will support apparatus, wind, and snow loads and all applicable building standards are satisfied.

(f) *Easements.* Solar energy systems shall not be located in any public easement.

(g) *Screening.* Ground mounted systems shall be screened from view and the public right of way to the extent practicable without impacting their function. Solar energy systems are exempt from screening requirements for rooftop mechanical equipment.

(h) *Maximum area.*

1. Rural and residential ground mounted solar energy systems shall be limited to five (5) percent of the lot area.

2. Business, industrial, and special district ground mounted solar energy systems shall not exceed more than 25 percent of the yard in which the solar energy system is located.

3. Ground mounted solar energy systems are exempt from maximum impervious surface limitations in each zoning district.

4. All solar energy systems shall minimize glare toward vehicular traffic and adjacent properties.

(i) *Feeder lines.* The electrical collection system shall be located underground within the interior of each parcel. The collection system may be located overhead near substations or points of interconnection to the electric grid.

(j) *Safety.*

1. *Standards.* Solar energy systems shall meet the minimum standards of all applicable federal, state, local, or other standards as determined by the City Building Official.

2. *Certification.* Solar energy systems shall be certified by Underwriters Laboratories, Inc., and the National Renewable Energy Laboratory, the Solar Rating and Certification Corporation or other body as determined by the City Building Official. The City reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

3. *Utility connection.* All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect shall be provided if required by the utility.

(k) *Abandonment.* If a solar energy system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

(l) *Permit.* A building permit shall be obtained for any solar energy system prior to installation. A building permit submittal shall include the following: to scale site plan, manufacturers and installation specifications, a complete structural review worksheet for residential roof mounted solar arrays and any additional information requested by City staff and/or the Building Official.

**§ 1007.062 MODEL HOMES WITH TEMPORARY REAL ESTATE OFFICES.**

(1) *Purpose.* The purpose of this section is to provide for the construction of model homes with 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 temporary commercial use, special consideration must be given to the unique characteristics associated with them and special standards must be applied to ensure reasonable compatibility with their surrounding environment.

(2) *Procedure.* The construction of a model home(s) with temporary real estate office(s) shall require a building permit issued by the Building Official.

(3) *Special Requirements.*

(a) Model homes with temporary real estate offices may be allowed as accessory uses in the applicable zoning district in which they are located. The model home with a temporary real estate office shall comply with the Minnesota State Building Code.

(b) Temporary parking areas shall be provided on the site and shall include at least two (2) off-street parking spaces per model home unit with temporary real estate office. Such temporary parking areas 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 area shall be subject to the approval of the City Engineer.

(c) Access from a temporary parking area onto a local street shall be minimized. Where this requirement is physically impractical, access shall be directed away from residential neighborhoods to the greatest extent possible.

(d) No model home with temporary real estate office shall incorporate outside lighting which creates a nuisance due to glare or intensity.

(e) All signage shall be in compliance with City Code Chapter 1010.

(f) The model home with temporary real estate office shall terminate three (3) years from its date of issuance or until 85 percent of the development is completed, whichever occurs first.

(g) 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.

(h) The restoration of all temporary parking areas with appropriate landscaping shall be completed by the end of the next growing season.

## § 1007.063 TEMPORARY STRUCTURES.

(1) *Purpose.* The purpose of this section is to provide for temporary structures including but not limited to construction trailers and temporary classroom structures for use by a public or private school.

(2) *Procedure.* The temporary structure shall require an administrative permit, as may be issued by the Zoning Administrator, except as otherwise provided by this Chapter.

(3) *Special Requirements.*

(a) Temporary structures shall be allowed as provided for in the applicable zoning district in which they are located.

(b) 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.

(c) The administrative permit shall terminate 12 months from its date of issuance, or within 30 days after a certificate of occupancy has been issued by the Building Official for the permanent structure. The permit may be extended for an additional 180 days at the discretion of the Zoning Administrator.

(d) Temporary structures may be located in a required yard area, provided that no such structure may be located within 15 feet of a public right-of-way or obstruct visibility at any intersection or driveway.

(e) All applicable requirements of the State Building Code shall be met.

(f) Whenever an administrative permit for construction of a temporary structure has been issued, a similar application for an administrative permit for construction of a temporary structure shall not be considered again by the Zoning Administrator for at least one (1) year from the date of approval.

## § 1007.064 MOTOR FUEL STATIONS.

(1) *Purpose.* 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.

(2) *Motor Fuel Stations.* Motor fuel stations shall be constructed in compliance 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.

(3) *Architectural Standards.* 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.

(4) *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 at least 30 feet from any lot line, provided that adequate visibility both on-site and off-site is maintained.

(b) The canopy shall not exceed 18 feet in height and must provide 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) The 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 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) The canopies support columns shall be constructed of masonry materials consistent with the principal building.

(g) Signage may be allowed on a detached canopy provided that the individual canopy sign does not exceed more than 20 percent of the canopy façade facing a public right-of-way.

(h) Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.

(5) *Pump Islands.* Pump islands shall comply with the following requirements:

- (a) Pump islands shall be elevated six (6) inches above the traveled surface of the site.
  - (b) Pump island setbacks shall be 30 feet from any lot line. Additionally, the setback between the pump islands curb face must be at least 24 feet.
- (6) *Drainage.* 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 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 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.
- (7) *Buffer.* Where lots abut residentially zoned property, a buffer yard of at least 20 feet wide shall be landscaped and screened in compliance with City Code Section 1007.043(17).
- (8) *Circulation and Loading.* The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
- (9) *Noise.* Public address systems and gas pump displays shall not be audible at any lot line. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in City Code Section 1007.043(10).
- (10) *Outdoor Storage, Sales and Service.* No outdoor storage or sales shall be allowed, except as follows:
- (a) Propane sales of 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.
  - (b) Large, bulk sale propane tanks must meet all applicable building and fire code requirements.
  - (c) A compressed air service area may be located on site as long as it does not interrupt on-site traffic circulation.
  - (d) Accessory outdoor services, sales, or rental accessory to the principal use and limited in area to 25 percent of the gross floor area of the principal building.

(11) *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.

(12) *Motor Vehicle Parking.* Except for employee passenger motor vehicles and motorcycles, no motor vehicle shall be parked on the property for more than two (2) hours.

(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.

**§ 1007.065 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.

(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 (3) feet to the lot line.

1. *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 City Code Section 1007.044(3)(h)15.

(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:



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 City Code Section 1007.044(5)(g).

2. Secondary driveway width shall not exceed 12 feet.

3. No secondary driveway shall be within three (3) feet of the lot 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 percent.

(g) All other provisions of Chapter 1007 and the City Code shall be applicable to the extent not in conflict with this section.

## § 1007.066 RURAL CLUSTER DEVELOPMENT.

(1) *Purpose.* The purpose of this section is to establish special requirements for a rural cluster development (without City water or sanitary sewer) project to allow limited rural residential development while promoting:

- (a) Preservation of productive land for agricultural use.
- (b) Preservation of wildlife habitat and unique natural resources.
- (c) Reduction of negative impacts on the environment.
- (d) Creation of common open space that provides a unified landscape for the use and enjoyment of the neighborhood community and/or the general public.
- (e) A variety of rural residential lot sizes, configurations, and neighborhoods.
- (f) Orderly and economically viable transition to eventual development with urban services.

(2) *Application.* A rural cluster development shall only be applied in areas zoned R, Rural or R-X, Rural-Executive that are guided Low Density Residential on the Comprehensive Plan Full Build Out Land Use Map.

(3) *Open Space.* A minimum of 50 percent of the gross acreage of the subject property shall be preserved as common open space, recreational space or agricultural use. Of that open space, a minimum of 25 percent shall be upland area.

(a) All designated open space shall be platted as outlot parcels. Public trail corridors shall be dedicated as park land.

(b) *Habitable Structures.* Habitable structures shall not be permitted in any of the designated open spaces. Open and recreational structures may be permitted within open spaces.

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

(4) *Ownership and Management.* Each designated open space shall be owned and managed according to the following means, subject to city approval:

(a) *Common Ownership.* 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:

1. The legal description of the common lands or facilities;
2. The restrictions placed upon the use and enjoyment of the lands or facilities, including the persons or entities entitled to enforce the restrictions;
3. A mechanism for resolving disputes among the owners or association members;
4. 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;
5. The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership.

(b) *Natural Habitat.* Management shall be the responsibility of the homeowners association.

1. Open space may be protected by establishing conservation easements as provided in M.S. § 84.64 through 84.65, as they may be amended from time to time. 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 conservation easement or other instrument establishing the restrictions must be approved by the City prior to the execution and delivery thereof.

2. 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.

(c) *Neighborhood Recreational and Trail Corridor.* Recreational open space or trail corridors intended as public parks or public trails shall be dedicated to the City. Management and maintenance of the public recreational areas shall be the responsibility of the City.

(5) *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 50 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 (1) 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 (1) or more of the following features:

1. *View Shed.* The lots of a neighborhood may be arranged such that a majority of the 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.

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

3. *Streetscape.* The lots may be arranged such that the principal 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.

(6) *Densities.*

(a) Subdivisions served by independent sewage treatment systems shall not exceed eight units per 40 acres.

(b) Subdivisions served by a MPCA approved community sewer system shall not exceed 12 units per 40 acres.

(7) The applicant must provide a management (maintenance, replacement and repair) plan for centralized wastewater treatment system as approved by the City. The management plan must be reviewed and approved by the City Council and recorded with the final plat. The plan should clearly identify the following:

(a) The ownership of the centralized wastewater treatment system.

(b) An annual schedule for maintenance, inspection and monitoring of the centralized wastewater treatment system.

(c) Assignment of responsibility for the management of and payment for the centralized wastewater treatment system.

(d) Contingency plan in the event of failure of the centralized wastewater treatment.

(e) Financial guarantees, covering the estimated cost of maintaining and replacing a centralized system.

(f) Provisions describing how the sewage treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk.

(g) The name and license number of the system's designer.

(h) Provision for cost effective future connection of the wastewater treatment system(s) to urban services within one year after such services are provided at the boundary of the development, with sufficient financial guarantees to ensure no added cost to the City.

(i) If financial guarantees for any of the above provisions are part of an association assessment or treasury fund, the City shall be given access to annual audit records, at the expense of the association, to ensure proper funding. If such guarantees are the private responsibility of the developer, the City shall require guarantees from the responsible individual(s).

(8) *Residential Lots.*

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

(b) Lots served by a MPCA approved community sewage treatment system shall have a minimum lot area of 20,000 square feet of buildable land.

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

(d) *Minimum Lot Width.*

1. *ISTS Lots.* 200 feet.

2. *Lots Served by a MPCA Approved Community Sewage System.*

a. Interior Lot. 100 feet.

b. Corner Lot. 125 feet.

(e) *Setbacks.* Setbacks shall be the same as those imposed in the applicable base zoning district.

(f) Residential lots shall be sited in a manner that preserves existing significant tree cover on the site.

(g) The lots of a neighborhood may be arranged so that a majority of the principal structures will take visual advantage of an identifiable feature, building, structure, greenway, wetland, woods, lake, stream or other open space which could be described as a view shed.

(h) The lots may be arranged that the principal structures face a local street enhanced with landscaping, street trees, boulevards, medians or other landscaping techniques appropriate to the city's street design standards.

## DISTRICT PROVISIONS

### § 1007.070 GENERAL ZONING DISTRICT PROVISIONS.

(1) *District Establishment.* The zoning districts are designed to assist in carrying out the intents and purposes of the Comprehensive Plan and to control residential densities in such a manner as to adequately provide public services and utilities. The zoning districts are based upon the Comprehensive Plan, which has the purpose of protecting the public health, safety, convenience, and general welfare by controlling the needs for public utilities, protecting against traffic congestion and accident hazards, protecting the public health from adverse influences generated by non-residential uses, protecting against the danger of fire conflagration, and other purposes of a similar nature. For purposes of this ordinance, the City of Lino Lakes is divided into the following zoning districts:

(a) *Rural Districts.*

1. R, Rural.
2. R-X, Rural Executive.

(b) *Residential Districts.*

1. R-1, Single Family Residential.
2. R-1X, Single Family Executive Residential.
3. R-2, Two Family Residential.
4. R-3, Medium Density Residential.
5. R-4, High Density Residential.
6. R-5, High Density Residential and Commercial.
7. R-6, Manufactured Home Park.

(c) *Business Districts.*

1. NB, Neighborhood Business.
2. LB, Limited Business.
3. GB, General Business.

(d) *Industrial Districts.*

1. LI, Light Industrial.
2. GI, General Industrial.
3. BC, Business Campus.

(e) *Special Districts.*

1. PSP, Public and Semi-Public.
2. PUD, Planned Unit Development.

(2) *Zoning District Boundaries.* Zoning district boundary lines established by this ordinance generally follow lot lines, the centerlines of railroad right-of-way lines, street rights-of-way, water courses or the corporate limit lines, all as they exist upon the effective date of this ordinance.

(a) Appeals concerning the exact location of a zoning district boundary line shall be heard by the Council, serving as the Board of Adjustment and Appeals, pursuant to City Code Section 1007.018.

(b) Whenever any street, alley or other public way is vacated by official action of the City, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(c) All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, streets, public ways or railroad rights-of-way. Where the centerline of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

(d) All areas within the corporate limits of the City which are under water and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two (2) or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the half-way point and/or to the corporation limits.

(3) *Zoning Map.* The location and boundaries of the districts established by this text are set forth on the Zoning Map, entitled "Zoning Map of Lino Lakes". The map shall be on file with the Zoning Administrator, and may be referred to as the "Zoning Map". The map and all the notations, references and other information shown on it shall have the same force and effect as if fully set forth herein and thereby made a part of this ordinance by reference.

(4) *Annexations.* In the event of annexation proceedings becoming final before the permanent zoning is determined, the annexed area shall be located in the most restrictive district and such classification shall be considered an interim step pending permanent classification.

(5) *Exemptions.* The following essential services are permitted in any district: the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of systems, including gas, electrical, steam or water transmission or distribution systems; collection, communication systems, including communication equipment facilities, supply or disposal systems; elevated and underground water storage tanks; poles, wires, mains, drains, sewers, pipes, conduits, cables; fire alarm boxes, police call boxes; traffic signals, hydrants, and other similar equipment and accessories in connection therewith, including city buildings and parks; reasonably necessary for the furnishing of adequate service of such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

## ***RURAL DISTRICTS***

### **§ 1007.080 R, RURAL DISTRICT.**

(1) *Purpose.* The purpose of this district is to aid in guiding development toward fulfillment of the Comprehensive Plan and to serve the following functions:

(a) To preserve productive land for agricultural use and maintain open space within and near urban areas.

(b) To help guide development of urban and rural areas to preserve continuity and efficiency of service.

(c) To provide a method by which the urban farm can be guided to control urban sprawl and conserve land economically until such time an amendment to the Comprehensive Plan is needed.

#### (2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.* 10 gross acres. Two (2) acres buildable, except as provided for in City Code Section 1007.042(2)(b).

(b) *Minimum Lot Width.* 330 feet, except as provided for in City Code Section 1007.042(2)(b), which shall require a minimum lot width of 200 feet.

#### (c) *Setbacks.*

##### 1. *From Street Right-of-Way.*

a. *Local or Minor Collector Street.* 30 feet.

b. *Major Collector or Arterial Street.* 40 feet.

##### 2. *Rear Lot Line.*

a. *Principal Building.* 30 feet.

b. *Accessory Building.* 30 feet, except for properties three (3) acres or less, the setback shall be five (5) feet.

##### 3. *Side Lot Line.*

a. *Principal Building.* 10 feet.

b. *Accessory Building.* 5 feet.

##### 4. *Parking Lots for Non-Residential Uses.* 15 feet from all lot lines.



(d) *Rural Lot Subdivision.* Principal and accessory buildings shall be located on a lot so as to allow for future subdivision in compliance with City Code Section 1007.042(2)(d).

(3) *Building Requirements.*

(a) The minimum building footprint, less garage area, for single family dwellings shall be as follows:

Rambler	1,050 square feet
Split Level	980 square feet
Two Story	850 square feet

(4) *Maximum Building Height.* 35 feet, except as allowed by City Code Section 1007.043(3).

(5) *Permitted Uses.* The following are permitted uses in the R District:

- (a) Agriculture, gardening, and sod farming.
- (b) Commercial greenhouses and nurseries.
- (c) Day care facilities serving 14 or fewer persons.
- (d) Golf courses and driving ranges.
- (e) Keeping of farm animals of up to 300 animal units in compliance with City Code Chapter 503. No more than one (1) animal unit per two (2) acres.
- (f) Public parks.
- (g) Rural Cluster in compliance with City Code Section 1007.066.
- (h) Single family detached dwellings.
- (i) State licensed residential care facility serving six (6) or fewer persons.
- (j) Roadside stands for the sale of agricultural products produced on the premises in compliance with City Code Section 1007.043(4)(h).
- (k) Winery and cider mill, without tasting room.
- (l) Community gardens operated by the city.

(6) *Accessory Uses.* The following are permitted accessory uses in the R District:

- (a) Accessory apartments in compliance with City Code Section 1007.049.

(b) Accessory buildings, structures, and uses in compliance with City Code Section 1007.043(4).

(c) Carports in compliance with City Code Section 1007.043(4)(c).

(d) Fences in compliance with City Code Section 1007.043(18).

(e) Home occupation Level A in compliance with City Code Section 1007.048.

(f) Model homes with temporary real estate offices in compliance with City Code Section 1007.062.

(g) Off-street parking in compliance with City Code Section 1007.044.

(h) Operation, parking, or storage of motor vehicles, equipment and machinery which are incidental and customary to permitted or conditional uses allowed in this district.

(i) 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 in compliance with City Code Section 1007.054.

(j) Signs in compliance with City Code Chapter 1010.

(k) Swimming pools, sport courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests in compliance with City Code Section 1007.043(4).

(7) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

(a) Agritourism in compliance with City Code Section 1007.059.

(b) Cemeteries provided that:

1. The site shall access on a collector or arterial street.

2. Where abutting a rural or residential zoning district, the periphery of the site shall be screened in compliance with City Code Section 1007.043(17).

(c) Commercial and public radio and television transmitting antennas, and public utility microwave antennas less than 200 feet in height in compliance with City Code Section 1007.054.

(d) Commercial kennels and similar uses provided that:

1. The applicable provisions of City Code Chapter 503 are satisfied.

2. Property shall be a minimum of five (5) acres in size.
  3. Cages, enclosures, and housing facilities shall be a minimum of 100 feet from any lot line.
- (e) Veterinary hospitals provided that:
1. Property shall be in compliance with minimum lot size requirements of this zoning district.
  2. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
  3. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
  4. An animal kennel is permitted as an accessory use to the veterinary hospital provided that:
    - a. The number of animals boarded shall not exceed 40.
    - b. An enclosed indoor or exterior exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel.
    - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60- and 75-degrees Fahrenheit.
    - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
    - e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
    - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
    - g. A commercial kennel license is obtained from the City.
  5. The applicable provisions of City Code Chapter 503 are satisfied.
  6. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

(f) Day care facilities serving more than 14 persons accessory to Public, Educational, and Religious Uses provided that:

1. Screening is provided in compliance with City Code Section 1007.043(17).
2. All day care facility operations comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

(g) Public and private airports provided that:

1. All applicable requirements of the Federal Aviation Administration (FAA), Minnesota Department of Transportation (MnDOT), and Metropolitan Airports Commission (MAC) are satisfactorily met.

(h) Public, Educational, and Religious Uses provided that:

1. The building setback shall be 50 feet from any side or rear lot line.
2. The site shall access a collector or arterial street of sufficient capacity to accommodate the traffic that will be generated.

(i) Wild game farms and gun clubs provided that:

1. The principal use, function, or activity is open and outdoor in character, and the site shall contain a minimum of 100 acres.
2. Not more than five (5) percent of the land area of the site be covered by buildings or structures.
3. Any operation involving the discharge of firearms shall comply with City Code Chapter 504.
4. When abutting a residential use and a residential district, the property is screened and landscaped in compliance with City Code Section 1007.043(17).

(j) Commercial Stables in compliance with City Code Section 1007.058.

(8) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Home Occupation Level B in compliance with City Code Section 1007.048.

(c) Essential Services.

(d) Open Air Market accessory to an institutional use and limited in area to 25 percent of the gross floor area of the principal building.

(e) Temporary Structures in compliance with City Code Section 1007.063.

(f) Transient Merchants.

(9) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Batch plants in compliance with City Code Section 1007.056.

(b) Earth moving and land reclamation in compliance with City Code Section 1007.051.

(c) Home Occupation Level C in compliance with City Code Section 1007.048.

**§ 1007.081 R-X, RURAL EXECUTIVE DISTRICT.**

(1) *Purpose.* The purpose of this district is to aid in guiding development toward fulfillment of the Comprehensive Plan and to serve the following functions:

(a) To preserve productive land for agricultural use and maintain open space within and near urban areas.

(b) To help guide development of urban and rural areas to preserve continuity and efficiency of service.

(c) To provide a method by which the urban farm can be guided to control urban sprawl and conserve land economically until such time an amendment to the Comprehensive Plan is needed.

(d) To provide areas for high value, rural residences.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.* 10 gross acres. Two (2) acres buildable, except as provided for in City Code Section 1007.042(2)(b).

(b) *Minimum Lot Width.* 330 feet, except as provided for in City Code Section 1007.042(2)(b) which shall require a minimum lot width 200 feet.

(c) *Setbacks.*

1. *From Street Right-of-Way.*

a. *Local or Minor Collector Street.* 30 feet.

b. *Major Collector or Arterial Street.* 40 feet.

2. *Rear Lot Line.*

a. *Principal Building.* 30 feet.

b. *Accessory Building.* 30 feet, except for properties three (3) acres or less, the setback shall be 5 feet.

3. *Side Lot Line.*

a. *Principal Building.* 10 feet.

b. *Accessory Building.* 5 feet.

4. *Parking Lots for Non-Residential Uses.* 15 feet from all lot lines.

(d) *Rural Lot Subdivision.* Principal and accessory buildings shall be located on a lot so as to allow for future subdivision in compliance with City Code Section 1007.042(2)(d).

(3) *Building Requirements.*

(a) The minimum building footprint, less garage area, for single family dwellings shall be as follows:

Rambler	1,260 square feet
Split Level	1,248 square feet
Two Story	1,040 square feet

(4) *Maximum Building Height.* 35 feet, except as allowed by City Code Section 1007.043(3).

(5) *Permitted Uses.* The following are permitted uses in the R-X District:

- (a) Agriculture, gardening, and sod farming.
- (b) Commercial greenhouses and nurseries.
- (c) Day care facilities serving 14 or fewer persons.
- (d) Golf courses and driving ranges.
- (e) Keeping of farm animals of up to 300 animal units in compliance with City Code Chapter 503. No more than one (1) animal unit per two (2) acres.
- (f) Public parks.
- (g) Rural Cluster in compliance with City Code Section 1007.066.
- (h) Single family detached dwellings.
- (i) State licensed residential care facility serving six (6) or fewer persons.
- (j) Roadside stands for the sale of agricultural products produced on the premises in compliance with City Code Section 1007.043(4)(g).
- (k) Community gardens operated by the City.

(6) *Accessory Uses.* The following are permitted accessory uses in the R-X District:

- (a) Accessory apartments in compliance with City Code Section 1007.049.
- (b) Accessory buildings, structures, and uses in compliance with City Code Section

1007.043(4).

- (c) Carports in compliance with City Code Section 1007.043(4)(c).
- (d) Fences in compliance with City Code Section 1007.043(18).
- (e) Home occupation Level A in compliance with City Code Section 1007.048.
- (f) Model homes with temporary real estate offices in compliance with City Code Section 1007.062.
- (g) Off-street parking in compliance with City Code Section 1007.044.
- (h) Operation, parking, or storage of motor vehicles, equipment and machinery which are incidental and customary to permitted or conditional uses allowed in this district.
- (i) 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 in compliance with City Code Section 1007.054.
- (j) Signs in compliance with City Code Chapter 1010.
- (k) Swimming pools, sport courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests in compliance with City Code Section 1007.043(4).

(7) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

- (a) Cemeteries provided that:
  - 1. The site shall access on a collector or arterial street.
  - 2. Where abutting a rural or residential zoning district, the periphery of the site shall be screened in compliance with City Code Section 1007.043(17).
- (b) Commercial and public radio and television transmitting antennas, and public utility microwave antennas less than 200 feet in height in compliance with City Code Section 1007.054.
- (c) Commercial kennels and similar uses provided that:
  - 1. The applicable provisions of City Code Chapter 503 are satisfied.
  - 2. Property shall be a minimum of five (5) acres in size
  - 3. Cages, enclosures, and housing facilities shall be a minimum of 100 feet from any lot line.



(d) Veterinary hospitals provided that:

1. Property shall be in compliance with minimum lot size requirements of this zoning district.
2. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
3. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
4. An animal kennel is permitted as an accessory use to the veterinary hospital provided that:
  - a. The number of animals boarded shall not exceed 40.
  - b. An enclosed indoor or exterior exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel.
  - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60 and 75 degrees Fahrenheit.
  - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
  - e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
  - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
  - g. A commercial kennel license is obtained from the City.
5. The applicable provisions of City Code Chapter 503 are satisfied.
6. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

(e) Day care facilities serving more than 14 persons accessory to Public, Educational, and Religious Uses provided that:

1. Screening is provided in compliance with the applicable provisions of City Code

Section 1007.043(17).

2. All day care facility operations comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

(f) Public, Educational, and Religious Uses provided that:

1. The building setback shall be 50 feet from any side or rear lot line.

2. The site shall access a collector or arterial street of sufficient capacity to accommodate the traffic that will be generated.

(g) Commercial stables in compliance with City Code Section 1007.058.

(8) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054 of this ordinance.

(b) Home Occupation Level B in compliance with City Code Section 1007.048.

(c) Essential Services.

(d) Open Air Market accessory to an institutional use and limited in area to 25 percent of the gross floor area of the principal building.

(e) Temporary Structures in compliance with City Code Section 1007.063.

(f) Transient Merchants.

(9) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Batch Plants in compliance with City Code Section 1007.056.

(b) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

(c) Home Occupation Level C in compliance with City Code Section 1007.048.

## ***RESIDENTIAL DISTRICTS***

### **§ 1007.090 R-1, SINGLE FAMILY RESIDENTIAL DISTRICT.**

(1) *Purpose.* The purpose of this district is to provide a residential atmosphere for those persons desiring a single family neighborhood with a suburban density. This district is intended for development of single family detached homes on lots served with public sanitary sewer and water. Land to be zoned R-1 shall be served with public sanitary sewer and water and shall be in a Low Density Residential land use category according to the comprehensive plan. The development density shall be consistent with that land use category.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.* 10,800 square feet contiguous buildable land as defined by City Code Section 1007.001(2).

(b) *Minimum Lot Width.*

1. *Interior Lots.* 80 feet.
2. *Corner Lots.* 100 feet.
3. Lots of one and one-half (1.5) acres recorded prior to February 22, 1988 may be subdivided in compliance with the following:

a. *Interior Lots.* 75 feet.

b. *Corner Lots.* 95 feet.

(c) *Minimum Lot Depth.* 135 feet.

1. *Double Frontage Lots.* 145 feet.

(d) *Setbacks.*

1. *From Street Right-of-Way.*

a. *Local or Minor Collector Street.* 30 feet.

b. *Major Collector or Arterial Street.* 40 feet.

2. *Rear Lot Line.*

a. *Principal Building.* 30 feet.

b. *Accessory Building.* 5 feet.

3. *Side Lot Line.*

a. *Principal Building.* 10 feet.

b. *Accessory Building.* 5 feet.

4. *Parking Lots for Non-Residential Uses.* 15 feet from all lot lines.

(e) *Buffer.* Any property adjacent to a collector or arterial street shall provide a 15-foot-wide buffer in compliance with City Code Section 1007.043(17).

(3) *Maximum Impervious Surface Coverage.* 65 percent of the lot area.

(4) *Building Requirements.*

(a) The minimum building footprint, less garage area, for single family dwellings shall be as follows:

Rambler	1,050 square feet
Split Level	980 square feet
Two Story	850 square feet

(b) All dwellings shall comply with the Design and Construction Standards of §1007.043(2).

(5) *Maximum Building Height.* 35 feet except as allowed by City Code Section 1007.043(3).

(6) *Permitted Uses.* The following are permitted uses in the R-1 District:

(a) Day care facilities serving 14 or fewer persons.

(b) Public parks.

(c) Single family detached dwellings.

(d) State licensed residential care facility serving six (6) or fewer persons.

(e) Community gardens operated by the city.

(7) *Accessory Uses.* The following are permitted accessory uses in the R-1 District :

- (a) Accessory apartments in compliance with City Code Section 1007.049.
- (b) Accessory buildings, structures, and uses in compliance with City Code Section 1007.043(4).
- (c) Carports in compliance with City Code Section 1007.043(4)(c).
- (d) Fences in compliance with City Code Section 1007.043(18).
- (e) Home Occupation Level A in compliance with City Code Section 1007.048.
- (f) Model homes with temporary real estate offices in compliance with City Code Section 1007.062.
- (g) Non-commercial greenhouses not to exceed a footprint of 200 square feet.
- (h) Off-street parking in compliance with City Code Section 1007.044.
- (i) Parking spaces and carports for licensed and operable passenger motor vehicles.
- (j) 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 in compliance with City Code Section 1007.054.
- (k) Signs in compliance with City Code Chapter 1010.
- (l) Swimming pools, sport courts, and other recreational facilities which are operated for the use of the residents of the principal use and their guests in compliance with City Code Section 1007.043(4). This does not include racing/riding courses for off-road vehicles.

(8) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

- (a) Cemeteries provided that:
  1. The site shall access on a collector or arterial street.
  2. Where abutting a rural or residential zoning district, the periphery of the site shall be screened in compliance with City Code Section 1007.043(17).
- (b) Commercial outdoor recreational areas including golf courses, country clubs, driving ranges, swimming pools, and similar facilities provided that:

1. The principal use, function, or activity is open and outdoor in character.
2. Not more than five (5) percent of the land area of the site be covered by buildings or structures.
3. When abutting a residential use and a residential use district, the property is screened and landscaped in compliance with City Code Section 1007.043(17).
4. The site shall access on a collector or arterial street.

(c) Day care facilities accessory to Public, Educational, and Religious Uses provided that:

1. Day care facility shall be connected to public sewer and water.
2. Screening is provided in compliance with the applicable provisions of City Code Section 1007.043(17).
3. All day care facility operations comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

(d) Public, Educational, and Religious Uses provided that:

1. Side yards shall not be less than 50 feet.
2. Adequate screening from abutting residential uses and landscaping is provided in compliance with City Code Section 1007.043(17).
3. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with City Code Section 1007.044 and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with City Code Section 1007.043(17).

(9) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

- (a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.
- (b) Home Occupation Level B in compliance with City Code Section 1007.048.
- (c) Essential Services.
- (d) Open Air Market accessory to an institutional use and limited in area to 25 percent of the gross floor area of the principal building.

(e) Temporary Structures in compliance with City Code Section 1007.063.

(f) Transient Merchants.

(10) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

**§ 1007.091 R-1X, SINGLE FAMILY EXECUTIVE RESIDENTIAL DISTRICT.**

(1) *Purpose.* The purpose of this district is to provide a residential atmosphere for those persons desiring a single family neighborhood with a suburban density. This district is intended for development of single family detached homes on lots served with public sewer and water. Land to be zoned R-1X shall be served with public sanitary sewer and water and shall be in a Low Density Residential land use category according to the comprehensive plan. The development density shall be consistent with that land use category.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.* 12,825 square feet contiguous buildable land as defined by City Code Section 1007.001(2).

(b) *Minimum Lot Width.*

1. *Interior Lots.* 90 feet.
2. *Corner Lots.* 115 feet.

(c) *Minimum Lot Depth.* 135 feet.

1. *Double Frontage Lots.* 145 feet.

(d) *Setbacks.*

1. *From Street Right-of Way.*
  - a. *Local or Minor Collector Street.* 30 feet.
  - b. *Major Collector or Arterial Street.* 40 feet.
2. *Rear Lot Line.*
  - a. *Principal Building.* 30 feet.
  - b. *Accessory Building.* 5 feet.
3. *Side Lot Line.*
  - a. *Principal Building.* 10 feet.
  - b. *Accessory Building.* 5 feet.
4. *Parking Lots for Non-Residential Uses.* 15 feet from all lot lines.



(e) *Buffer.* Any property adjacent to a collector or arterial street shall provide a 15-foot-wide buffer in compliance with City Code Section 1007.043 (17).

(3) *Maximum Impervious Surface Coverage.* 65 percent of the lot area.

(4) *Building Requirements.*

(a) The minimum building footprint, less garage area, for single family dwellings shall be as follows:

Rambler	1,260 square feet
Split Level	1,248 square feet
Two Story	1,040 square feet

(b) All dwellings shall comply with the Design and Construction Standards of City Code Section 1007.043 (2).

(5) *Maximum Building Height.* 35 feet except as allowed by City Code Section 1007.043(3).

(6) *Permitted Uses.* The following are permitted uses in the R-1X District:

- (a) Day care facilities serving 14 or fewer persons.
- (b) Public parks.
- (c) Single family detached dwellings.
- (d) State licensed residential care facility serving six (6) or fewer persons.
- (e) Community gardens operated by the city.

(7) *Accessory Uses.* The following are permitted accessory uses in the R-1X District:

- (a) Accessory apartments in compliance with City Code Section 1007.049.
- (b) Accessory buildings, structures, and uses in compliance with City Code Section 1007.043(4).
- (c) Carports in compliance with City Code Section 1007.043(4)(c).
- (d) Fences in compliance with City Code Section 1007.043(18).
- (e) Home Occupation Level A in compliance with City Code Section 1007.048.

(f) Model homes with temporary real estate offices in compliance with City Code Section 1007.062.

(g) Non-commercial greenhouses provided they do not exceed 200 square feet in area.

(h) Off-street parking in compliance with City Code Section 1007.044.

(i) Parking spaces and carports for licensed and operable passenger motor vehicles.

(j) 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 in compliance with City Code Section 1007.054.

(k) Signs in compliance with City Code Chapter 1010.

(l) Swimming pools, sport courts, and other recreational facilities which are operated for the use of the residents of the principal use and their guests in compliance with City Code Section 1007.043(d). This does not include racing/riding courses for off-road vehicles.

(8) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

(a) Cemeteries provided that:

1. The site shall access on a collector or arterial street.

2. Where abutting a rural or residential zoning district, the periphery of the site shall be screened in compliance with City Code Section 1007.043(17).

(b) Commercial outdoor recreational areas including golf courses, country clubs, driving ranges, swimming pools, and similar facilities provided that:

1. The principal use, function or activity is open and outdoor in character.

2. Not more than five (5) percent of the land area of the site be covered by buildings or structures.

3. When abutting a residential use and a residential use district, the property is screened and landscaped in compliance with City Code Section 1007.043(17).

4. The site shall access a collector street or arterial street.

(c) Day care facilities serving more than 14 persons accessory to Public, Educational, and Religious Uses provided that:

1. Day care facility shall be connected to public sewer and water.
2. Screening is provided in compliance with the applicable provisions of City Code Section 1007.043(17).
3. All day care facility operations comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

(d) Public, Educational, and Religious Buildings provided that:

1. Side yards shall not be less than 50 feet.
2. Adequate screening from abutting residential uses and landscaping is provided in compliance with City Code Section 1007.043(17).
3. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with City Code Section 1007.044 and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with City Code Section 1007.043(17).

(9) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

- (a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.044.
- (b) Home Occupation Level B in compliance with City Code Section 1007.048.
- (c) Essential Services.
- (d) Open Air Market accessory to an institutional use and limited in area to 25 percent of the gross floor area of the principal building.
- (e) Temporary Structures in compliance with City Code Section 1007.063.
- (f) Transient Merchants.

(10) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

- (a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

**§ 1007.092 R-2, TWO FAMILY RESIDENTIAL DISTRICT.**

(1) *Purpose.* This purpose of this district is to provide for development of single family and two family homes. Land to be zoned R-2 shall be served with public sanitary sewer and water and shall be in a Low Density Residential, Low Density Mixed Residential, or Medium Density Residential land use category according to the comprehensive plan. The development density shall be consistent with the applicable land use category.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.* Lot size shall consist of contiguous buildable land as defined by City Code Section 1007.001(2).

1. *Two Family.*
  - a. *Base Lots.* 15,000 square feet.
  - b. *Unit Lots.* 7,500 square feet.
2. *Single Family.* 7,500 square feet.

(b) *Minimum Lot Width.*

1. *Two Family.*
  - a. *Base Lots.* 100 feet.
  - b. *Unit Lots.* 50 feet.
2. *Single Family.*
  - a. *Interior Lots.* 60 feet.
  - b. *Corner Lots.* 80 feet.

(c) *Minimum Lot Depth.* 125 feet.

1. *Double Frontage Lots.* 135 feet.

(d) *Setbacks.*

1. *From Street Right-of-Way.*
  - a. *Local or Minor Collector Street.* 25 feet.

b. *Major Collector or Arterial Street.* 40 feet.

2. *Rear Lot Line.*

a. *Principal Building.* 25 feet.

b. *Accessory Building.* 5 feet.

3. *Side Lot Line.*

a. *Principal Building.* 10 feet.

b. *Accessory Building.* 5 feet.

4. *Parking Lots for Non-Residential Uses.* 15 feet from all lot lines.

5. *Zero Lot Line.* Side yard setback requirements shall not be applied to a common wall of a two family dwelling unit.

(e) *Buffer.* Where a side or rear lot line abuts a collector or arterial street a 15 foot wide buffer shall be provided in compliance with City Code Section 1007.043(17).

(3) *Maximum Impervious Surface Coverage.* 65 percent of the lot area.

(4) *Building Requirements.*

(a) The minimum building footprint, less garage area, for single and two family dwellings shall be as follows:

1. *Single Family Dwellings.*

Rambler	1,050 square feet
Split Level	980 square feet
Two Story	850 square feet

2. *Two Family Dwellings.* 800 square feet first floor above grade, plus 100 additional square feet for each bedroom.

(b) *Garages.* All single family dwellings shall have a garage and shall comply with the following:

1. Compliance with the Building Type and Construction Standards of City Code Section 1007.043(2); and

2. All garages, except side or rear loaded garages, shall not protrude forward of the

front wall of the house, unless the house includes a front porch that is unenclosed, a minimum of six (6) feet in depth, and extends across 100 percent of the front façade of the house. The garage shall then not protrude forward of the front porch, and

3. If the garage door faces the street, the length of the garage wall facing the street shall not be greater than 50 percent of the length of the entire front façade of the structure; except on houses that comply with all of the following conditions:

a. The second floor living space extends over the two-car portion of the garage;  
and

b. The garage doors are decorative and have a strip of windows; and

c. Garages in excess of two (2) stalls shall be broken up so the additional stalls are recessed two (2) feet from the main garage façade; and

d. Garage width does not exceed 32 feet.

(c) All dwellings shall comply with the Design and Construction Standards of City Code Section 1007.043(2).

(5) *Maximum Building Height.* 35 feet except as allowed by City Code Section 1007.043(3).

(6) *Permitted Uses.* The following are permitted uses in the R-2 District:

(a) Day care facilities serving 14 or fewer persons.

(b) Public parks.

(c) Single family detached dwellings.

(d) State licensed residential care facility serving 16 or fewer persons.

(e) Two family dwellings.

(f) Community Gardens operated by the city.

(7) *Accessory Uses.* The following are permitted accessory uses in the R-2 District:

(a) Accessory apartments within single family homes in compliance with City Code Section 1007.049.

(b) Accessory buildings, structures, and uses in compliance with City Code Section 1007.043(4).

- (c) Carports in compliance with City Code Section 1007.043(4)(c).
  - (d) Fences per City Code Section 1007.043(18).
  - (e) Home Occupation Level A in compliance with City Code Section 1007.048.
  - (f) Model homes with temporary real estate offices in compliance with City Code Section 1007.062.
  - (g) Non-commercial greenhouses provided they do not exceed 200 square feet in area.
  - (h) Off-street parking in compliance with City Code Section 1007.044.
  - (i) Parking and carports for licensed and operable passenger cars and trucks.
  - (j) 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 in compliance with City Code Section 1007.054.
  - (k) Signs in compliance with City Code Chapter 1010 of the City Code.
  - (l) Swimming pools, sport courts, and other recreational facilities which are operated for the use of the residents of the principal use and their guests in compliance with City Code Section 1007.043(4). This does not include racing/riding courses for off-road vehicles.
- (8) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:
- (a) Commercial outdoor recreational areas including golf courses, country clubs, driving ranges, swimming pools, and similar facilities provided that:
    1. The principal use, function, or activity is open and outdoor in character.
    2. Not more than five (5) percent of the land area of the site be covered by buildings or structures.
    3. When abutting a residential use and a residential use district, the property is screened and landscaped in compliance with City Code Section 1007.043(17).
    4. The site shall access a collector street or arterial street.
  - (b) Day care facilities serving more than 14 persons accessory to Public, Educational, and Religious Uses provided that:

1. Day care facility shall be connected to public sewer and water.
2. Screening is provided in compliance with the applicable provisions of City Code Section 1007.043(17).
3. All day care facility operations comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

(c) Public, Educational, and Religious Uses provided that:

1. The building setback shall be 50 feet from any side lot line.
2. Adequate screening from abutting residential uses and landscaping is provided in compliance with City Code Section 1007.043(17).
3. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with City Code Section 1007.044(4) and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with City Code Section 1007.043(17).

(9) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

- (a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.
- (b) Home Occupation Level B in compliance with City Code Section 1007.048.
- (c) Essential Services.
- (d) Open Air Market accessory to an institutional use and limited in area to 25 percent of the gross floor area of the principal building.
- (e) Temporary Structures in compliance with City Code Section 1007.063.
- (f) Transient Merchants.

(10) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

- (a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.



**§ 1007.093 R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT.**

(1) *Purpose.* The purpose of this district is to provide setting for multiple family structures of up to eight (8) dwelling units per building. Land to be zoned R-3 shall be served with public sanitary sewer and water and shall be in a Medium or High Density Residential land use category according to the comprehensive plan. The development density shall be consistent with the applicable land use category.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.* Lot size shall consist of contiguous buildable land as defined by City Code Section 1007.001(2).

1. *Base Lots.*

a. *Two Family Dwellings.* 14,000 square feet.

b. *Townhomes and Other Multiple-Family Dwellings.* 24,000 square feet.

(b) *Minimum Lot Width.*

1. *Base Lots.* 100 feet.

(c) *Minimum Lot Depth.* There is no minimum lot depth in the R-3 zoning district.

(d) *Setbacks.*

1. *From Street Right-of-Way.*

a. *Local or Minor Collector Street.* 30 feet.

b. *Major Collector or Arterial Street.* 40 feet.

c. *Parking Lot.* 15 feet.

2. *Rear Lot Line.*

a. *Principal Building.* 30 feet.

b. *Accessory Building.* 5 feet.

c. *Parking Lot.* 5 feet.

3. *Side Lot Line.*

- a. *Principal Building.* 10 feet.
- b. *Accessory Building.* 5 feet.
- c. *Parking Lot.* 5 feet.

4. *Zero Lot Line.* Side yard setback requirements shall not be applied to a common wall of multi-family dwelling units.

5. *From Low Density Residential.* The principal buildings setback shall be 35 feet from any land guided for low density residential.

(e) *Buffer.* Where a side or rear lot line abuts land guided for low density residential, a collector street, or an arterial street, a 20-foot-wide buffer shall be provided in compliance with City Code Section 1007.043(17).

(3) *Maximum Impervious Surface Coverage.* 65 percent of the lot area.

(4) *Building Requirements.*

(a) *Floor Area.* The minimum livable floor area for each multiple-family dwelling unit shall be 700 square feet plus 100 additional square feet for each bedroom.

(b) *Utility Area.* Dwellings with dedicated individual access shall be required to provide an additional 100 square feet of floor area to house utilities, unless a basement is present. Dwellings with shared access shall be required to provide adequate floor area within the building to house utilities.

(c) All dwelling units shall have parking provided in compliance with City Code Section 1007.044(6).

(d) All dwellings shall comply with the Design and Construction Standards of City Code Section 1007.043(2).

(5) *Maximum Building Height.* The greater of three (3) stories or 40 feet, except as allowed by City Code Section 1007.043(3).

(6) *Permitted Uses.* The following are permitted uses in the R-3 District:

- (a) Day care facilities serving 14 or fewer persons.
- (b) Multiple-family dwellings containing eight (8) units or less.
- (c) Public parks.

- (d) State licensed residential care facility serving 16 or fewer persons.
- (e) Townhomes.
- (f) Two family dwellings.
- (g) Community gardens operated by the city.

(7) *Accessory Uses.* The following are permitted accessory uses in the R-3 District:

- (a) Accessory buildings, structures, and uses in compliance with City Code Section 1007.043(4).
- (b) Carports in compliance with City Code Section 1007.043(4)(c).
- (c) Fences per City Code Section 1007.043(18).
- (d) Home Occupation Level A in compliance with City Code Section 1007.048.
- (e) Model homes with temporary real estate offices in compliance with City Code Section 1007.062.
- (f) Non-commercial greenhouses provided they do not exceed 200 square feet in area.
- (g) Off-street parking in compliance with City Code Section 1007.044.
- (h) Parking and carports for licensed and operable passenger motor vehicles.
- (i) 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 in compliance with City Code Section 1007.054.
- (j) Signs in compliance with City Code Chapter 1010.
- (k) Swimming pools, sport courts, and other recreational facilities which are operated for the use of the residents of the principal use and their guests in compliance with City Code Section 1007.043(4). This does not include racing/riding courses for off-road vehicles.

(8) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

- (a) Commercial outdoor recreational areas including golf courses, country clubs, driving ranges, swimming pools, and similar facilities provided that:

1. The principal use, function or activity is open and outdoor in character.
2. Not more than five (5) percent of the land area of the site be covered by buildings or structures.
3. When abutting a residential use and a residential use district, the property is screened and landscaped in compliance with City Code Section 1007.043(17).
4. The site shall access on a collector street or arterial street.

(b) Day care facilities accessory to Public, Educational, and Religious Uses provided that:

1. Day care facility shall be connected to public sewer and water.
2. Screening is provided in compliance with the applicable provisions of City Code Section 1007.043(17).
3. All day care facility operations comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

(c) Public, Educational, and Religious Uses, provided that:

1. The building setback shall be 50 feet from any side lot line.
2. Adequate screening from abutting residential uses and landscaping is provided in compliance with City Code Section 1007.043(17).
3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with City Code Section 1007.044 and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with City Code Section 1007.043(17).

(9) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

- (a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.
- (b) Home Occupation Level B in compliance with City Code Section 1007.048.
- (c) Essential Services.
- (d) Open Air Market accessory to an institutional use and limited in area to 25 percent of the gross floor area of the principal building.

(e) Temporary Structures in compliance with City Code Section 1007.063.

(f) Transient Merchants.

(10) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

**§ 1007.094 R-4, HIGH DENSITY RESIDENTIAL DISTRICT.**

(1) *Purpose.* The purpose of this district is to provide a setting for multiple-family housing in areas that have good thoroughfare access. Land to be zoned R-4 shall be served with public sanitary sewer and water and shall be in a High Density Residential land use category according to the comprehensive plan. The development density shall be consistent with that land use category.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.* Lot size shall consist of contiguous buildable land as defined by City Code Section 1007.001(2).

1. *Base Lots.*

a. *Two Family.* 12,000 square feet.

b. *Townhome and Other Multiple-Family Dwellings.* 20,000 square feet.

(b) *Minimum Lot Width.*

1. *Base Lots.* 100 feet.

(c) *Minimum Lot Depth.* There is no minimum lot depth in the R-4 zoning district.

(d) *Setbacks.*

1. *From Street Right-of-Way.*

a. *Local or Minor Collector Street.* 30 feet.

b. *Major Collector or Arterial Street.* 40 feet.

c. *Parking Lot.* 15 feet.

2. *Rear Lot Line.*

a. *Principal Building.* 30 feet.

b. *Accessory Building.* 5 feet.

c. *Parking Lot.* 5 feet.

3. *Side Lot Line.*

- a. *Principal Building.* 20 feet.
- b. *Accessory Building.* 5 feet.
- c. *Parking Lot.* 5 feet.

4. *Zero Lot Line.* Side yard setback requirements shall not be applied to a common wall of multi-family dwelling units.

5. *From Low Density Residential District.* The principal buildings setback shall be 35 feet from any land guided for low density residential.

(e) *Buffer.* Where a side or rear lot line abuts land guided for low density residential, a collector street, or an arterial street, a 20 foot wide buffer shall be provided in compliance with City Code Section 1007.043(17).

(3) *Maximum Impervious Surface Coverage.* 65 percent of the lot area.

(4) *Floor Area.* The minimum livable floor area for each multiple-family dwelling unit shall be 700 square feet plus 100 additional square feet for each bedroom.

(5) *Utility Area.* Dwellings with dedicated individual access shall be required to provide an additional 100 square feet of floor area to house utilities, unless a basement is present. Dwellings with shared access shall be required to provide adequate floor area within the building to house utilities.

(6) All dwellings shall provide parking in compliance with City Code Section 1007.044 (11).

(7) All dwellings shall comply with the Design and Construction Standards of City Code Section 1007.043(2).

(8) *Maximum Building Height.* The greater of three (3) stories or 40 feet, except as allowed by City Code Section 1007.043(3).

(9) *Permitted Uses.* The following are permitted uses in the R-4 District:

- (a) Day care facilities serving 14 or fewer persons.
- (b) Multiple-family dwellings.
- (c) Public parks.
- (d) State licensed residential care facility serving 16 or fewer persons.
- (e) Townhomes.

- (f) Two family dwellings.
- (g) Community Gardens operated by the city.

(10) *Accessory Uses.* The following are permitted accessory uses in the R-4 District:

- (a) Accessory buildings, structures, and uses in compliance with City Code Section 1007.043(4).
- (b) Carports in compliance with City Code Section 1007.043(4)(c).
- (c) Fences per City Code Section 1007.043(18).
- (d) Home occupation Level A in compliance with City Code Section 1007.048.
- (e) Model homes with temporary real estate offices in compliance with City Code Section 1007.062.
- (f) Off-street parking in compliance with City Code Section 1007.044.
- (g) Parking and carports for licensed and operable passenger motor vehicles.
- (h) 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 in compliance with City Code Section 1007.054.
- (i) Signs in compliance with City Code Chapter 1010.
- (j) Swimming pools, sport courts, and other recreational facilities which are operated for the use of the residents of the principal use and their guests in compliance with City Code Section 1007.043(4). This does not include racing/riding courses for off-road vehicles.

(11) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

- (a) Assisted living facilities and nursing homes provided that:
  - 1. Side yards are double the minimum requirements established for this district and are screened in compliance with City Code Section 1007.043(17).
  - 2. Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with City Code Section 1007.043(17).



3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

4. All signing and informational or visual communication devices shall be in compliance with City Code Chapter 1010.

5. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

6. Adequate off-street parking is provided in compliance with City Code Section 1007.044.

7. Adequate off-street loading space is provided in compliance with City Code Section 1007.045 this ordinance.

(b) Commercial outdoor recreational areas including golf courses, country clubs, driving ranges, swimming pools, and similar facilities provided that:

1. The principal use, function or activity is open and outdoor in character.

2. Not more than five (5) percent of the land area of the site be covered by buildings or structures.

3. When abutting a residential use and a residential use district, the property is screened and landscaped in compliance with City Code Section 1007.043(17).

4. The site shall access on a collector street or arterial street.

(c) Day care facilities serving more than 16 persons provided that:

1. Day care facility shall be connected to public sewer and water.

2. Screening is provided in compliance with the applicable provisions of City Code Section 1007.043(17).

3. All day care facility operations comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

(d) Public, Educational, and Religious Uses provided that:

1. The building setback shall be 50 feet from any side lot line.

2. Adequate screening from abutting residential uses and landscaping is provided in compliance with City Code Section 1007.043(17).

3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with City Code Section 1007.044 and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with City Code Section 1007.043(17).

(12) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Home Occupation Level B in compliance with City Code Section 1007.048.

(c) Essential Services.

(d) Open Air Market accessory to an institutional use and limited in area to 25 percent of the gross floor area of the principal building.

(e) Temporary Structures in compliance with City Code Section 1007.063.

(f) Transient Merchants.

(13) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

**§ 1007.095 R-5, HIGH DENSITY RESIDENTIAL AND BUSINESS DISTRICT.**

(1) *Purpose.* The purpose of this district is to provide a setting for multiple-family housing and commercial in areas that have good thoroughfare access. Land to be zoned R-5 shall be served with public sanitary sewer and water and shall be in a Planned Residential/Commercial land use category according to the comprehensive plan. The development density shall be consistent with the land use category.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.* Lot size shall consist of contiguous buildable land as defined by City Code Section 1007.001(2).

1. *Base Lots.*

- a. *Townhomes.* 14,000 square feet.
- b. *Multiple-Family Dwellings.* 20,000 square feet.
- c. *Commercial.* 20,000 square feet.

(b) *Minimum Lot Width.*

- 1. *Base Lots for All Buildings.* 100 feet.

(c) *Minimum Lot Depth.* There is no minimum lot depth in the R-5 zoning district.

(d) *Setbacks for All Buildings.*

1. *From Street Right-of-Way.*

- a. *Local or Minor Collector Street.* 30 feet.
- b. *Major Collector or Arterial Street.* 40 feet.
- c. *Parking Lot.* 15 feet.

2. *Rear Lot Line.*

- a. *Principal Building.* 30 feet.
- b. *Accessory Building.* 10 feet.
- c. *Parking Lot.* 10 feet.

3. *Side Lot Line.*

- a. *Principal Building.* 20 feet.
- b. *Accessory Building.* 10 feet.
- c. *Parking Lot.* 10 feet.

4. *Zero Lot Line.* Side yard setback requirements shall not be applied to a common wall of multi-family dwelling units.

5. *From Low Density Residential District.* The principal building setback shall be 35 feet from any land guided for low density residential.

(e) *Buffer.* Where a side or rear lot line abuts land guided for low density residential, a collector street, or an arterial street, a 20 foot wide buffer shall be provided in compliance with City Code Section 1007.043(17).

(3) *Maximum Impervious Surface Coverage.* 75 percent.

(4) *Floor Area.* The minimum livable floor area for each multiple-family dwelling unit shall be 700 square feet plus 100 additional square feet for each bedroom.

(5) *Utility Area.* Dwellings with dedicated individual access shall be required to provide an additional 100 square feet of floor area to house utilities, unless a basement is present. Dwellings with shared access shall be required to provide adequate floor area within the building to house utilities.

(6) All dwellings shall provide parking in compliance with City Code Section 1007.044 (11).

(7) All dwellings shall comply with the Design and Construction Standards of City Code Section 1007.043(2).

(8) *Maximum Building Height.* The greater of three (3) stories or 40 feet, except as allowed by City Code Section 1007.043(3).

(9) *Permitted Uses.* The following are permitted uses in the R-5 District:

- (a) Day care facilities serving 14 or fewer persons.
- (b) Multiple-family dwellings.
- (c) Public parks.
- (d) State licensed residential care facilities serving 16 or fewer persons.

- (e) Townhouse dwellings.
- (f) Two family dwellings.
- (g) Community gardens operated by the City.

(10) *Accessory Uses.* The following are permitted accessory uses in the R-5 District:

- (a) Accessory buildings, structures, and uses in compliance with City Code Section 1007.043(4).
- (b) Fences per City Code Section 1007.043(18).
- (c) Home Occupation Level A in compliance with City Code Section 1007.048.
- (d) Model homes with temporary real estate offices in compliance with City Code Section 1007.062.
- (e) Off-street parking in compliance with City Code Section 1007.044.
- (f) Parking and carports for licensed and operable passenger motor vehicles.
- (g) 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 in compliance with City Code Section 1007.054.
- (h) Signs in compliance with City Code Chapter 1010.
- (i) Swimming pools, sport courts, and other recreational facilities which are operated for the use of the residents of the principal use and their guests in compliance with City Code Section 1007.043(4). This does not include racing/riding courses for off-road vehicles.

(11) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

- (a) All permitted and conditional uses listed in City Code Section 1007.111.
- (b) Assisted living facilities, clinics, and nursing homes provided that:
  - 1. Side yards are double the minimum requirements established for this district and are screened in compliance with City Code Section 1007.043(17).
  - 2. Only the rear yard shall be used for play or recreational areas. Said area shall be

fenced and controlled and screened in compliance with City Code Section 1007.043(17).

3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

4. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

5. Adequate off-street parking is provided in compliance with City Code Section 1007.044.

6. Adequate off-street loading space is provided in compliance with City Code Section 1007.045 this ordinance.

(c) Commercial outdoor recreational areas including golf courses, country clubs, driving ranges, swimming pools, and similar facilities provided that:

1. The principal use, function or activity is open and outdoor in character.

2. Not more than five (5) percent of the land area of the site be covered by buildings or structures.

3. When abutting a residential use and a residential use district, the property is screened and landscaped in compliance with City Code Section 1007.043(17).

4. The site shall access on a collector street or arterial street.

(d) Day care facilities serving more than 14 persons provided that:

1. Day care facility shall be connected to public sewer and water.

2. Screening is provided in compliance with the applicable provisions of City Code Section 1007.043(17).

3. All day care facility operations comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.

(e) Funeral homes and mortuaries provided that:

1. The site and related parking and service entrances are served by an arterial or collector street or sufficient capacity to accommodate the traffic which will be generated.

2. Adequate off-street parking is provided in compliance with City Code Section 1007.044.

3. Adequate off-street loading is provided in compliance with City Code Section 1007.045.

4. Vehicular entrances to parking or service areas shall create a minimum of conflict with through traffic movement.

5. When abutting residential zoning districts, a buffer area with screening and landscaping in compliance with City Code Section 1007.043(17) shall be provided.

(f) Public, Educational, and Religious Uses provided that:

1. The building setback shall be 50 feet from any side lot line.

2. Adequate screening from abutting residential uses and landscaping is provided in compliance with City Code Section 1007.043(17).

3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with City Code Section 1007.044 and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with City Code Section 1007.043(17).

(12) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Home Occupation Level B in compliance with City Code Section 1007.048.

(c) Essential Services.

(d) Open Air Market accessory to an institutional use and limited in area to 25 percent of the gross floor area of the principal building.

(e) Temporary Structures in compliance with City Code Section 1007.063.

(f) Transient Merchants.

(13) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

**§ 1007.096 R-6, MANUFACTURED HOME PARK DISTRICT.**

(1) *Purpose.* The purpose of this district is to provide opportunities where manufactured housing may be located on a leased or rented site in a planned community. This district is intended to provide opportunities for almost all types of manufactured homes including those which may not be able to meet the design standards established in other residential districts. All manufactured home parks are required to conform to the provisions of this section and other appropriate sections of this ordinance. Land to be zoned R-6 and any new manufactured home park shall be served with public sanitary sewer and water and the density of the park shall be consistent with the land use category according to the comprehensive plan.

(2) *Lot and Setback Requirements.*

(a) *Minimum Park Size.* Five (5) acres.

(b) *Minimum Lot or Site Size.* 6,000 square feet per unit exclusive of roadways, walkways or other property used for park purposes.

(c) *Minimum Lot or Site Width.* 60 feet.

(d) *Setbacks.*

1. *From Public Street Right-of-Way.*

a. *Local or Minor Collector Street.* 30 feet.

b. *Major Collector or Arterial Street.* 40 feet.

2. *Front Lot Line.*

a. *Private Street.* 20 feet.

b. *Common Park Walk.* 10 feet.

3. *Rear Lot Line.* 10 feet.

4. *Side Lot Line.* 10 feet. Side yard setback for interior lot lines may be reduced to zero, if it is part of an overall park plan to maximize private yard space for each unit. This zero side yard setback allowance will only be permitted if the distance to the manufactured home that shares that side lot line is at least 30 feet in distance.

5. There shall not be less than 20 feet of space between manufactured homes in all directions.

6. *From Low Density Residential.* The principal building setback shall be 35 feet



from any land guided for low density residential.

(e) *Buffer.* Where a side or rear lot line abuts land guided for low density residential, a collector street, or an arterial street, a 20-foot-wide buffer shall be provided in compliance with City Code Section 1007.043(17).

(3) *Park Requirements.*

(a) *Skirt.* All manufactured homes shall have skirts around the entire unit made of metal, plastic, fiberglass or comparable, non-combustible material approved by the Building Official and shall be finished to be harmonious with the manufactured home so that it will enhance the general appearance thereof.

(b) *Parking.* The parking of more than one (1) manufactured home on any single lot shall not be permitted.

(c) *Fire Protection.* Fire protection shall be in compliance with Minnesota Health Department Rule 187 Fire Protection Regulations. Each occupied manufactured home shall be equipped with a Fire Marshal approved type extinguisher in usable condition. The occupant of a manufactured home shall be responsible for providing such extinguisher.

(d) *Support and Tie Down Systems.* The Minnesota Department of Administration Building Code Division Rules for Manufactured Home Support and Tie Down Systems, authorized by M. S. §327.31 to §327.34, are hereby adopted by reference and made a part of this ordinance as if fully set forth herein. All new and relocated manufactured homes shall be equipped with an anchoring and support system as defined and approved by state rules.

(e) *Construction Material Storage.* All construction materials not currently in use for construction shall be stored indoors, or totally screened from the eye level view from public streets and adjacent properties.

(f) *Drainage.* Every manufactured home park shall be located on a well-drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

(g) *Common Walks.* Where deemed necessary, common walks shall be provided. Such walks shall be a minimum width of three (3) feet.

(h) *Individual Walks.* All manufactured homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

(i) *Patio.* A patio may be constructed on the ground beside each manufactured home parking space; this patio shall be not greater than 150 square feet in area and constructed of concrete with a minimum thickness of four (4) inches or approved equal.

(j) *Shade Tree.* At least one (1) shade tree (minimum diameter two (2) inches at time of planting) shall be located and maintained on each site or lot.

(k) *Landscaping.* Except for the areas used for the manufactured home, patio, walkways and off-street parking space, the entire site or lot shall be sodded, seeded, or adequately landscaped.

(l) *Street Access.* Each unit shall abut on and have access to a street. This street shall be constructed according to standards approved by the City.

(m) *Curbing.* A concrete curb and gutter shall be constructed on each side of the street and the face of its curb shall be at least 15 feet from the centerline of said street; the design shall be of a type approved by the City.

(n) *Speed Limit.* Speed limit signs shall be clearly posted throughout the manufactured home park. 10 miles per hour shall be the maximum speed posted.

(o) *Parking.*

1. Each manufactured home site shall have off-street parking space paved with concrete and/or bituminous for two (2) passenger motor vehicles.

2. Each manufactured home park shall maintain a hard surfaced off-street parking lot for guests of occupants of at least one (1) space for each five (5) manufactured home lots.

3. Access drives off roads to all parking spaces and manufactured home lots shall be surfaced with concrete or bituminous according to specifications established by the City.

4. There shall be a separate area of storage provided for boats, boat trailers, travel trailers, etc. The area shall be located away from any public street and shall be fenced and screened from view of public street and adjacent properties.

(p) *Utilities.*

1. All manufactured homes shall be served by a central water and sanitary sewer system.

2. All utilities shall be underground. There shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

3. Access in the skirting shall be provided to allow the inspection of plumbing, electrical facilities and related manufactured home equipment.

4. Water facilities, sewage disposal, and street lighting shall be installed and maintained by the owner of the manufactured home park and shall meet all appropriate standards established by the City.

(q) *Street Lighting.* The park shall have a street lighting plan approved by the City.

(r) *Accessory Buildings.* Any accessory building for outdoor storage of equipment or refuse shall be constructed of weather resistant material and be finished in a manner conforming with the appearance of the principal dwelling and shall be consistent in appearance with the other accessory buildings in the manufactured home park.

(s) *Community Building.* All manufactured home parks may have a central community building with laundry drying areas and washing machines.

(t) *Emergency Storm Protections.* Manufactured home parks established prior to July 1, 1993 shall comply with emergency room protections as required by Minnesota Statutes. A new manufactured home park established after July 1, 1993 shall have storm shelters in compliance with Minnesota Statutes. Additionally, all emergency storm protection measures shall be subject to the approval of the City Council.

(u) *Recreational Space.* All manufactured home parks shall have at least 10 percent of the land area developed for recreational use (sport courts, children's play equipment, swimming pool, golf green, etc.) developed and maintained at the owner's expense.

(v) *Refuse Handling.* The handling of refuse shall be in compliance with the applicable provisions of City Code Section 1007.043(5). The refuse handling shall be allowed provided such equipment is screened from adjacent uses, and all public and private street rights-of-way.

(4) *Permitted Uses.* The following are permitted uses in the R-6 District:

(a) Community/recreation buildings.

(b) Manufactured homes.

(c) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(d) Community gardens operated by the City.

(e) Day care facilities serving 14 or fewer persons.

(f) State licensed residential care facility serving six (6) or fewer persons.

(5) *Accessory Uses.* The following are permitted accessory uses in the R-6 District:

(a) Accessory buildings, structures, and uses in compliance with City Code Section 1007.043(4).

(b) Carports in compliance with City Code Section 1007.043(4)(c).

(c) Civil defense buildings/storm shelters.

(d) Community laundry facilities, park office, recreational building(s) provided such structures are of a permanent nature and comply with the requirements of the State Building Code.

(e) Fences per City Code Section 1007.043(18).

(f) Model homes/temporary real estate offices in compliance with City Code Section 1007.062.

(g) Off-street parking in compliance with City Code Section 1007.044.

(h) 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 in compliance with City Code Section 1007.054.

(i) Signs in compliance with City Code Chapter 1010.

(j) Swimming pools, sport courts, and other recreational facilities which are operated for the use of the residents of the principal use and their guests in compliance with City Code Section 1007.043(4). This does not include racing/riding courses for off-road vehicles.

(6) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

(a) None.

(7) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Temporary Structures in compliance with City Code Section 1007.063.

(c) Transient Merchants.

(8) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

(9) *Review and Approval Procedures.* No person shall establish, develop, extend or enlarge a manufactured home park within the City of Lino Lakes without first obtaining approval from the City Council with review by the Planning and Zoning Board. Approval shall be granted only upon compliance with all of the following:

(a) *Planning and Zoning Board Review.* The Planning and Zoning Board shall review all applications for manufactured home parks and shall hold public hearings as deemed necessary or proper. The findings and recommendations of the Planning and Zoning Board shall be forwarded to the City Council for action.

(b) *Approval or Denial.* The City Council shall consider and act on the application. Approval shall be granted only upon compliance with all of the procedures and requirements established in this ordinance.

(c) *Submission Requirements.* Submission for manufactured home park approval shall include the following:

1. All submittal requirements for a zoning amendment and/or conditional use permit, as appropriate, required by City Code Section 1007.015 through Section 1007.024 as amended. If the site is to be subdivided, the submittal also must comply with the requirements of City Code Chapter 1001.

2. *Proof of Agency Review.* The applicant shall provide proof that the plans submitted have been approved by the State of Minnesota Department of Health, and have satisfied all other federal, state, county, city, and watershed district laws and regulations.

(d) *Access.* It shall be the duty of the park owner to give the Building Official free access to all lots at reasonable times for the purposes of inspection.

## ***BUSINESS DISTRICTS***

### **§ 1007.110 NB, NEIGHBORHOOD BUSINESS DISTRICT.**

(1) *Purpose.* The purpose of the NB, Neighborhood Business District is to provide for the establishment of local businesses for convenience, limited office, retail or service outlets which deal directly with the daily requirements of the immediate neighborhood and which are located along a collector or arterial roadway. These businesses are not intended to draw customers from the entire community. Land to be zoned NB shall be served with public sanitary sewer and water and shall be in a Commercial land use category according to the comprehensive plan.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lot.* 11,250 square feet.
2. *Unsewered Lot.* 10 acres, in compliance with applicable provisions of City Code Section 1007.042(2)(b).

(b) *Minimum Lot Width.*

1. *Sewered Lot-Interior.* 75 feet.
2. *Sewered Lot-Corner.* 100 feet.
3. *Unsewered Lot.* 150 feet.

(c) *Setbacks.*

1. *From Street Right-of-Way.*
  - a. *Local or Minor Collector Street.* 30 feet.
  - b. *Collector or Arterial Street.* 40 feet.
  - c. *Parking Lot.* 15 feet.

2. *Rear Lot Line.*
  - a. *Principal Building.* 30 feet.
  - b. *Accessory Building.* 10 feet.
  - c. *Parking Lot:* 10 feet.
3. *Side Lot Line.*
  - a. *Principal Building.* 30 feet.
  - b. *Accessory Building.* 10 feet.
  - c. *Parking Lot:* 10 feet.
4. *From Property Guided by the Comprehensive Plan for Residential Use.* 35 feet.
5. *Between Principal Buildings.* Not less than one-half (1/2) the sum of the building heights of the two (2) buildings.
  - (3) *Maximum Building Height.* 36 feet except as allowed by City Code Section 1007.043(3).
  - (4) *Maximum Impervious Surface Coverage.* 65 percent of the lot area.
  - (5) *Building Requirements.* All newly constructed commercial buildings shall meet the exterior building standards of City Code Section 1007.043(2)(d).
  - (6) *Permitted Uses.* The following are permitted uses in the NB District:
    - (a) Adult use – accessory.
    - (b) Office business – clinic.
    - (c) Office business – general.
    - (d) Personal services (subject to any licensing requirements of City Code, County, or State).
    - (e) Restaurants.
    - (f) Retail business.
    - (g) Service business – on-site.

- (h) Liquor sales: on-sale.
- (i) Community gardens operated by the City.

(7) *Accessory Uses.* The following are permitted accessory uses in the NB District:

(a) Accessory buildings and structures in compliance with City Code Section 1007.043(4)(k).

(b) Fences in compliance with City Code Section 1007.043(18).

(c) Off-street loading in compliance with City Code Section 1007.045.

(d) Off-street parking in compliance with City Code Section 1007.044.

(e) Outside services, sales, and equipment rental accessory to the principal use and limited in area to 25 percent of the gross floor area of the principal building.

(f) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers in compliance with City Code Section 1007.054.

(g) Signs in compliance with City Code Chapter 1010.

(h) Home Occupation Level A in compliance with City Code Section 1007.048.

(8) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

(a) Commercial day care facilities provided that:

1. All requirements of the Minnesota Department of Health and Human Services, as may be amended, are satisfactorily met and the structure and operation are licensed accordingly.

2. Screening is provided in compliance with City Code Section 1007.043(17).

3. Adequate off-street parking is provided in a location separated from any outdoor play area(s).

(b) Specialty schools such as music, dance, or business schools provided that:

1. Provisions are made to buffer and screen any adjoining residential uses.

2. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.



(c) Veterinary hospitals provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

3. An indoor animal kennel is permitted as a use accessory to the veterinary hospital provided that:

a. The number of animals boarded shall not exceed 20.

b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.

c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60- and 75-degrees Fahrenheit.

d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.

f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

4. The appropriate license is obtained from the City and the conditions of City Code Chapter 503 relating to the keeping of animals are satisfactorily met.

5. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

(9) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Home Occupation Level B in compliance with City Code Section 1007.048.

(c) Essential Services.

(d) Accessory outdoor dining areas intended for consumption of food or beverages purchased on site in compliance with City Code Section 1007.055. This administrative permit may be incorporated into another approval such as but not limited to a site plan, planned unit development, or building permit.

(e) Temporary Structures in compliance with City Code Section 1007.063.

(f) Transient Merchants.

(10) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

**§ 1007.111 LB, LIMITED BUSINESS DISTRICT.**

(1) *Purpose.* The purpose of the LB, Limited Business District is to provide for the establishment of commercial uses of a limited (less intense) nature. This may be due to the close proximity of residential uses. This may include high quality commercial areas such as an office park development. Also, the LB District can be used as a transitional district or buffer between non-compatible uses such as intense commercial (GB) and residential uses. Land to be zoned LB shall be served with public sanitary sewer and water and shall be in a Commercial land use category according to the comprehensive plan.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lots.* 15,000 square feet.
2. *Unsewered Lots.* 10 acres in compliance with applicable provisions of City Code Section 1007.042(2)(b).

(b) *Minimum Lot Width.*

1. *Sewered Lots.* 100 feet.
2. *Unsewered Lots.* 150 feet.

(c) *Setbacks.*

1. *From Street Right-of-Ways.*
  - a. *Local or Minor Collector Street.* 30 feet.
  - b. *Collector or Arterial Street.* 40 feet.
  - c. *Parking Lot.* 15 feet.
2. *Rear Lot Line.*
  - a. *Principal Building.* 30 feet.
  - b. *Accessory Building.* 10 feet.
  - c. *Parking Lot.* 10 feet.
3. *Side Lot Line.*
  - a. *Principal Building.* 10 feet.

- b. *Accessory Building.* 10 feet.
- c. *Parking Lot.* 10 feet.
- 4. *From Property Guided by the Comprehensive Plan for Residential Use.* 35 feet.
- 5. *Between Principal Buildings.* Not less than one-half (1/2) the sum of the building heights of the two (2) buildings.
- (3) *Maximum Building Height.* 36 feet except as allowed by City Code Section 1007.043(3).
- (4) *Maximum Impervious Surface Coverage.* 65 percent of the lot area.
- (5) *Building Requirements.* All newly constructed buildings shall meet the exterior building standards of City Code Section 1007.043(2)(d).
- (6) *Permitted Uses.* The following are permitted uses in the LB District:
  - (a) Adult use – accessory.
  - (b) Liquor sales – on and off sale.
  - (c) Office business – clinic.
  - (d) Office business – general.
  - (e) Personal services (subject to any licensing requirements of City Code, County, or State).
  - (f) Residential extended care facilities such as nursing homes.
  - (g) Restaurants.
  - (h) Retail business.
  - (i) Service business – off-site.
  - (j) Service business – on-site.
  - (k) Community Gardens operated by the City.
- (7) *Accessory Uses.* The following are permitted accessory uses in the LB District:
  - (a) Accessory buildings and structures in compliance with City Code Section 1007.043(4)(k).

- (b) Fences in compliance with City Code Section 1007.043(18).
- (c) Off-street loading in compliance with City Code Section 1007.045.
- (d) Off-street parking in compliance with City Code Section 1007.044.
- (e) Outside services, sales, and equipment rental accessory to the principal use and limited in area to 25 percent of the gross floor area of the principal building.
- (f) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters, and television receivers in compliance with City Code Section 1007.054.
- (g) Signs in compliance with City Code Chapter 1010.
- (h) Home Occupation Level A in compliance with City Code Section 1007.048.

(8) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

- (a) Accessory drive-through facilities provided that:
  1. At least 120 feet of segregated passenger motor vehicle stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum passenger motor vehicle stacking may be reduced to 60 feet per lane.
  2. The stacking lane and its access must be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.
  3. No part of the public street or boulevard may be used for stacking of passenger motor vehicles or motorcycles.
  4. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
  5. The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.
  6. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with City Code Section 1007.043(6).

- (b) Commercial day care facilities provided that:

1. All requirements of the Minnesota Department of Health and Human Services, as may be amended, are satisfactorily met and the structure and operation is licensed accordingly.

2. Screening is provided in compliance with City Code Section 1007.043(17).

3. Adequate off-street parking is provided in a location separated from any outdoor play area(s).

4. Adequate off-street loading spaces in compliance with City Code Section 1007.045.

(c) Motor fuel stations provided that:

1. All conditions in City Code Section 1007.064 are met.

(d) Private lodges and clubs provided that:

1. Screening and landscaping from land guided residential per the Comprehensive Plan is provided in compliance with requirements for business or industrial uses in City Code Section 1007.043(17).

2. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with City Code Section 1007.044.

3. Parking is screened and landscaped in compliance with City Code Section 1007.043(17).

(e) Public, Educational, and Religious Buildings provided that:

1. Screening from residential uses and landscaping is provided in compliance with City Code Section 1007.043(17).

2. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with City Code Section 1007.044.

3. Parking is screened and landscaped in compliance with requirements for business or industrial uses in City Code Section 1007.043(17).

4. Adequate off-street loading and service entrances are provided and regulated where applicable by City Code Section 1007.045.

(f) Specialty schools such as music, dance or business schools provided that:

1. Provisions are made to buffer and screen any adjoining residential uses.
2. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

(g) Residential apartments accessory to permitted or conditional uses in the LB District provided that:

1. The apartment is located in the same building as the principal use.
2. Residential and non-residential use are not contained on the same floor.
3. The residential and non-residential uses do not conflict in any manner.

(h) Veterinary hospitals provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

3. An indoor animal kennel is permitted as a use accessory to the veterinary hospital provided that:

a. The number of animals boarded shall not exceed 20.

b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.

c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60- and 75-degrees Fahrenheit.

d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.

f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

4. The appropriate license is obtained from the City and the conditions of City Code Chapter 503 relating to the keeping of animals are met.

5. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

(9) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Home Occupation Level B in compliance with City Code Section 1007.048.

(c) Essential Services.

(d) Accessory outdoor dining areas intended for consumption of food or beverages purchased on site in compliance with City Code Section 1007.055. This administrative permit may be incorporated into another approval such as but not limited to a site plan, planned unit development, or building permit.

(e) Temporary Structures in compliance with City Code Section 1007.063.

(f) Transient Merchants.

(10) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.



**§ 1007.112 GB, GENERAL BUSINESS DISTRICT.**

(1) *Purpose.* The purpose of the GB, General Business District is to provide for the establishment of a wide variety of business uses including retail, service, and semi-industrial uses. The district may contain businesses which tend to serve other business and industry as well as those catering to shoppers' needs. Land to be zoned GB shall be served with public sanitary sewer and water and shall be in a Commercial land use category according to the comprehensive plan.

(2) *Lot and Yard Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lot.* 20,000 square feet.
2. *Unsewered Lot.* 10 acres in compliance with applicable provisions of City Code Section 1007.042(2)(b).

(b) *Minimum Lot Width.* 100 feet.

(c) *Setbacks.*

1. *From Street Right-of-Way.*

- a) *Local or Minor Collector Street.* 30 feet.
- b) *Collector or Arterial Street.* 40 feet.
- c) *Parking Lot.* 15 feet.

2. *Rear Lot Line.*

- a) *Principal Building.* 30 feet.
- b) *Accessory Building.* 5 feet.
- c) *Parking Lot.* 10 feet.

3. *Side Lot Line.*

- a) *Principal Building.* 10 feet.
- b) *Accessory Building.* 10 feet.
- c) *Parking Lot.* 10 feet.

4. *From Property Guided by the Comprehensive Plan for Residential Use.* 35 feet.

5. *Between Principal Buildings.* Not less than one-half (1/2) the sum of the building heights of the two (2) buildings.

(3) *Maximum Building Height.* 45 feet except as allowed by City Code Section 1007.043(3).

(4) *Maximum Impervious Surface Coverage.* 75 percent of the lot area.

(5) *Building Requirements.* All newly constructed buildings shall meet the exterior building standards of City Code Section 1007.043(2)(d).

(6) *Permitted Uses.* The following are permitted uses in the GB District:

- (a) Adult use – principal and accessory.
- (b) Commercial greenhouses and nurseries.
- (c) Hospitality business.
- (d) Liquor sales, on and off sale.
- (e) Office business – clinical.
- (f) Office business – general.
- (g) Personal Services (subject to any licensing requirements of City Code, County or State).
- (h) Recreational business contained entirely within the principal building.
- (i) Restaurants and Brew Pubs.
- (j) Microdistilleries.
- (k) Small brewer.
- (l) Winery.
- (m) Retail business.
- (n) Service business – off-site.
- (o) Service business – on-site.
- (p) Specialty schools such as music, dance, gymnastics, or business/trade schools.

- (q) Theaters.
- (r) Community Gardens operated by the City.

(7) *Accessory Uses.* The following are permitted accessory uses in the GB District:

(4)(J). (a) Accessory buildings and structures in compliance with City Code Section 1007.043

(b) Brewer taproom accessory to a small brewer.

(c) Drive-through service facilities:

1. At least 120 feet of segregated passenger motor vehicle stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum passenger motor vehicle stacking may be reduced to 60 feet per lane.

2. The stacking lane and its access must be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.

3. No part of the public street or boulevard may be used for stacking of passenger motor vehicles or motorcycles.

4. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.

5. The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.

6. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with City Code Section 1007.043(6).

(d) Fences in compliance with City Code Section 1007.043(18).

(e) Off-street loading in compliance with City Code Section 1007.045.

(f) Off-street parking in compliance with City Code Section 1007.044.

(g) Outside services, sales, and equipment rental accessory to the principal use and limited in area to 25 percent of the gross floor area of the principal building.

(h) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers in compliance with City Code Section 1007.054.

- (i) Signs in compliance with City Code Chapter 1010.
- (j) Tasting room accessory to a distillery.
- (k) Tasting room accessory to a winery.
- (l) Home Occupation Level A in compliance with City Code Section 1007.047.

(8) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

- (a) Automobile Repair-Major and Minor provided that:

- 1. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.

- 2. All repair work shall be conducted within the principal building.

- 3. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust, or other particulate matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.

- 4. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota regulations APC, as amended.

- 5. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.

- 6. All outdoor storage shall be prohibited except the storage of customer vehicles waiting for repair.

- (b) Commercial car washes (drive-through, mechanical, and self-service) provided that:

- 1. The site is serviced by municipal sanitary sewer.

- 2. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.

- 3. Stacking space is provided in compliance with City Code Section 1007.044(6).

- 4. At the boundaries of a residential district, a strip of at least five (5) feet shall be landscaped and screened in compliance with City Code Section 1007.043(17).

5. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with City Code Section 1007.043(17).

6. The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.

7. The entire area shall have a drainage system which is subject to the approval of the City.

8. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with City Code Section 1007.043(6).

9. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.

10. Provisions are made to control and reduce noise.

(c) Commercial day care facilities provided that:

1. All requirements of the Minnesota Department of Health and Human Services, as may be amended, are satisfactorily met and the structure and operation are licensed accordingly.

2. Screening is provided in compliance with City Code Section 1007.043(17).

3. Adequate off-street parking is provided in a location separated from any outdoor play area(s).

4. Adequate off-street loading spaces in compliance with City Code Section 1007.045.

(d) Contractor shops and offices provided that:

1. All outdoor storage is prohibited. The storage of contractor equipment and materials must be completely inside.

2. When abutting a residential land use, a buffer area with screening and landscaping in compliance with City Code Section 1007.043(17) is provided.

(e) Hospitals provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with City Code Section 1007.043(17).

2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

4. Adequate off-street loading space is provided in compliance with City Code Section 1007.045.

(f) Motor fuel stations provided that:

1. All conditions in City Code Section 1007.064 are met.

(g) Outdoor recreation facilities provided that:

1. The facilities are an accessory use to a principal use allowed within the GB District.

2. The facilities meet the principal building setbacks.

3. The facilities shall maintain a 50 foot setback from residential districts.

4. The facilities shall be screened from adjoining properties or public rights-of-way.

5. The City may set limits on the hours of operation to avoid nuisance issues.

(h) Motor Vehicle Sales Lot provided that:

1. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with City Code Section 1007.043(17).

2. Outside services and sales are associated with a principal building of at least 1,000 square feet of floor area.

3. The entire sales lot and off-street parking area is paved.

4. Parking for customers and employees must be provided in compliance with City Code Section 1007.044(6).

5. For passenger motor vehicle sales activities, a minimum of 380 square feet of sales area per vehicle is provided exclusive of required parking areas. Minimum sales area for all other motor vehicles will be determined by the City Council during the review of the conditional use permit.

6. A perimeter curb is provided around the sales/parking lot.

7. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with City Code Section 1007.043(6).

8. Vehicles for sale shall be displayed in an orderly manner.

(i) Private lodges and clubs provided that:

1. Screening from residential uses and landscaping is provided in compliance with City Code Section 1007.043(17).

2. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with City Code Section 1007.044.

3. Parking is screened and landscaped in compliance with City Code Section 1007.043(17).

4. Adequate off-street loading and service entrances are provided and regulated where applicable by City Code Section 1007.045.

(j) Public, Educational, and Religious Buildings provided that:

1. Screening from residential uses and landscaping is provided in compliance with requirements for business or industrial uses in City Code Section 1007.043(17).

2. Adequate off-street parking and access is provided on the site or on lots directly abutting directly across a public street or alley to the principal use in compliance with City Code Section 1007.044.

3. Parking is screened and landscaped in compliance with requirements for business or industrial uses in City Code Section 1007.043(17).

4. Adequate off-street loading and service entrances are provided and regulated where applicable by City Code Section 1007.045.

(k) Small engine and boat repair provided that:

1. 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 City Code Section 1007.043(6).

2. At the boundaries of a residential district, a strip of at least five (5) feet shall be landscaped and screened in compliance with City Code Section 1007.043(17).

3. Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with City Code Section 1007.044 and shall be subject to the approval of the City Engineer.

4. Provisions are made to control and reduce noise.

5. No outdoor storage, repair or sales except in compliance with City Code Section 1007.112(7)(f) or Section 1007.112(8)(h) shall be allowed.

6. 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 the conditions.

(l) Veterinary hospitals provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

3. An indoor animal kennel is permitted as a use accessory to the veterinary hospital provided that:

a. The number of animals boarded shall not exceed 20.

b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.

c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60- and 75-degrees Fahrenheit.

d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.

f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.



4. The appropriate license is obtained from the City and the conditions of City Code Chapter 503 relating to the keeping of animals are met.

5. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

(m) Two (2) or more buildings on same lot provided such buildings relate to a permitted or conditional use that is operated as a single business or enterprise.

(9) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Home Occupation Level B in compliance with City Code Section 1007.048.

(c) Essential Services.

(d) Accessory outdoor dining areas intended for consumption of food or beverages purchased on site in compliance with City Code Section 1007.055. This administrative permit may be incorporated into another approval such as but not limited to a site plan, planned unit development, or building permit.

(e) Open Air Markets.

(f) Temporary Structures in compliance with City Code Section 1007.063.

(g) Transient Merchants.

(10) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

## ***INDUSTRIAL DISTRICTS***

### **§ 1007.120 LI, LIGHT INDUSTRIAL DISTRICT.**

(1) *Purpose.* The purpose of the LI, Light Industrial district is to provide for the establishment of light industrial, high-tech business and professional services. These areas have the prerequisites for industrial development, but because of proximity to residential areas, the visibility from the Interstate, and the need to protect certain areas or uses from adverse influences, high development standards will be necessary. LI uses include service industries and industries which manufacture, fabricate, assemble or store, where the process is not likely to create offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences. Generally, these include wholesale, service and light industries which are dependent upon raw materials refined elsewhere. Land to be zoned LI shall be served with public sanitary sewer and water and shall be in an Industrial land use category according to the comprehensive plan

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lot.* One (1) acre.
2. *Unsewered Lot.* 10 acres in compliance with applicable provisions of City Code Section 1007.042(2)(b).

(b) *Minimum Lot Width.* 100 feet.

(c) *Setbacks.*

1. *From Street Right-of-Way.*
  - a. *Local or Minor Collector Street.* 30 feet.
  - b. *Collector or Arterial Street.* 50 feet.
  - c. *Parking Lot.* 15 feet.
2. *Rear Lot Line.*
  - a. *Principal Building.* 15 feet.
  - b. *Accessory Building.* 10 feet.
  - c. *Parking Lot.* 5 feet.
3. *Side Lot Line.*

- a. *Principal Building.* 10 feet.
- b. *Accessory Building.* 10 feet.
- c. *Parking Lot.* 5 feet.

4. *From Property Guided by the Comprehensive Plan for Residential Use.* 75 feet.

(3) *Buffer.* Where a side or rear lot line in an LI District coincides with an adjacent public road right-of-way or property guided by the comprehensive plan for residential or commercial development, a landscape buffer area shall be provided along such side or rear lot line not less than 40 feet wide and shall contain landscaping, planting, berming, or other effective screening suitable to provide an effective screen in compliance with City Code Section 1007.043(17)(f).

(4) *Maximum Building Height.* 45 feet except as allowed by City Code Section 1007.043(3).

(5) *Maximum Impervious Surface Coverage.* 75 percent.

(6) *Building Requirements.* All newly constructed industrial buildings shall meet the exterior building standards of City Code Section 1007.043(2)(d).

(7) *Permitted Uses.* The following are permitted uses in the LI District:

(a) Beverage production and bottling, including public tours of the facilities and gift shops containing merchandise directly related to the facility.

(b) Building material sales.

(c) Carpet and rug cleaning.

(d) Community gardens operated by the City.

(e) Construction-related businesses, including contractor storage of equipment and building materials if enclosed within a building, but not storage yards.

(f) Feed and seed sales.

(g) Greenhouses, nurseries.

(h) Indoor Self-Storage.

(i) Laundry, dry cleaning, or dyeing plant.

(j) Manufacturing or assembly of a wide variety of products that produces no exterior noise, glare, fumes, noxious products, by-products, or wastes, or creates other objectionable impact on the environment, including the generation of large volumes of traffic.

(k) Mass transit terminals.

(l) Office business—clinic and general.

(m) Radio and television stations.

(n) Recreational business contained entirely within the principal building.

(o) Research laboratories

(p) Trade or business schools.

(q) Warehousing and distribution facilities, but not including trucking terminal or mini self-storage facilities per City Code Section 1007.001(2).

(r) Wholesale businesses/showrooms.

(8) *Accessory Uses.* The following are permitted accessory uses in the LI District:

(a) Accessory buildings and structures in compliance with City Code Section 1007.043 (4)(k).

(b) Accessory indoor retail, rental, or service activities other than that allowed as a permitted or conditional use within the Light Industrial zoning district, provided such use is related and accessory to a principal use allowed within the Light Industrial zoning district.

(c) Fences in compliance with City Code Section 1007.043(18).

(d) Off-street loading in compliance with City Code Section 1007.045.

(e) Off-street parking in compliance with City Code Section 1007.044.

(f) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers in compliance with City Code Section 1007.054.

(g) Signs in compliance with City Code Chapter 1010.

(h) Brewer taprooms accessory to a malt liquor beverage production and bottling facility.

(i) Tasting room accessory to a distilled spirits beverage production and bottling facility.

(j) Tasting Room accessory to a wine beverage production and bottling facility.

(k) Liquor sales, on sale through brewer taprooms and off sale pursuant to M. S. §340A.301, subd. 10, all accessory to a malt liquor beverage production and bottling facility.

(9) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

(a) Automobile Repair-Major and Minor provided that:

1. All painting must be conducted in an approved paint booth per City Code Section 1007.043(8).

2. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.

3. All outdoor storage shall be prohibited except the storage of customer vehicles waiting for repair.

(b) Bus garage provided that:

1. When abutting a residential use or residential district, the property shall be screened and landscaped in compliance with City Code Section 1007.043(17).

2. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.

3. The entire area other than occupied by the building or planting shall be surfaced with blacktop or concrete which will control dust and drainage which is subject to the approval of the City Engineer.

4. The entire area shall have a drainage system which is subject to the approval of the City Engineer.

5. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.

6. Provisions are made to control and reduce noise.

7. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked motor vehicles or moving vehicles.

8. Motor fuel activities associated with the bus service shall be installed in compliance with State and City standards. Additionally, adequate space shall be provided to access gas 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 do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

(c) Commercial and public radio and television transmitting antennas, and public utility microwave antennas greater than 45 feet in height and less than 200 feet in height in compliance with City Code Section 1007.054.

(d) Commercial kennels, provided that:

1. The applicable provisions of City Code Chapter 503 are determined to be satisfied.

2. Cages, enclosures, and housing facilities shall be at least 500 feet from any residential lot line.

3. An enclosed indoor or exterior exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. Exterior exercise areas shall be enclosed by an eight (8) foot high solid fence.

4. All animals shall be housed indoors for overnight boarding.

(e) Outdoor storage (not outdoor sales lots) as an accessory use provided that:

1. The designated storage area shall comply with all building setback requirements for the district. Outdoor storage is prohibited between the principal structure and any public right-of-way.

2. The storage area is landscaped and screened from view of adjacent uses and public rights-of-way via a fence and greenbelt planting strip, in compliance with City Code Section 1007.043(17)(f).

3. The entire storage area is fenced and secured in an appropriate manner.

4. The storage area is blacktopped or concrete surfaced.

5. The storage area does not take up parking space or loading space as required for conformity to this ordinance and is not located in the front yard.

6. The property shall not abut I-35W or I-35E.

7. The ratio of storage area to building footprint shall not exceed 1:1.

8. All parking, loading and truck staging activities shall occur on site. On-street parking and loading associated with the use is prohibited.

9. Storage shall not include material considered hazardous under Federal or State Environmental Law.

10. The outdoor storage items or materials shall be directly related to the principal industrial user. No off-site user storage shall be allowed.

(f) Veterinary hospitals provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.

2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.

3. An indoor animal kennel is permitted as a use accessory to the veterinary hospital provided that:

a. The number of animals boarded shall not exceed 40.

b. An enclosed indoor or exterior exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. Exterior exercise areas shall be limited to a maximum of 25 percent of the gross floor area of the principal use.

c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between 60- and 75-degrees Fahrenheit.

d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.

e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.

f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

4. The appropriate license is obtained from the City and the conditions of City Code Chapter 503 relating to the keeping of animals are met.

5. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

(g) Two (2) or more principal buildings on same lot provided such buildings relate to a permitted or conditional use that is operated as a single business or enterprise.

(10) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Telecommunication towers in compliance with City Code Section 1007.054.

(c) Temporary mobile towers in compliance with City Code Section 1007.054.

(d) Essential Services.

(e) Open Air Markets.

(f) Temporary Structures in compliance with City Code Section 1007.063.

(g) Transient Merchants.

(h) Accessory outdoor dining areas intended for consumption of food or beverages purchased on site in compliance with City Code Section 1007.055.

(11) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

(b) Batch Plants.



**§ 1007.121 GI, GENERAL INDUSTRIAL DISTRICT.**

(1) *Purpose.* The purpose of the GI, General Industrial District is to provide for the establishment of general industrial uses and services. These are areas which, because of access to thoroughfares, suitable topography, and isolation, are appropriate for industrial uses of a more intense nature and ones which may have certain nuisance characteristics. Land to be zoned GI shall be served with public sanitary sewer and water and shall be in an Industrial land use category according to the comprehensive plan.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lot.* One (1) acre.
2. *Unsewered Lot.* 10 acres in compliance with applicable provisions of City Code Section 1007.042(2)(b).

(b) *Minimum Lot Width.* 100 feet.

(c) *Setbacks.*

1. *From Street Right-of-Way.*

- a. *Local or Minor Collector Street.* 50 feet.
- b. *Major Collector or Arterial Street.* 50 feet.
- c. *Parking Lot.* 15 feet.

2. *Rear Lot Line.*

- a. *Principal Building.* 15 feet.
- b. *Accessory Building.* 10 feet.
- c. *Parking Lot.* 5 feet.

3. *Side Lot Line.*

- a. *Principal Building.* 10 feet.
- b. *Accessory Building.* 10 feet.
- c. *Parking Lot.* 10 feet.

4. *From Property Guided by the Comprehensive Plan for Residential Use.* 100 feet.

(3) *Buffer.* Where a side or rear lot line in a GI District coincides with an adjacent public road right-of-way or property guided by the comprehensive plan for residential or commercial development, a landscape buffer area shall be provided along such side or rear lot line not less than 40 feet wide and shall contain landscaping, planting, berming, or other effective screening suitable to provide an effective visual screen in compliance with City Code Section 1007.043(17)(f).

(4) *Maximum Building Height.* 45 feet except as allowed by City Code Section 1007.043(3).

(5) *Maximum Impervious Surface Coverage.* 75 percent.

(6) *Building Requirements.* All newly constructed industrial buildings shall meet the exterior building standards of City Code Section 1007.043(2)(d).

(7) *Permitted Uses.* The following are permitted uses in the GI District:

(a) Beverage production and bottling, including public tours of the facilities and gift shops containing merchandise directly related to the facility.

(b) Building material sales.

(c) Commercial (production) bakery.

(d) Community gardens operated by the City.

(e) Construction-related businesses, including contractor storage of equipment and building materials if enclosed within a building, but not storage yards.

(f) Feed and seed sales.

(g) Greenhouses, nurseries.

(h) Indoor Self Storage.

(i) Laundry, dry cleaning or dying plant.

(j) Manufacturing or assembly of a wide variety of products that produces no exterior noise, glare, fumes, noxious products, by-products, or wastes, or creates other objectionable impact on the environment, including the generation of large volumes of traffic.

(k) Mass transit terminals.

(l) Office business—clinic and general.

- (m) Radio and television stations.
  - (n) Warehousing and distribution facilities, but not including trucking terminal or mini self-storage facilities.
  - (o) Wholesale businesses/showrooms.
- (8) *Accessory Uses.* The following are permitted accessory uses in the GI District:
- (a) Accessory buildings and structures in compliance with City Code Section 1007.043 (4)(l).
  - (b) Accessory indoor retail, rental, or service activities other than that allowed as a permitted or conditional use within the General Industrial zoning district, provided such use is related and accessory to an allowed principal use in the district.
  - (c) Crude oil, gasoline or other liquid storage tanks (not including bulk propane at motor fuel stations for providing service to the general public) where related and accessory to an allowed principal use in the district.
  - (d) Fences in compliance with City Code Section 1007.043(18).
  - (e) Off-street loading in compliance with City Code Section 1007.045.
  - (f) Off-street parking in compliance with City Code Section 1007.044.
  - (g) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers in compliance with City Code Section 1007.054.
  - (h) Signs in compliance with City Code Chapter 1010.
  - (i) Brewer taprooms accessory to a malt liquor beverage production and bottling facility.
  - (j) Tasting room accessory to a distilled spirits beverage production and bottling facility.
  - (k) Tasting Room accessory to a wine beverage production and bottling facility.
  - (l) Liquor sales, on sale through brewer taprooms and off sale pursuant to Minnesota Statutes section 340A.301, subdivision 10, all accessory to a malt liquor beverage production and bottling facility.
- (9) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

(a) Automobile Repair-Major and Minor provided that:

1. All painting must be conducted in an approved paint booth per City Code Section 1007.043(8).
2. All flammable materials, including liquids and rags, shall conform to the applicable provisions of the Minnesota Uniform Fire Code.
3. All outdoor storage shall be prohibited except the storage of customer vehicles waiting for repair.

(b) Bus garage provided that:

1. When abutting a residential use or residential district, the property shall be screened and landscaped in compliance with City Code Section 1007.043(17).
2. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
3. The entire area other than occupied by the building or planting shall be surfaced with blacktop or concrete which will control dust and drainage which is subject to the approval of the City Engineer.
4. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
5. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
6. Provisions are made to control and reduce noise.
7. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked motor vehicles or moving vehicles.
8. Motor fuel activities associated with the bus service shall be installed in compliance with State and City standards. Additionally, adequate space shall be provided to access gas 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 do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.

(c) Commercial and public radio and television transmitting antennas, and public utility microwave antennas greater than 45 feet in height and less than 200 feet in height in compliance with City Code Section 1007.054.

(d) Concrete product plants, building materials production and similar uses provided that:

1. Storage areas are landscaped, fenced and screened from view of neighboring uses, properties guided by the comprehensive plan for residential or commercial development, and public rights-of-way in compliance with City Code Section 1007.043(17)(f).

(e) Commercial kennels, provided that:

1. The applicable provisions of City Code Chapter 503 are determined to be satisfied.

2. Cages, enclosures, and housing facilities shall be at least 500 feet from any residential lot line.

3. An enclosed indoor or exterior exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. Exterior exercise areas shall be enclosed by an eight (8) foot high solid fence.

4. All animals shall be housed indoors for overnight boarding.

(f) Manufacture of materials, including but not limited to, rubber, corrosive acids, petroleum and chemical products, which pose potential health and safety risks and which when produced give off potentially noxious odors.

(g) Mini self-storage facilities provided that:

1. No single building shall be greater than 150 feet in length.

2. No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the mini self-storage facility.

3. No occupancy of the storage units is permitted.

4. The overhead doors are not allowed on building elevations facing a public street or residential property.

(h) Outdoor storage (not outdoor sales lots) as an accessory use provided that:

1. The designated storage area shall comply with all building setback requirements for the district. Outdoor storage is prohibited between the principal structure and any public right-of-way.

2. The storage area is landscaped and screened from view of adjacent uses and public rights-of-way via a fence and greenbelt planting strip, in compliance with City Code Section 1007.043(17)(f).

3. The entire storage area is fenced and secured in an appropriate manner.

4. The storage area is blacktopped, concrete surfaced or class 5 gravel unless an alternative wear-resistant material is determined by the City Engineer to be suitable to control dust and drainage and is specifically approved by the City Council.

5. The storage area does not take up parking space or loading space as required for conformity to this ordinance and is not located in the front yard.

6. The property shall not abut I-35W or I-35E.

7. All parking, loading and truck staging activities shall occur on site. On-street parking and loading associated with the use is prohibited.

8. Storage shall not include material considered hazardous under Federal or State Environmental Law.

9. The outdoor storage items or materials shall be directly related to the principal industrial user. No off-site user storage shall be allowed.

(i) Trucking terminals provided that:

1. Vehicular access points shall be located along arterial streets and shall be limited and designed and constructed to create a minimum of conflict with through traffic movement.

(j) Two (2) or more buildings on same lot provided such buildings relate to a permitted or conditional use that is operated as a single business or enterprise.

(10) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Telecommunication towers in compliance with City Code Section 1007.054.

(c) Temporary mobile towers in compliance with City Code Section 1007.054.

(d) Essential Services.

(e) Open Air Markets.

(f) Temporary Structures in compliance with City Code Section 1007.063.

(g) Transient Merchants.

(h) Accessory outdoor dining areas intended for consumption of food or beverages purchased on site in compliance with City Code Section 1007.055.

(11) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

(b) Batch Plants.

**§ 1007.122 BC, BUSINESS CAMPUS DISTRICT.**

(1) *Purpose.* The purpose of BC, Business Campus District is to provide for the establishment of multi-use buildings, business offices, wholesale showrooms, and related uses in an environment which provides a high level of amenities, including landscaping, preservation of natural features, architectural controls, pedestrian trails, and other features. Land to be zoned BC shall be served with public sanitary sewer and water and shall be in a Business Campus, Commercial or Industrial land use category according to the comprehensive plan.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.* One (1) acre.

(b) *Minimum Lot Width.* 100 feet.

(c) *Setbacks.*

1. *From Street Right-of-Way.*

a. *Local or Minor Collector Street.* 30 feet.

b. *Major Collector or Arterial Street.* 40 feet.

c. *Parking Lot.* 15 feet.

2. *Rear Lot Line.*

a. *Principal Building.* 15 feet.

b. *Accessory Building.* 10 feet.

c. *Parking Lot.* 5 feet.

3. *Side Lot Line.*

a. *Principal Building.* 10 feet.

b. *Accessory Building.* 10 feet.

c. *Parking Lot.* 10 feet.

4. *From Property Guided by the Comprehensive Plan for Residential Use.* 100 feet.

(3) *Buffer.* Where a side or rear lot line in a BC District coincides with an adjacent public road right-of-way or property guided by the comprehensive plan for residential or commercial development, a landscape buffer area shall be provided along such side or rear lot line not less than



40 feet wide and shall contain landscaping, planting, berming, or other effective screening suitable to provide an effective visual screen in compliance with City Code Section 1007.043(17)(f).

(4) *Maximum Building Height.* 45 feet except as allowed by City Code Section 1007.043(3).

(5) *Maximum Impervious Surface Coverage.* 75 percent.

(6) *Building Requirements.* All newly constructed industrial buildings shall meet the exterior building standards of City Code Section 1007.043 (2)(d).

(7) *Permitted Uses.* The following are permitted uses in the BC District:

(a) Banks, credit unions and other financial institutions.

(b) Conference centers.

(c) Copy/printing services (excluding printing presses and publishing facilities).

(d) Data centers.

(e) Manufacturing, compounding, assembly, packaging, warehousing (excluding explosives and hazardous waste), or treatment of merchandise or commodities.

(f) Offices, administrative/commercial.

(g) Offices/clinics for medical, dental, or chiropractic services.

(h) Radio and television stations.

(i) Reception halls/event centers, with or without catering services.

(j) Sports and fitness clubs.

(k) Research laboratories.

(l) Trade or business schools.

(m) Tutoring/learning centers.

(n) Wholesale businesses/showrooms.

(8) *Accessory Uses.* The following are permitted accessory uses in the BC District:

(a) Accessory buildings and structures in compliance with City Code Section 1007.043(4)(l).

(b) Accessory indoor retail, rental or service activities other than that allowed as a permitted or conditional use within the Business Campus zoning district, provided such use is related and accessory to a principal use allowed within the Business Campus zoning district.

(c) Entertainment, live; in association with a restaurant

(d) Fences in compliance with City Code Section 1007.043(18).

(e) Off-street loading in compliance with City Code Section 1007.045.

(f) Off-street parking in compliance with City Code Section 1007.044.

(g) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers in compliance with City Code Section 1007.054.

(h) Signs in compliance with City Code Chapter 1010.

(9) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

(a) Commercial and public radio and television transmitting antennas, and public utility microwave antennas greater than 45 feet in height and less than 200 feet in height in compliance with City Code Section 1007.054.

(b) Two (2) or more principal buildings on same lot provided such buildings relate to a permitted or conditional use that is operated as a single business or enterprise.

(c) Dining restaurants not exceeding 15 percent of the gross floor area of the building in which it is located, provided that no drive-through window service shall be included.

(d) Extended stay hotels provided that more than 50 percent of the rooms shall have cooking facilities.

(e) Hotels with optional restaurant, food service and on-sale liquor.

(f) Retail commercial activities, personal services, and food service (cafeteria, delicatessen, coffee house) as an accessory use provided that:

1. Personal services are limited to those uses and activities which are allowed as a permitted or permitted accessory use within the BC Zoning District.

2. The activity is located within a structure whose principal use is not commercial sales.

3. All such activities are conducted in a clearly defined area of the principal building reserved exclusively for such use. Said area must be physically segregated from other principal activities in the building.

4. The area devoted to such activity shall not occupy more than 15 percent of the gross floor area of the building.

5. Hours of operation are limited to 6:00 a.m. to 10:00 p.m. unless specifically modified by the City Council.

6. No directly or indirectly illuminated sign or sign in excess of 10 square feet identifying the name of the business shall be visible from the outside of the building.

7. No signs or posters of any type advertising products for sale or services shall be visible from the outside of the building.

(10) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Telecommunication towers in compliance with City Code Section 1007.054.

(c) Temporary mobile towers in compliance with City Code Section 1007.054.

(d) Essential Services.

(e) Open Air Markets.

(f) Temporary Structures in compliance with City Code Section 1007.063.

(g) Transient Merchants.

(h) Accessory outdoor dining areas intended for consumption of food or beverages purchased on site in compliance with City Code Section 1007.055.

(11) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

(b) Batch Plants.

## ***SPECIAL DISTRICTS***

### **§ 1007.130 PSP, PUBLIC AND SEMI-PUBLIC DISTRICT.**

(1) *Purpose.* The purpose of the PSP, Public and Semi-Public District is to provide for the establishment of a district designed and intended to aid in guiding development towards fulfillment of the Comprehensive Plan and to serve the following functions:

(a) To provide the community with properly located schools, colleges, and health institutions.

(b) To provide the community with properly located public services, public utilities, and public or private communication antennas.

(c) To provide the community with properly located open green space, parks, playgrounds, and recreational facilities.

(d) To relate public and semi-public locations with thoroughfare system.

(2) *Lot and Setback Requirements.*

(a) *Minimum Lot Size.*

1. *Sewered Lot.* One (1) acre.

2. *Unsewered Lot.* 10 acres in compliance with City Code Section 1007.042(2)(b).

(b) *Minimum Lot Width.* 100 feet.

(c) *Setbacks.*

1. *From Street Right-of-Way.*

a. *Local or Minor Collector Street.* 50 feet.

b. *Major Collector or Arterial Street.* 50 feet.

2. *Rear Lot Line.*

a. *Principal Building.* 30 feet.

b. *Accessory Building.* 10 feet.

c. *Parking Lot.* 10 feet.

3. *Side Lot Line.*

- a. *Principal Building.* 10 feet.
- b. *Accessory Building.* 10 feet.
- c. *Parking Lot.* 5 feet.

(3) *Maximum Building Height.* 45 feet except as allowed by City Code Section 1007.043(3).

(4) *Maximum Impervious Surface Coverage.* 65 percent of the lot area.

(5) *Building Requirements.* All newly constructed industrial buildings shall meet the exterior building standards of City Code Section 1007.043(2)(d).

(6) *Permitted Uses.* The following are permitted uses in the PSP District:

- (a) All public buildings for county and state government.
- (b) All public buildings for municipal government, such as City Hall, water works, sewage plant, police, fire, etc.
- (c) Public parks, recreation facilities, and golf courses.
- (d) Community Gardens operated by the City.

(7) *Accessory Uses.* The following are permitted accessory uses in the PSP District:

- (a) Accessory buildings and structures in compliance with City Code Section 1007.043(4)(j).
- (b) Fences in compliance with City Code Section 1007.043(18).
- (c) Off-street parking in compliance with City Code Section 1007.044.
- (d) Off-street loading in compliance with City Code Section 1007.045.
- (e) Outdoor storage accessory to the principal use screened from all lot lines in compliance with City Code Section 1007.043(17).
- (f) Radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers in compliance with City Code Section 1007.054.

(g) Signs in compliance with City Code Chapter 1010.

(h) Parks, playgrounds, or athletic fields accessory to an allowed principal use.

(8) *Conditional Uses.* The following uses require a conditional use permit in compliance with City Code Section 1007.016:

(a) All schools (public and private) provided that:

1. Side yards shall be double that required for the district.

2. Adequate screening from abutting residential uses and landscaping is provided in compliance with City Code Section 1007.043(17) of this ordinance.

3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with City Code Section 1007.044 and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with City Code Section 1007.043(17) this ordinance.

4. Adequate off-street loading and service entrances are provided and regulated where applicable by City Code Section 1007.045.

5. The provisions of City Code Section 1007.016 are considered and determined to be satisfied.

(b) Hospitals provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with City Code Section 1007.043(17).

2. Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled in compliance with City Code Section 1007.043(17).

3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.

4. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

5. The provisions of City Code Section 1007.016 are considered and determined to be satisfied.

(c) Two (2) or more buildings on same lot provided such buildings relate to a permitted or conditional use that is operated as a single business or enterprise.

(9) *Uses by Administrative Permit.* The following uses require an administrative permit in compliance with City Code Section 1007.019:

(a) Personal wireless service antennas as secondary uses in compliance with City Code Section 1007.054.

(b) Telecommunication towers in compliance with City Code Section 1007.054.

(c) Temporary mobile towers in compliance with City Code Section 1007.054.

(d) Essential Services.

(e) Open Air Markets.

(f) Temporary Structures in compliance with City Code Section 1007.063.

(g) Transient Merchants.

(10) *Interim Uses.* The following uses require an interim use permit in compliance with City Code Section 1007.017:

(a) Earth Moving and Land Reclamation in compliance with City Code Section 1007.051.

(b) Farms, Farm Dwellings, Horticulture, and Agriculture.

**§ 1007.131 PUD, PLANNED UNIT DEVELOPMENT DISTRICT.**

(1) *Purpose.* The purpose of the PUD, Planned Unit Development District is to provide for the integration and coordination of land parcels, as well as the combination or mixture of varying types of residential, commercial, and/or industrial land uses.

(2) *Application.* All permitted, permitted accessory or conditional uses contained in all zoning districts identified in City Code Section 1007.080 through Section 1007.131 shall be directed as potentially permitted uses within the PUD District.

(3) *Procedure.* Whether requested as a rezoning or initially established by City action alone, a PUD, Planned Unit Development District, shall be established and governed subject to the amendment and procedure requirements as outlined in City Code Section 1007.015, plus the procedures, conditions, and standards imposed by City Code Section 1007.024.

(4) Reference to Pre-Existing PDO, Planned Development Overlays that pre-date the adoption of this Chapter have been rezoned to PUD, Planned Unit Development.

(5) List of PUD, Planned Unit Developments. The following is a list of PUD, Planned Unit Developments:

(a) *Rice Lake Estates.*

1. Ord. No. 09-88, Adopted August 8, 1988.

(b) *Pineridge Addition.*

1. Ord. No. 08-90, Adopted September 10, 1990.

(c) *Wenzel Farms.*

1. Ord. No. 04-91, Adopted April 8, 1991.
2. Ord. No. 06-91, Adopted April 8, 1991.

(d) *Park Grove.*

1. Ord. No. 15-92, Adopted August 10, 1992.

(e) *Quail Ridge.*

1. Ord. No. 15-92, Adopted August 10, 1992.

(f) *Willow Ponds.*

1. Ord. No. 17-92, Adopted September 14, 1992.
2. Ord. No. 11-95, Adopted July 10, 1995.



(g) *Country Lake Estates.*

1. Ord. No. 93-10, Adopted July 26, 1993.

(h) *Trappers Crossing.*

1. Ord. No. 14-94, Adopted August 22, 1994.

(i) *Behms Century Farm.*

1. Ord. No. 08-95, Adopted May 8, 1995.

(j) *Apollo Meadows Townhomes (CIC 34).*

1. Adopted December 16, 1996.

(k) *Surfside Addition.*

1. Ord. No. 22-97, Adopted September 8, 1997.
2. Res. No. 99-47, Adopted June 28, 1999.

(l) *Highland Meadows West.*

1. Ord. No. 32-97, Adopted November 10, 1997.
2. Ord. No. 03-00, Adopted February 14, 2000.

(m) *Clearwater Creek 3rd-5th Addition.*

1. Ord. No. 08-99, Adopted April 26, 1999.

(n) *Apollo Business Park (CIC 224 Lino Lakes Condo).*

1. Ord. No. 09-99, Adopted April 26, 1999.

(o) *Peregrine Pass.*

1. Res. No. 99-25, Adopted May 24, 1999.
2. Ord. No. 14-99, Adopted June 14, 1999.

(p) *Spirit Hills Center.*

1. Ord. No. 08-02, Adopted December 9, 2002.

(q) *Keefe Estates.*

1. Ord. No. 05-03, Adopted March 10, 2003.
- (r) *Millers Crossroads.*
1. Ord. No. 20-03, Adopted October 13, 2003.
- (s) *Lino Lakes Market Place.*
1. Ord. No. 03-05, Adopted July 11, 2005.
  2. Ord. No. 04-05, Adopted June 27, 2005.
- (t) *Century Farm North.*
1. Ord. No. 03-12, Adopted April 28, 2003.
- (u) *Raven's Hollow.*
1. Ord. No. 03-17, Adopted August 25, 2003.
- (v) *Miller's Crossroads.*
1. Ord. No. 03-20, Adopted October 13, 2003.
- (w) *Legacy at Woods Edge.*
1. Ord. No. 04-02, Adopted February 9, 2004.
  2. Ord. No. 08-14, Adopted December 8, 2008.
  3. Ord. No. 09-11, Adopted November 23, 2009.
- (x) *Rich Creek Covenant Church.*
1. Ord. No. 04-04, Adopted March 22, 2004.
- (y) *Pheasant Hills Preserve Twelfth Addition.*
1. Ord. No. 04-22, Adopted October 12, 2004.
- (z) *Fox Den Acres.*
1. Ord. No. 04-26, Adopted January 24, 2005.
- (aa) *The Preserve.*
1. Ord. No. 06-08, Adopted September 11, 2006.
- (bb) *Vaughn's First Addition.*

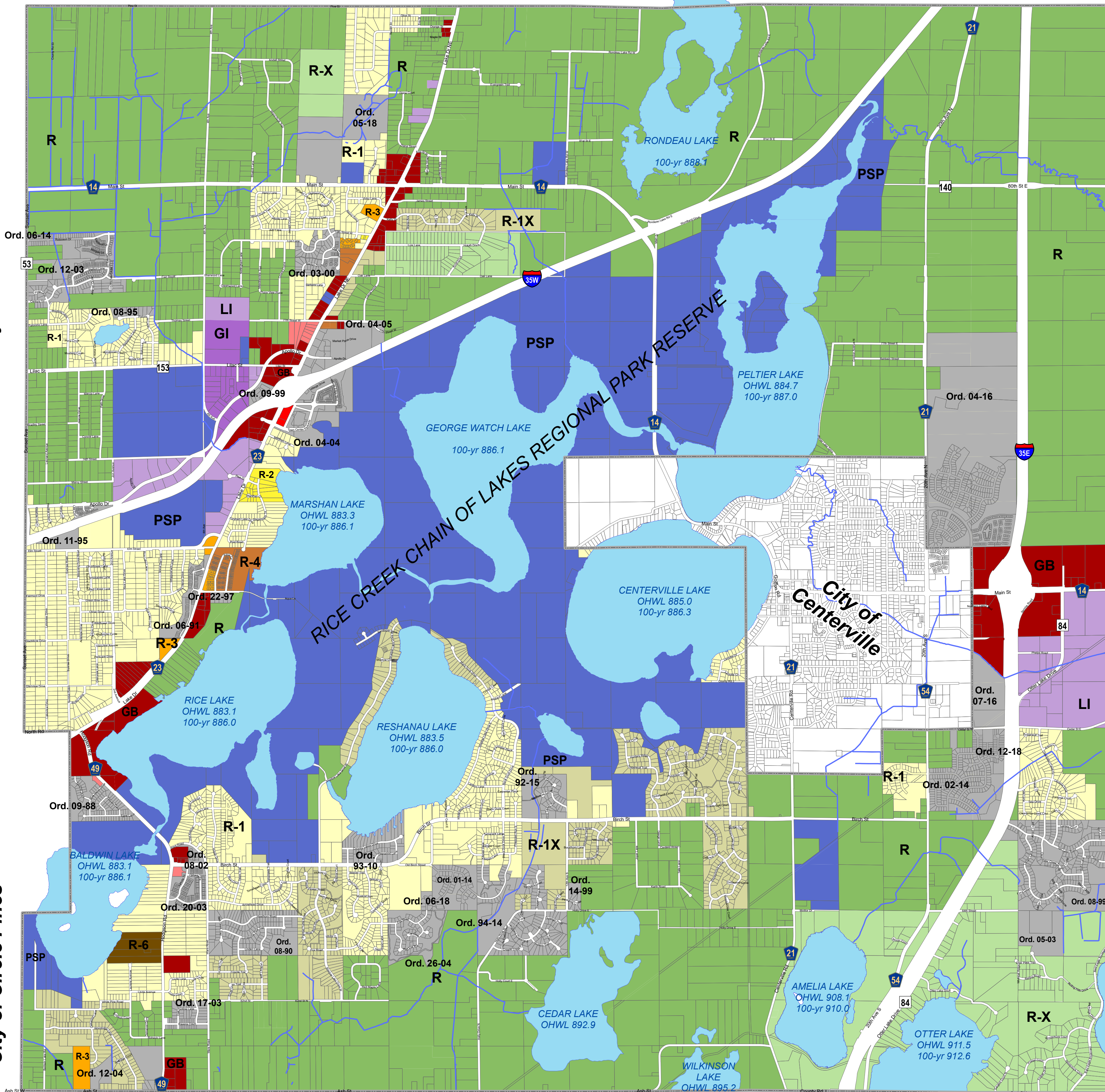
1. Ord. No. 08-02, Adopted February 25, 2008.
- (cc) *Southwest Quarter of Section 28, Township 31, Range 22.*
1. Ord. No. 14-01, Adopted February 24, 2014.
- (dd) *Century Farm North.*
1. Ord. No. 14-06, Adopted August 11, 2014.
- (ee) *Watermark.*
1. Ord. No. 16-04, Adopted June 27, 2016.
- (ff) *Clearwater Creek Business Park.*
1. Ord. No. 16-07, Adopted August 8, 2016.
- (gg) *Nature's Refuge.*
1. Ord. No. 18-05, Adopted June 25, 2018.
- (hh) *Saddle Club Fourth Addition.*
1. Ord. No. 18-06, Adopted June 25, 2018.
- (ii) *Lynblomsten.*
1. Ord. No. 19-07, Adopted April 22, 2019.

**Exhibit B:**  
**Zoning Map of Lino Lakes**



# Zoning Map of Lino Lakes

City of Blaine



City of Hugo

## Legend

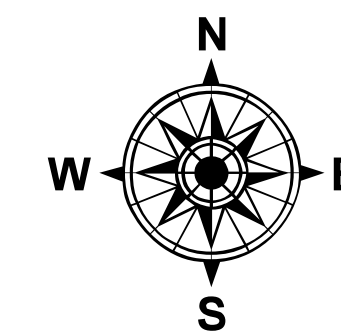
### ZONING

	R Rural		R-6 Manufactured Home Park
	R-X Rural Executive		NB Neighborhood Business
	R-1 Single Family Residential		LB Limited Business
	R-1X Single Family Executive		GB General Business
	R-2 Two Family Residential		LI Light Industrial
	R-3 Medium Density Residential		GI General Industrial
	R-4 High Density Residential		BC Business Campus
	R-5 Planned Commercial/Residential		PSP Public Semi-Public
			PUD Planned Unit Development

Lino Lakes  
Community Development  
600 Town Center Parkway  
Lino Lakes, Minnesota 55014

Phone (651) 982-2400

*Maps are for illustrative purposes only.  
Recent changes may not be included.  
Land Use and Zoning Information  
should be verified with City Staff.*



DRAWING SCALE IN FEET  
0 1,000 2,000 4,000

City of Shoreview

City of North Oaks

White Bear Township

November 14, 2022

**CITY OF LINO LAKES  
RESOLUTION NO. 22-140**

**RESOLUTION APPROVING SUMMARY OF  
ORDINANCE NO. 08-22 FOR PUBLICATION**

**WHEREAS**, the City Council has approved the first and second readings of Ordinance No. 08-22, amending City Code Chapter 1007: Zoning Code; and

**WHEREAS**, Ordinance No. 08-22 is lengthy and Minn. Statute 412.191 provides for a city to publish a summary of an ordinance; and

**WHEREAS**, the City Council determines that the summary clearly informs the public of the intent and effect of the ordinance, and

**WHEREAS**, the publication in the official newspaper will include a notice that a full printed copy of the ordinance is available at City Hall.

**NOW, THEREFORE BE IT RESOLVED** by The City Council of The City of Lino Lakes hereby approves the summary of Ordinance No. 08-22, attached hereto as Exhibit A, for publication according to State Law and City Charter.

Adopted by the Council of the City of Lino Lakes this 28<sup>th</sup> day of November, 2022.

The motion for the adoption of the foregoing resolution was introduced by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

\_\_\_\_\_  
Rob Rafferty, Mayor

ATTEST:

\_\_\_\_\_  
Julianne Bartell, City Clerk

**EXHIBIT A**

**CITY OF LINO LAKES**

**SUMMARY OF ORDINANCE NO. 08-22  
ORDINANCE AMENDING CITY CODE CHAPTER 1007: ZONING CODE**

The City Council of Lino Lakes ordains:

**Section 1.** The Lino Lakes City Code Chapter 1007: Zoning Code including the zoning map is hereby repealed in its entirety and replaced. The following Table of Contents lists zoning ordinance sections.

Passed by the Lino Lakes City Council on November 28, 2022.

This is a summary of the adopted ordinance. A full printed copy of the ordinance is available at City Hall or on the City's website at <https://linolakes.us/459/Public-Review-Documents>.

## Contents

<b>TITLE / APPLICATION / RULES</b> .....	<b>3</b>
§ 1007.000 TITLE AND APPLICATION.....	3
§ 1007.001 RULES AND DEFINITIONS. ....	6
<b>ADMINISTRATION</b> .....	<b>38</b>
§ 1007.015 AMENDMENTS: TEXT AND MAP.....	38
§ 1007.016 CONDITIONAL USE PERMITS.....	40
§ 1007.017 INTERIM USE PERMITS. ....	43
§ 1007.018 VARIANCES AND APPEALS.....	45
§ 1007.019 ADMINISTRATION: ADMINISTRATIVE PERMITS AND APPROVALS..	48
§ 1007.020 SITE AND BUILDING PLAN REVIEW. ....	50
§ 1007.021 DUTIES OF CITY STAFF.....	59
§ 1007.022 CERTIFICATE OF OCCUPANCY. ....	60
§ 1007.023 ENFORCEMENT AND PENALTIES.....	61
§ 1007.024 PLANNED UNIT DEVELOPMENT (PUD). ....	62
§ 1007.025 ENVIRONMENTAL REVIEW. ....	72
<b>GENERAL PROVISIONS</b> .....	<b>73</b>
§ 1007.040 PURPOSE.....	73
§ 1007.041 NON-CONFORMING USES AND STRUCTURES.....	73
§ 1007.042 GENERAL PARCEL, LOT AND YARD PROVISIONS. ....	74
§ 1007.043 GENERAL BUILDING AND USE PROVISIONS.....	80
§ 1007.044 OFF-STREET PARKING. ....	123
§ 1007.045 OFF-STREET LOADING SPACES. ....	136
§ 1007.046 PRIVATE STREETS.....	138
§ 1007.047 RELOCATED STRUCTURES. ....	140
§ 1007.048 HOME OCCUPATION PERMITS. ....	141
§ 1007.049 ACCESSORY APARTMENTS. ....	147
§ 1007.050 DRAINAGE.....	149
§ 1007.051 EARTH MOVING AND LAND RECLAMATION.....	150
§ 1007.052 FARMING OPERATIONS. ....	152
§ 1007.053 ADULT USES. ....	153
§ 1007.054 ANTENNAS.....	155
§ 1007.055 ACCESSORY OUTDOOR DINING AREAS.....	162
§ 1007.056 BATCH PLANTS.....	164
§ 1007.057 OPT OUT OF MINN. STAT. 462.3593.....	165



§ 1007.058	COMMERCIAL STABLES.....	166
§ 1007.059	AGRITOURISM.....	167
§ 1007.060	WIND ENERGY CONVERSION SYSTEM (WECS).....	169
§ 1007.061	SOLAR ENERGY SYSTEMS.....	172
§ 1007.062	MODEL HOMES WITH TEMPORARY REAL ESTATE OFFICES.....	175
§ 1007.063	TEMPORARY STRUCTURES.....	176
§ 1007.064	MOTOR FUEL STATIONS.....	177
§ 1007.065	AIR PARK HANGAR AND ACCESS PERFORMANCE STANDARDS.....	180
§ 1007.066	RURAL CLUSTER DEVELOPMENT.....	182
<b><i>DISTRICT PROVISIONS.....</i></b>		<b>186</b>
§ 1007.070	GENERAL ZONING DISTRICT PROVISIONS.....	186
<b><i>RURAL DISTRICTS.....</i></b>		<b>188</b>
§ 1007.080	R, RURAL DISTRICT.....	188
§ 1007.081	R-X, RURAL EXECUTIVE DISTRICT.....	194
<b><i>RESIDENTIAL DISTRICTS.....</i></b>		<b>199</b>
§ 1007.090	R-1, SINGLE FAMILY RESIDENTIAL DISTRICT.....	199
§ 1007.091	R-1X, SINGLE FAMILY EXECUTIVE RESIDENTIAL DISTRICT.....	204
§ 1007.092	R-2, TWO FAMILY RESIDENTIAL DISTRICT.....	208
§ 1007.093	R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT.....	213
§ 1007.094	R-4, HIGH DENSITY RESIDENTIAL DISTRICT.....	218
§ 1007.095	R-5, HIGH DENSITY RESIDENTIAL AND BUSINESS DISTRICT.....	223
§ 1007.096	R-6, MANUFACTURED HOME PARK DISTRICT.....	228
<b><i>BUSINESS DISTRICTS.....</i></b>		<b>234</b>
§ 1007.110	NB, NEIGHBORHOOD BUSINESS DISTRICT.....	234
§ 1007.111	LB, LIMITED BUSINESS DISTRICT.....	239
§ 1007.112	GB, GENERAL BUSINESS DISTRICT.....	245
<b><i>INDUSTRIAL DISTRICTS.....</i></b>		<b>254</b>
§ 1007.120	LI, LIGHT INDUSTRIAL DISTRICT.....	254
§ 1007.121	GI, GENERAL INDUSTRIAL DISTRICT.....	261
§ 1007.122	BC, BUSINESS CAMPUS DISTRICT.....	268
<b><i>SPECIAL DISTRICTS.....</i></b>		<b>272</b>
§ 1007.130	PSP, PUBLIC AND SEMI-PUBLIC DISTRICT.....	272
§ 1007.131	PUD, PLANNED UNIT DEVELOPMENT DISTRICT.....	276

**CITY COUNCIL  
AGENDA ITEM 6B**

STAFF ORIGINATOR: Diane Hankee, City Engineer

MEETING DATE: November 28, 2022

TOPIC: Consider Resolution 22-142, Authorize the Preparation of Plans and Specs, 2023 Lake Drive Trunk Water Main Improvements

VOTE REQUIRED: 3/5

**INTRODUCTION**

Staff is requesting Council authorization to prepare plans and specifications for the 2023 Lake Drive Trunk Water Main Improvements.

**BACKGROUND**

The City’s water system comprehensive plan identifies the need to connect a gap in the trunk water system along Lake Drive (CSAH 23) to improve pressure. The project includes directionally drilling a 12-inch diameter water main along Lake Drive (CSAH 23) from Forsham Lake Drive north to Park Court to loop the system. The project may require easement acquisition from Gethsemane Church.

WSB & Associates has submitted a proposal to complete the topographic survey, plans and specifications, water main design, permitting, and provide bid documents for the 2023 Lake Drive Trunk Water Main Improvements for a total not to exceed the amount of \$22,192.00.

The estimated total project cost, including land acquisition and overhead, is \$347,000.00. Funding for the project is expected to be from the Area and Unit Trunk Fund.

The project schedule:

Authorize Preparation of Plans and Specifications	November 28, 2022
Order Improvement, Approve Plans and Specs, Authorize Ad for Bids	January 23, 2023
City Opens Bids	March 7, 2023
City Council Awards Contract	March 13, 2023
Construction Begins	April-May, 2023
Final Completion	August 31, 2023

**RECOMMENDATION**

Staff is recommending approval of Resolution No. 22-142, Authorizing the Preparation of Plans and Specifications, 2023 Lake Drive Trunk Water Main Improvements.

## **ATTACHMENTS**

1. Resolution No. 22-142
2. Project Location Map
3. WSB & Associates Proposal

**CITY OF LINO LAKES  
RESOLUTION NO. 22-142**

**RESOLUTION AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS  
FOR THE 2023 LAKE DRIVE TRUNK WATER MAIN IMPROVEMENTS**

**WHEREAS**, the City Council finds that it would be in the best interest of the City to proceed with the preparation of plans and specifications for the 2023 Lake Drive Trunk Water Main Improvements.

**WHEREAS**, WSB, the City Engineer, has submitted a proposal to prepare plans and specifications.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Lino Lakes:

1. Authorizes the Preparation of the Plans and Specifications for the 2023 Lake Drive Trunk Water Main Improvements.
2. WSB is designated as the engineer for this improvement and directed to prepare plans and specifications for the 2023 Lake Drive Trunk Water Main Improvements for an amount not to exceed \$22,192.00.

Adopted by the Council of the City of Lino Lakes this 28<sup>th</sup> day of November, 2022.

The motion for the adoption of the foregoing resolution was introduced by Council Member \_\_\_\_\_ and was duly seconded by Council Member \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

\_\_\_\_\_  
Rob Rafferty, Mayor

ATTEST:

\_\_\_\_\_  
Julianne Bartell, City Clerk

# Lake Drive Trunk Water Main Improvements



1 in = 200 Ft

- |  |                           |  |                 |                |                   |
|--|---------------------------|--|-----------------|----------------|-------------------|
|  | Water Hydrants            |  | Production Well | Address Labels |                   |
|  | Water Curb Stop Valves    |  | Reducer         |                | Parcels           |
|  | Water System Valves       |  | Reducing Cross  |                | City Mask         |
|  | Enclosed Storage Facility |  | Tee             |                | Future Water Main |
|  | Meter Station             |  | Water Mains     |                |                   |





November 23, 2022

City of Lino Lakes  
Mr. Michael Grochala  
600 Town Center Parkway  
Lino Lakes, MN 55014

**Re: Proposal to Complete 2023 Lake Drive Trunk Water Main Improvements Construction Plans and Specifications**

Dear Mr. Grochala:

WSB and Associates is providing this proposal for the design and bidding services for the 2023 Lake Drive Trunk Water Main Improvements. The project includes directionally drilling new 12-inch diameter water main along Lake Drive (CSAH 23) from Forsham Lake Drive to Park Court (approximately 0.18 miles) to connect the existing water systems.

Based on the project scope, WSB would perform the following tasks:

**I. Prepare Final Project Plans**

Final construction plans will be prepared indicating the project location, drill pit areas, and the water main design. Surveyed topographic information will be used to prepare plan and profile sheets for the water main. Base drawing information will also include GSOC design locates, city parcel map information, and record plans. Geotechnical data is not included and is recommended to be completed separately.

**II. Final Quantities**

An Engineer's Opinion of Probable Cost will be completed with the final construction plans.

**III. Prepare Permits, Specifications and Bidding Documents**

WSB will assist the City in preparing permit application(s) and/or approval requests and will assist the City with submitting the applications/approval requests to the appropriate regulatory agencies. Permit applications and/or agency review submittals are anticipated for: (1) RCWD – erosion control, (2) Anoka County – work in right of way, and (3) Minnesota Department of Health – Plan Review.

WSB will develop the final project plans and specifications based on the agency review comments. This task will include an internal QA/QC review of the final plans, quantities, and specifications.

Upon completion of permitting, and agency review and approval, a final set of construction documents will be prepared for electronic bidding.

WSB will assemble and submit the final contract documents, either paper or electronic copies, to the City and request authorization to advertise the project for bidding. WSB will receive and respond to bidder inquiries concerning the plans, specifications, and intent of the project. Logs of all inquiries will be kept and maintained to document inquiries. WSB will attend the project bid opening with the City.

**The engineering fee to complete the design of the 2023 Lake Drive Trunk Water Main Improvements is \$22,192.00 (not to exceed).** This letter represents our understanding of the 2023 Lake Drive Trunk Water Main Improvements and the proposed scope of services. If you are in agreement with the scope of services and proposed fee, please sign in the appropriate space below and return one copy to us.

WSB & Associates, Inc. will provide a separate proposal to the City for construction services once the final plans are completed and the project is bid.

If you have any questions about this proposal, please feel free to call me at 612-360-1278.

Sincerely,

**WSB & Associates, Inc.**

*Mark Erichson*  
Mark Erichson  
Director

*Brian J. Bourassa*  
Brian Bourassa  
Client Representative

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**ACCEPTANCE:**

The City of Lino Lakes hereby accepts the WSB proposal of \$22,192.00 for all services outlined in this letter.

**City of Lino Lakes**

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_