



City of Lake Elmo
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NOTICE OF SPECIAL MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
WEDNESDAY, September 20, 2006, at 6:30 p.m.
In Council Chambers at City Hall.

AGENDA

Pledge of Allegiance

1. Agenda Approval
2. Zoning Ordinance
3. City Council Update
4. Adjourn

MEMO

(September 15, 2006 for the Meeting of September 20, 2006)

To: Lake Elmo Planning Commission

From: Kelli Matzek, Assistant Planner

Subject: Zoning Code Rewrite

We will be discussing the following topics:

- General Building and Performance Standards
- General Yard, Lot Area and Building Regulations
- Accessory Buildings, Structures, Uses

I have utilized the legislative formatting suggested by the Planning Commission at the last meeting. The regular text is the existing Lake Elmo Code. The bold text identifies from where the existing Lake Elmo code was pulled. The underlined text is proposed and the stricken text is removed. The proposed language I have pulled from other city codes (Oak Park Heights and Plymouth primarily).

“Lighting, Glare Control, and Exterior Lighting Standards” and the entire section called “Accessory Buildings, Uses and Equipment” are included in the packet but have not been altered in the language. Changes were made to correct generic spelling mistakes and the format was changed.

The next meeting will be held on **Monday, September 25th at 7:00 p.m.** At that time we will be discussing the following topics:

- Fencing, Screening, Landscaping
- Off-Street Parking and Loading
- Building Relocation

ZONING CODE (cont.)

General Building and Performance Standards

- 154.220 Purpose
- 154.221 Dwelling Unit Restriction
- 154.222 Lot Provisions
- 154.223 Grading and Drainage
- 154.224 Traffic Sight Visibility
- 154.225 Storing of Personal Property in Residential Zoning
- 154.226 Exterior Storage in Non-Residential Districts
- 154.227 Exterior Storage in All Districts
- 154.228 Passenger Vehicles and Trucks
- 154.229 Bulk Storage (Liquid)
- 154.230 Radiation and Electrical Interference Prohibited
- 154.231 Explosives
- 154.232 Common Open Space and Amenities
- 154.233 Swimming Pool
- 154.234 Lighting, Glare Control, and Exterior Lighting Standards

GENERAL BUILDING AND PERFORMANCE STANDARDS

154.220 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 blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community. All uses, buildings, and structures permitted pursuant to this section shall conform to the performance and design standards set forth in this section; the standards are determined to be the minimum standards necessary to comply with the intent and purposes of this Code as set forth in this section.

154.221 DWELLING UNIT RESTRICTION.

(A) There shall be no more than one principal building on any one (1) parcel of land.

~~(B) No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior structure above, or accessory building shall be used at anytime as a dwelling unit.~~
No cellar, basement with unfinished exterior structure above, home without a Certificate of Occupancy, garage, tent, play house, accessory building, recreational camping vehicle or trailer, or similar structure shall at any time be used as living quarters, temporarily or permanently, except as may be approved in emergency cases by the Zoning Administrator as an administrative permit.

~~(C) All principal buildings hereafter erected on unplatted land shall be so placed as to avoid obstruction of future street or utility extensions and shall be so placed as to permit reasonably anticipated future subdivisions and land use.~~

(C) All principal buildings shall meet or exceed the minimum standard of the Minnesota State Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the City's on-site sewage treatment ordinance.

(D) Dwelling Units in Commercial and Industrial Districts. Dwelling units for watchman and family shall be considered as an accessory use and shall conform to all applicable regulations for the district in which located, except as modified in this subsection:

(1) A dwelling unit in the commercial district located in a commercial structure shall not occupy the front half of the ground floor or basement.

(2) A dwelling unit in a commercial or industrial building shall not contain more than one (1) bedroom unless the building is part of a planned unit development.

(3) No detached dwelling unit shall be permitted in the commercial or industrial districts, except as part of a planned unit development.

(4) A dwelling unit which is a part of the principal building shall be provided with two (2) exits; one (1) shall be a direct outside exit.

(5) All buildings shall conform to the building code and applicable fire codes.

(E) Tents, play houses or similar structures may be used for play or recreational purposes only.

(F) Energy conservation designs in housing, including earth sheltered residential dwellings, are not prohibited by this provision of the Ordinance, provided that a conditional use permit is approved by the City Council and the structure complies with standards imposed by the State and the Minnesota State Building Code.

154.222 LOT PROVISIONS.

~~(A) Contiguous Parcels. If, in a group of two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of this section, the individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must~~

~~be combined with adjacent lots or parcels under the same ownership so that the combination will equal one or more parcels of land each meeting the full lot width and area requirements of this section.~~

(A) When a development is proposed which is to be located on two (2) or more lots, and such lots are required to meet the minimum district area and frontage requirement and/or are required to accommodate the use, the lots shall be combined in accordance with the City's Subdivision Ordinance, prior to the issuing of a building permit.

(B) Except as may be allowed pursuant to Section ##, when two (2) or more lots are located in the same zoning district, one (1) or more of which lack adequate area or dimensions to qualify for use under the current ordinance requirements and are contiguous and held in one ownership, they shall be combined for use in order to meet the lot requirements by subdividing the property in accordance with the Subdivision Ordinance.

(C) Subdivision of Lots. Any lot or parcel of land subdivided by any means after the effective date of this section for purposes of erecting a structure, must be approved as required by the subdivision ordinance.

(D) All lots having frontage on a lake or stream shall be subject to the provisions of the Shoreland Management Ordinance as well as the regulations provided by this chapter. All lots on unclassified bodies of water in the shoreland management ordinance shall meet the minimum setback requirements for a General Development Natural Environment Lake, except as provided in the Shoreland Management Section.

(E) Lots in the Flood Plain. All lots in a designated flood plain shall be subject to the Flood Plain Ordinance as well as the regulations provided by this chapter.

(F) Reduction of Required Yard or Lot Size Prohibited. No yard or lot shall be reduced in area or dimension so as to make it less than the minimum required by this section, and if the existing yard or lot is less than the minimum required, it shall not be further reduced. No required yard or lot currently used for a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.

(G) Sloping On Erodible Building Sites. No structure shall be constructed On sites with slopes of greater than twenty-five percent (25%) or on easily erodible soils as defined on the community soils maps and compiled by the County Soils Conservation Agent. ~~no structure shall be constructed.~~

~~(H) Minimum Area Requirements for Lots Without Public Sanitary Sewer.~~

~~(1) In areas without public sanitary sewer, but where public sanitary sewer is proposed in the City's capital improvement program, single and two family~~

~~homes shall demonstrate suitable soil conditions for adequate on-site sewage treatment area.~~

~~(2) In areas without public sanitary sewer where public sanitary sewer is not proposed in the City Capital Improvement Program or Comprehensive Plan, single and two family homes shall demonstrate suitable soil conditions for a minimum on-site sewage treatment area of one (1) acre per dwelling unit.~~

~~(3) A building permit shall not be issued for a lot which either does not meet the minimum acres of acceptable soils for on-site sewage treatment; or does not have enough acceptable soils within the lot or under legal contract to construct at least two (2) complete septic/drainfield treatment systems.~~

(H) Lot Width on a Public Street. All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel on a dedicated and approved public roadway to the width derived from applying the lot width requirement in each zoning district.

(I) All buildings shall be so placed so that they will not obstruct future streets or utility extensions which may be constructed by the City and be in conformity with existing streets, adopted plans, and according to the standards employed by the City.

(J) Any person desiring to improve property shall submit to the Building Official a registered survey and site plan of said premises and information on the location and dimension of existing and proposed buildings, location of easements within the property, encroachments, and any other information which may be necessary to evaluate conformance with City ordinances.

(J) Substandard lots of record shall be governed by Section ## of this Ordinance.

(K) On a through lot, both street lines shall be front lot lines for applying the yard and parking setback regulations of this Ordinance. In addition, no home on a through lot or corner lot in any residential zone shall maintain direct access to any arterial street designated as such by the Comprehensive Plan.

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

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

(N) No division of a parcel shall be made which leaves remaining any lot with frontage or area below the requirements stated in this Ordinance.

154.223 GRADING AND DRAINAGE.

~~Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or other public property or the surface or grade of public streets, or sidewalks without proper permit.~~

(A) No land shall be developed and no use shall be permitted that results in water runoff causing flooding, erosion, or deposit of minerals on adjacent properties which is inconsistent with the grading and erosion control plan provisions of Section ## of the City Code. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facilities subject to the review and approval of the City Engineer.

(B) In the case of all residential subdivisions, multiple family, public, institutional, and business developments, the grading and drainage plans shall be submitted to the City Engineer for review and the final drainage plan shall be subject to the City Engineer's written approval. In the case of such uses, no modification in grade and drainage flow through fill, erection of retaining walls or other such actions shall be allowed until such plans have been reviewed and received written approval from the City Engineer or a permit is obtained if needed.

(C) Except for written authorization of the City Engineer, the top of the foundation and garage floor of all structures shall be a minimum of eighteen (18) inches above the top of the curb of the abutting street upon which the property fronts and the driveway shall have a slope of not more than ten (10) percent.

154.224 TRAFFIC SIGHT VISIBILITY.

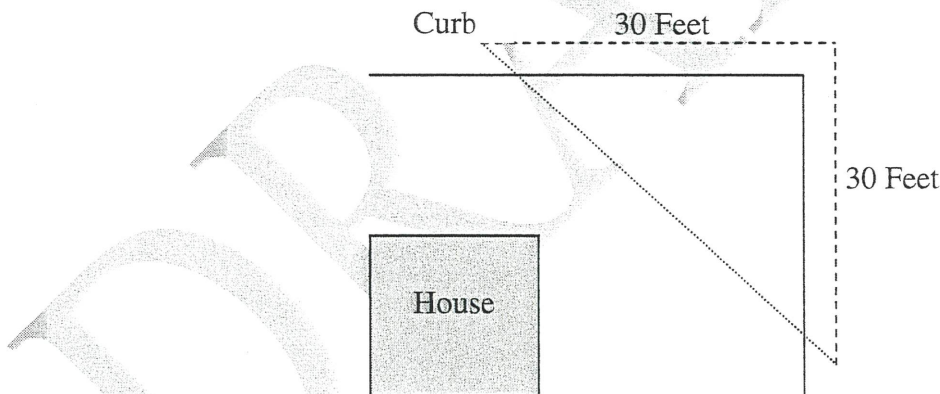
~~(A) The traffic generated by any use shall be controlled so as to prevent:~~
~~_____ (1) Congestion of the public streets,~~
~~_____ (2) Traffic hazards, and~~
~~_____ (3) Excessive traffic through residential areas, particularly truck traffic.~~
~~Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing into street.~~ PUT IN THE "WHERE COULD THIS GO" PILE

~~(B) On any corner lot, nothing shall be placed or allowed to grow in a manner that impedes vision between a height of two and one half (2 ½) and ten (10) feet above the center line grades of the intersecting streets within fifteen (15) feet of the intersecting street right of way lines. This restriction shall also apply to the planting of crops and to yard grades that result in elevations that impede vision within fifteen (15) feet of any intersecting street right of way lines.~~

~~Or (B) Nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 ½) and ten (10) feet above the center line grades of the intersecting streets within one hundred (100) feet of the intersection.~~

Except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into any yard or right-of-way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway. Visibility from any street or driveway shall be unobstructed between the height of two and one-half (2 ½) feet and ten (10) feet, measured at the intersection of the projected curb line of two (2) intersecting streets or drives, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning along the other curb line (see attached drawing). These requirements shall not apply to conditions that legally exist prior to the effective date of this Ordinance unless the Zoning Administrator determines that such conditions are determined to constitute a safety hazard.

~~(C) Obstruction of view of traffic. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;~~



EXTERIOR STORAGE/DISPLAY

~~154.22# EXTERIOR STORAGE DEFINED~~

~~Exterior storage as used in this section, means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed in a building. MOVED TO DEFINITION SECTION~~

154.225 STORING OF PERSONAL PROPERTY IN RESIDENTIAL ZONING DISTRICTS.

(A) All personal property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public streets, except for the following:

- (1) Laundry, drying;
- (2) Anchored or fixed Recreational equipment commonly used in residential yards shall be setback ten (10) feet from any lot line;
- (3) ~~Construction and landscaping materials, and equipment currently (within a period of six (6) months) being used on the premises;~~ Construction and landscaping materials or equipment, if these are used or intended for use on the premises within a period of six (6) months, unless there is an active building permit issued for improvements on the property;
- (4) Off-street parking of licensed operable passenger automobiles and pick-up trucks;
- (5) Merchandise being displayed for sale in accordance with the provisions of the Zoning Ordinance;
- (6) ~~Farm implements in the AG Zoning District.~~ Agricultural equipment and materials, if these are used or intended for use on the premises within a period of twelve (12) months.
- (7) ~~Firewood storage for personal use.~~ Stacked firewood for the burning supply of the property resident may be located in a side, rear, or equivalent yard.

(8) Recreational Vehicle

~~Boats and trailers less than twenty five (25) feet in length, if stored in the rear yard more than ten (10) feet distant from any property line;~~

~~(1) A recreational vehicle may not be parked on any land outside of an approved camping area or an approved sales lot, except that the parking of one (1) unoccupied vehicle in an accessory private garage, building, or in the rear yard of a residential district is permitted provided that no living quarters shall be maintained or any business practiced in the trailer while it is so parked or stored.~~

~~(2) A recreational vehicle owned by a non resident, guest or visitor may be parked or occupied by the guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed thirty (30) days while visiting the resident of the property. The recreation vehicle shall have self contained sanitary facilities or standard on site facilities as required by the community building official/sanitarian.~~

(a) Recreational vehicles may be parked in front of a residence for the purpose of maintenance, loading and unloading, provided that the vehicle is not parked in front for longer than seventy-two (72) hours in any continuous thirty (30) day period.

(b) In residential districts, recreational equipment up to twenty-five (25) feet in length may be parked or stored outdoors as follows:

(1) One (1) piece of recreational equipment per dwelling unit. When recreational equipment is on a trailer, the trailer and piece of recreational equipment shall be considered as one (1). Measurement does not include tongue of trailer or motor (if applicable).

(2) In the rear yard not within ten (10) feet of the lot line and as close to the garage as practicable.

(c) The Building Official may provide written permission to allow relief from the requirements found in 154.225-A.5.b.2 above in special circumstances where the topography or other circumstances not created by the applicant or owner that would preclude storage in the rear yard exist. The permission will include a defined time period and area restriction on the property.

(d) The storage of recreational vehicles defined herein shall not preempt existing tract restrictions or restrictive covenants.

(e) No camper/RV, camper trailer or boat shall be used for residential purposes, except that visitors with such vehicles may sleep in them for a period not to exceed nine (9) days.

(B) Existing Uses

Existing uses shall comply with the provisions of this section within a reasonable time, not to exceed six (6) months following the enactment of this Code.

~~A. Recreational camping vehicle. "Recreational Camping Vehicle" includes the following:~~

~~1. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses.~~

~~2. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.~~

~~3. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and~~

~~4. Any folding structure, mounted on wheels and designed for travel, recreation and vacation use.~~ MOVED TO DEFINITION

SECTION

154.226 EXTERIOR STORAGE IN NON-RESIDENTIAL DISTRICTS.

~~In non-residential districts, exterior storage of personal property may be permitted by conditional use permit provided any such property is so stored for purposes relating to a use of the property permitted by the Zoning Ordinance and will not be contrary to the intent and purpose of the Zoning Ordinance.~~

(A) Outside Storage/Display. Exterior storage and display shall be governed by the respective zoning district in which such use is located.

(B) Additional Standards. All exterior storage shall be located in the rear or side yard, shall be screened with materials of 90 percent or more opacity, and shall screen views from adjoining properties and public streets except for the following:

(1) Merchandise being displayed for sale in accordance with zoning district requirements.

(2) Materials and equipment currently being used for construction on the premises.

(C) Parking of Commercial Vehicles. Up to three (3) commercial vehicles such as delivery and service trucks up to twelve thousand (12,000) pounds gross vehicle weight rating (GVWR) may be parked without screening if such vehicles relate to the principal use. Construction equipment, trailers, and vehicles over twelve thousand (12,000) pounds gross vehicle weight rating (GVWR) shall require screening in compliance with Section ## of this Ordinance.

(D) Except for temporary construction trailers and mobile services operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the City, and trailers parked in a designated and improved loading area, no vehicle may be used for office, business, industrial manufacturing, testing, or storage of items used with or in a business, commercial or industrial enterprise.

154.227 EXTERIOR STORAGE IN ALL DISTRICTS.

(A) In all districts, all refuse, rubbish or garbage (as defined in subsection 1335.04) shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping the land free of refuse, rubbish or garbage.

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

(C) In all zoning districts, outside storage, including but not limited to equipment storage and the parking of vehicles, shall be prohibited as a principal use of property except as permitted by Conditional Use Permit as provided by the Zoning District.

(D) Any accumulation of refuse not stored in containers which comply with City Code, or any accumulation of refuse including car parts which has remained on a property for more than two (2) weeks is hereby declared to be a nuisance and may be abated by order of the Zoning Administrator, as provided by Minnesota Statutes and Section ## of the City Code. The cost of abatement shall be recovered in accordance with the applicable provisions of Section ## of the City Code.

(E) Passenger automobiles and trucks which are not currently licensed by the State, or which are incapable of movement under their own power due to mechanical deficiency, which are parked or stored outside for a period in excess of fourteen (14) days, and all materials stored outside in violation of the City Ordinances are considered refuse or junk and shall be disposed of pursuant to City regulations.

~~154.228 — UNLICENSED PASSENGER VEHICLES AND TRUCKS. (Taken from 1340.05 Unlicensed Passenger Vehicles and Trucks)~~

~~Unlicensed passenger vehicles and trucks shall not be parked in residential districts for a period exceeding seven (7) days.~~

~~154.22# — DEFINING JUNK (Taken from 1340.06 Defining "Junk")~~

~~All exterior storage not permitted by Subsection 1340.02 or included as a permitted accessory use, a permitted use, or included as part of a conditional use permit, or otherwise permitted by the provisions of this Code, is defined as "junk" within the meaning of Subsection 1335.02, Subd. 11 ("Junk") of this Code. MOVE TO DEFINITION SECTION~~

154.229 BULK STORAGE (LIQUID) (Taken from 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities, Subd. 9 Bulk Storage (Liquid))

No uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall be permitted except as are specifically permitted by the council after finding that fire, explosion, or water or soil contamination hazards are not present that would be detrimental the public health, safety, and general welfare. All existing above-ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure such permission within twelve (12) months following enactment of this section. The Zoning Administrator shall require the development of diking around the tanks, suitably sealed to hold a leakage capacity equal to one hundred fifteen percent (115%) of the tank capacity. Any existing storage tank that, in the opinion of the Planning Commission or the Council, constitutes a hazard to the public safety shall discontinue operations within five (5) years following enactment of this section. (Also see Subd. 10, 154.231 Explosives.)

154.230 RADIATION AND ELECTRICAL INTERFERENCE PROHIBITED.
(Taken from 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities, Subd. 14 Radiation and Electrical Interference Prohibited)

No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation or ordinary business or household equipment and appliances. Any such emissions are, declared to be a nuisance.

154.231 **EXPLOSIVES (Taken from 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities, Subd. 10 Explosives.)**

No activities involving the storage, use, manufacture of materials or products which could be detonated shall be permitted except those that are specifically permitted by the Council. The materials shall include, but not be confined to, all primary explosives such as lead azide and mercury fulminate, all high explosives and boosters such as TNT, tetryl and nitrates, propellants and components thereof such as nitrocellulose, black powder, and nitroglycerin, blasting explosives such as dynamite, and nuclear fuel and reactor elements such as uranium 235 and plutonium.

~~154.23# **FALL OUT SHELTERS (Taken from 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities, Subd. 11 Fall Out Shelters.)**~~

~~Fall out shelters may be permitted in any district, subject to yard regulations of the district. The shelters may contain or be contained in other structures or be constructed separately, and in addition to shelter use, may be used for any use permitted in the district, subject to the district regulations on such use.~~

154.232 **COMMON OPEN SPACE AND AMENITIES.**

(A) Common private open spaces or amenities may be allowed as part of a PUD or property subdivision, or by conditional use permit subject to the provisions of this Ordinance.

(B) Operating and Maintenance Requirements for Common Open Space and Amenities: Whenever common public open space or amenities are provided, provisions shall be made to assure the continued operation and maintenance of such open space or amenities to a predetermined reasonable standard. Common private open space and amenities may be placed under the ownership of one or more of the following, as approved by the City Council:

(1) Landlord control, where only use by tenants is anticipated.

(2) Property owners association, provided all of the following conditions are met:

(a) Prior to the use, occupancy, sale or the execution of contracts for sale of individual buildings, units, lots, parcels, tracts or common areas, a declaration of covenants, conditions and restrictions or an equivalent document or a document such as specified by Minnesota Statutes 515, Article 2 and a set of floor plans such as specified by Minnesota Statutes 515, Article 2-110 shall be filed with the City of Lake Elmo. Said filing with the City is to be made prior to the filings of said declaration or document or floor plans with the recording officers of the County.

(b) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance

affecting buildings, units, lots, parcels, or tracts shall subject said properties to the terms of said declaration.

(c) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing adequate private control.

(d) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City of Lake Elmo or fails to pay taxes or assessments on properties as they become due and in the event the said City of Lake Elmo incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City of Lake Elmo shall have the right to assess each property its prorate share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.

(e) Membership must be mandatory for each owner, and any successive buyer.

(f) The open space restrictions must be permanent and not for a limited period of years, unless specifically approved by the City.

154.233 SWIMMING POOLS (Taken from Section 525 Swimming Pools)

~~(A) Permits required. No person, corporation, partnership, or firm shall construct, repair, enlarge, alter, change, remodel, or otherwise significantly improve a swimming pool in the city without first having obtained a permit from the Building Official.~~

(A) A building permit shall be required for the construction, alteration or installation of any swimming pool which shall have a capacity of 18,000 gallons or more.

~~(B) Definitions. Unless specifically defined in this section, common definitions, words, and phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage through this code. Definitions are found in § 154.###.~~

~~(C) Application for permit. The Building Official may require plans, specifications, and pertinent explanatory data be submitted with an application for a permit.~~

~~(1) An application for a permit which includes a site plan showing:~~

(B) An application for a building permit shall include the following information:

(a) Site plan to scale

(b) The type and size of pool, location of pool, location of house, garage, fencing, and other ~~improvements~~ structures on the lot;

(c) The location of structures on all adjacent lots;

(d) The location of ~~filter unit, pump, and wiring (indicating the type of the units);~~ of all swimming pool equipment;

~~(e) The location of back flush and drainage outlets;~~

(e) Grading plan, finished elevations, and final treatment (decking, landscaping, etc.) around pool;

(f) The location of existing overhead or underground wiring, utility easements, trees, and similar features;

~~(h) The location of any water heating unit;~~

(g) The location of water supply systems, buried sewers, and sewage disposal systems, other utilities and proximate sources of possible contamination of the pool; and

(h) All dimensions, including the length, width, depth of the pool, the size of the pool deck, and the liquid capacity of the pool; plans shall be drawn to a scale of not smaller than one-fourth (1/4) inch to one (1) foot;

(2) The application shall be accompanied by the permit fee the Council establishes by resolution.

(3) Pools shall not be located within 10 feet of any septic tank and 20 feet of any ~~septic tank/drainfield~~ nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks.

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

(5) Pools shall not be located within any private or public utility, walkway, drainage, or other easements.

(6) In the case of ~~in~~ underground pools, the necessary precautions shall be taken during the construction, to:

(a) Avoid damage, hazards, or inconvenience to adjacent or nearby property; and

(b) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringements upon adjacent property.

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

(8) (a) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainage ways.

(b) Water shall not drain onto adjacent or nearby private land.

(9) The filter unit, pump, heating unit, and any other noise-making mechanical equipment shall be located at least fifty (50) feet from any adjacent or nearby residential structure and not closer than ~~then~~ (10) feet to any lot line unless such equipment is enclosed in a sound resistive enclosure. In all cases, noise shall not exceed minimum standards as set forth in Sec. 1370.

(D) Pool piping. Pool piping systems shall be constructed of materials prescribed in the ~~city~~ State plumbing code. Installation of the piping, including the pool water supply line, shall be inspected by the Building Official prior to covering the piping.

(E) Main outlets. Pools shall be equipped with facilities for completely emptying the pool and effecting surface drainage (by gravity if elevations permit). The drainage system shall be constructed in accordance with the provisions of the ~~city~~ State plumbing code.

(F) Water supply. Water supplies serving all swimming pools shall be of a safe sanitary quality and be acceptable to the County Health Officer. The installation of the pool water supply piping and connection to the source of supply shall be in accordance with the ~~city~~ State plumbing code. Water in the pool shall be maintained at all times in a suitable manner to avoid health hazards of any type.

(G) Electrical requirements. All electrical installations provided for, installed, and used in conjunction with residential swimming pools shall conform with the state electrical code and shall be inspected and approved by the state electrical inspector. No current-carrying electrical conductors shall cross residential swimming pools, either overhead or underground or within fifteen (15) feet of the pools, except as necessary for pool lighting or pool accessories.

~~(H) Heating requirements. Permits shall be required for all heating units used in conjunction with swimming pools. Installation shall be made in accordance with the city heating building code in effect at the time of installation.~~

(I) Pressure relief valves. Pools shall be designed and constructed with under-drain systems and pressure relief valves to prevent pool flotation, where the Building Official determines the same to be necessary.

(J) Shield lights. Lights used to illuminate any swimming pool shall be so arranged and shielded so as to reflect light away from adjoining properties.

(K) Location. All swimming pools or appurtenances to swimming pools shall be located in the rear yard and meet the setback requirements of the district in which it is located. Requests for a variance from the provisions of this section shall be referred first to the Planning Commission for its study and recommendation and then to the Council.

(L) Fences. All swimming pools shall be completely enclosed by a non-climbable type fence. All fence openings or points of entry into the pool area shall be equipped with gates. The fence and gates shall be at least four (4) feet in height and shall be constructed of a minimum number eleven (11) gauge woven wire mesh corrosion-resistant material or other material approved by the Building Official. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise be inaccessible to small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The openings between the bottom of the fence and the ground or other surface shall not be more than four (4) inches.

(M) Safety equipment. Every swimming pool shall be equipped with one (1) or more throwing ring buoys not more than fifteen (15) inches in diameter and having fifty (50) feet (or the diagonal measurement of pool - whichever is larger) of 3/16 inch nylon line (or equivalent) attached.

(N) Above-ground swimming pools. Ladders or stairs which are attached to or placed against the outside of above-ground tank-type swimming pools having a depth of twenty-four (24) inches or more shall be removed from the outside of the pool when it is not being used by the owner or owner's authorized guests. Above ground pools utilizing fixed stairs shall be affixed with a five (5) foot, non-climbable fence or gate to be locked when unattended. All other applicable provisions of this section shall apply to above-ground pools.

(O) Public or semi-public swimming pools. Swimming pools other than residential pools shall be constructed and operated in conformance with standards for the installations established by the Minnesota State Board of Health. In addition, the person, firm, corporation, or agency proposing the construction of a swimming pool other than residential shall file with the Building Official, prior to the beginning of any construction, a copy of the report prepared and issued by the Minnesota State Health Department

showing approval of the plans, and one (1) set of pool plans upon which the approval is indicated by stamp, seal, or other official marking of that agency. Adequate screening, including both fencing and landscape treatment, shall be placed between said areas and adjacent lot lines.

154.234 LIGHTING, GLARE CONTROL, AND EXTERIOR LIGHTING
STANDARDS (Taken from Ch. 13 Municipal Regulations, Sec. 1350)

(A) Purpose. The purpose of this section is to regulate the spillover of light and glare on rural areas of the community, pedestrians, and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations from the basis of the regulations contained herein.

(B) Definitions. Unless specifically defined in this Section, common definitions, words and phrases used in this Section shall be interpreted as to give them the same meaning as they have in common usage throughout this code and are found in Section 150.

(C) Exterior Lighting Plan. At the time any exterior light is installed or modified for projects, an exterior lighting plan shall be submitted to the City in order to determine whether the purpose and requirements of this Section have been met. This plan will be prepared by a certified architect, landscape architect, or lighting designer.

(1) Submittal Requirements. The applicant must provide a plan that identifies the location, size and type of luminaire, and show how the applicant intends to comply with this section. A photometric plan of the site and fixture data sheet must be submitted with a site plan for office, commercial, or any type of industrial project in order to determine the effect of the luminaire on surrounding properties. The applicant shall provide the fixture data sheet for residential lighting proposals.

(D) Prohibited Lighting

(1) Public Roadway or Street. No Lights shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when light is of such brilliance and so positioned as to impair the vision of the driver of any motor vehicle.

(2) Luminaries. Except for "full cutoff luminaries" as defined in this section, no luminaries are allowed which do not meet the standards outlined in this section. (See illustration below)

(3) Lighting in All Zoning Districts. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall be directed into any adjoining property.

(4) Bare Light Bulbs. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.

(5) Light Cast. No light or combination of lights, which cast light on a public street, shall exceed one (1) foot-candle meter reading as measured from the centerline of the street, nor shall any light or combination of lights, which cast light on residential property, exceed four-tenths (0.4) foot-candles.

(E) Minimum Standards.

(1) Minimum Standards for Lighting with a Total Cutoff Angle of Greater than 90 Degrees. When a luminaire has a total cutoff of an angle greater than ninety (90) degrees (see illustration below), the maximum illumination and the maximum permitted luminaire height is designated below. This standard is designed to ensure that no light is emitted above a horizontal plane parallel to the ground. In order to achieve a total cutoff at ninety (90) degrees, such a luminaire will emit maximum (peak) candle power at an angle not exceeding seventy-five (75) degrees. This angle is formed by the line at which maximum candlepower is emitted for the light source and a line perpendicular to the ground from the light source.

(2) Illumination may exceed the stated maximums for a radius of 20 feet measured from the center point of the light fixture, but shall not exceed those maximums beyond the exterior property line of the site upon which the fixture is located.

Use and District	Maximum Permitted Illumination at a Point Six Feet Above the Ground (in foot candles)	Maximum Permitted Height
All residential Districts	.30	Fifteen (15) feet
All Non-Residential Districts	1.50	Twenty (20) feet

(3) Minimum Standards for Lighting with a Total Cutoff Angle of Less than 90 Degrees. When a luminaire has a total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground, the maximum permitted illumination and the maximum permitted height is illustrated below. This type of light fixture may be taller and provide greater illumination at the property line than the one specified above, because the design of this fixture ensures that its light source will not be directly visible off-site.

Use and District	Maximum Permitted Illumination at a	Maximum Permitted Height
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	Point Six Feet Above the Ground (in foot candles)	
All residential Districts	1.00	Fifteen (15) feet
All Non-Residential Districts	3.00	Twenty (20) feet

(4) Minimum Standards for Lighting on Agricultural Lands. When a permanent outdoor luminaire is placed on agricultural land, only Mercury lamps shall be permitted.

(5) Attachments. Attachment entitled "Good Neighbor Outdoor Lighting" is on file in the Building Official's office, and can be found in Appendix A of this Code. This is the guide to be used for residential lighting.

General Yard, Lot Area and Building Regulations

- 154.250 Purpose
- 154.251 Building Height Exceptions
- 154.252 Building Type and Construction
- 154.253 Yard Requirements
- 154.254 Efficiency Apartments
- 154.255 Minimum Lot Area Per Unit
- 154.256 Minimum Floor Area Per Dwelling Unit
- 154.257 Two Family, Townhouse, Manor Home, Multiple Family Uses
- 154.258 Single Family Dwellings

Accessory Buildings, Uses and Equipment

- 154.270 Accessory Building Type
- 154.271 Size and Number
- 154.272 Time of Construction
- 154.273 Drive Through Business
- 154.274 Drive-In Business

GENERAL YARD, LOT AREA AND BUILDING REGULATIONS

- 154.250 Purpose

This section identifies yard, lot area, building size, and building type and height requirements in each zoning district.

- 154.251 Building Height Exceptions (**Taken from 300.12 Height.**)

~~B. No other structure shall exceed thirty five (35) feet in height including church spires, belfries, cupolas and domes, monuments, chimneys, and smokestacks, flag poles, public facilities, except barns, silos, and other farm structures, utility transmission services, and transmission towers of commercial broadcasting stations.~~

(A) The building height limits established for each zoning district shall not apply to the following list of items, except that no such structural element may exceed forty-five (45) feet in total height or exceed the maximum height of the building by more than five (5) feet, whichever is greater, except by conditional use permit.

- (1) Belfries.
- (2) Chimneys or flues.
- (3) Church spires.
- (4) Cooling towers.

(5) Cupolas and domes which do not contain useable space.

(6) Elevator penthouses.

(7) Flag poles.

(8) Monuments.

Subd. 2 Parapet Walls.

~~— Parapet walls shall not exceed more than four (4) feet above the height permitted of the building.~~

(9) Parapet walls extending not more than four (4) feet above the limiting height of the building.

(10) Water towers.

(11) Poles, towers and other structures for essential services.

(12) Necessary mechanical and electrical appurtenances.

(B) Height limitations for antenna support structures as set forth in Section ## of this Ordinance may be increased by conditional use permit.

(C) Modifications to the topography of a lot may not be undertaken as a means of achieving increased building height.

(D) In the case of any proposal to construct or alter a structure which will exceed a height of two hundred (200) feet above ground level of the site, or any proposal to construct or alter a structure to a height of greater than an imaginary surface extending upward and outward at a slope of one hundred to one (100:1) from the nearest point of the nearest runway of a public airport, the applicant shall notify the Commissioner of the Minnesota Department of Transportation in writing of the plans at least thirty (30) days in advance of making applicable permit requests to the City. The applicant shall provide the Zoning Administrator with any comments received from the Commissioner 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.

154.252 BUILDING TYPE AND CONSTRUCTION. (Taken from individual Zoning Districts)

(A) General Business District.

(1) The Primary Exterior Surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or veneer brick or stone shall not qualify as complying with this performance standard.

(2) Primary Exterior Surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this subdivision. Windows and glass doors shall be considered a primary surface, but the sum area of such glass shall be deducted from the wall area for purposes of the 70% Primary/30% Accent formulas of this section. Doors of any type or material, except glass, shall not be considered a primary exterior surface. Each wall of the structure shall be calculated separately; and, individually comply with the 70/30 formula.

(3) Not more than 30% of the exterior wall surfacing, as defined by ~~paragraph D~~ above, may be of the following listed Accent Materials, but no single Accent Material, except natural wood, may comprise more than 20% of the total of all Accent Materials; and, no combustible materials shall be used:

- (a) Wood Siding
- (b) Cement Fiber Board
- (c) Standing Seam Metal
- (d) Stucco
- (e) Pour in Place Concrete (excluding "tilt-up" panels.)
- (f) Metal panels or Sheets
- (g) Poured in Place Concrete (excluding "tilt-up" panels).
- (h) Porcelain or Ceramic Tile

(B) Highway Business, Limited Business, and Business Park District.

The exterior surfaces of all buildings shall be faced with brick, stone, glass or equivalent. The City may allow architecturally enhanced and integrally colored block, in all cases examples of the proposed finish are to be submitted for review by the Planning Commission. No building shall be constructed with a main exterior surface of sheet aluminum, steel corrugated aluminum, or similar products; these materials are acceptable only as trim. Non-structural metal standing seam roofing is permitted. No accessory building shall exceed the height of a principal building. All exterior equipment and trash and recycling storage areas and dock areas shall be screened with materials used in the principal structure. Low profile, self-contained HVAC units which blend in with the building architecture are exempt from the screening requirement. Underground utilities shall be provided for all structures.

154.253 YARD REQUIREMENTS. (Taken from 300.10)

~~300.09 Subd. 1 Existing Lot.~~

An existing lot is a lot or parcel of land in a residential district which was of record as a separate lot or parcel in the office of the County Recorder or registrar of titles, on or

before the effective date of this section. Any such lot or parcel of land which is in a residential district may be used for single family detached dwelling purposes provided the area and width of the lot are within sixty percent (60%) of the minimum requirements of this section, provided all setback requirements of this section must be maintained; and provided it can be demonstrated safe and adequate sewage treatment systems can be installed to serve the permanent dwelling.

Any one (1) acre lot which was of record before October 16, 1979 may be used for single family detached dwelling purposes regardless of ownership of adjacent parcels, provided the lot meets all other requirements of this section.

No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this Ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another structure.

No public use or convenience structure shall be located within the public right-of-way. The structure shall include, but is not limited to trash containers, institutional direction signs, bicycle racks, benches, plating boxes, awnings, flag poles, bus shelters, light standards, stairs, stoop, light wells, newspaper storage containers, mail boxes for private mail delivery firms, loading wells, signs, and others. The structures do not include utility facilities.

(A) Permitted Encroachments on Required Yards.

The following shall not be considered as permitted encroachments into setback and height requirements. ~~except as restricted by other sections of this chapter.~~

~~Subd. 1 In Any Yards.~~

(1) Posts, off-street open parking, cantilevers up to ten (10) feet in width, flutes, leaders, sills, pilasters, lintels, cornices, eaves (up to three (3) feet), gutters, awnings, open terraces, steps, chimneys up to six (6) feet in width, ornamental features, flag poles, window wells and their related covers, open fire escapes, sidewalks, fences, essential services exposed ramps (wheelchair), uncovered porches, stoops, yard lights and nameplate signs; trees, shrubs, plants, floodlights or other sources of light illuminating authorized illuminated signs provided the direct source of light is not visible from the public right-of-way or adjacent residential property, or similar features provided they do not extend above the height of the ground floor level of the principal structure or to a distance less than more than five (5) feet into a required yard or five (5) feet from any lot line, whichever is more restrictive. ~~nor less than one (1) foot from any existing or proposed driveway; or light standards for illuminating parking areas, loading areas, or yards for safety and security reasons.~~

(2) No encroachment shall be permitted in existing or required drainage and utility easements unless approved by the City Engineer.

(3) In rear yards, recreational and laundry drying equipment, private dog kennels, arbors and trellises, detached outdoor living rooms or gazebos not exceeding five hundred (500) square feet, and air conditioning or heating equipment not exceeding established state noise levels, provided they are set back five (5) feet from side lot lines, eight (8) feet from the rear lot line, and not located within a utility and/or drainage easement, or as permitted in Section ## of the shoreland regulations.

Subd. 2 Side and Rear Yards.

—Fences thirty percent (30%) open; walls and hedges six (6) feet in height or less; bays not to exceed a depth of three (3) feet or containing an area of more than thirty (30) square feet; fire escapes not to exceed a width of three (3) feet.

(4) A required yard on a lot may be reduced by a conditional use permit if the following conditions are met:

(a) The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance.

(b) Property line drainage and utility easements as required by the City's Subdivision Ordinance are provided and no building will occur upon this reserved space.

(c) The reduction will work toward the preservation of trees or unique physical features of the lot or area.

(d) If affecting a north lot line, the reduction will not restrict sun access from the abutting lots.

(e) The reduction will not obstruct traffic visibility, cause a public safety problem and complies with Section ## (Traffic Sight Triangle) of this Ordinance.

(f) The conditions of Section 401.03.A.8 of this Ordinance are considered and satisfactorily met.

(B) Required Front Yard Setback Exceptions for New or Expanded Homes. In the case of single-family residential lots platted prior to the date of this Ordinance, the required front yard setback as established by the respective zoning districts may be reduced, upon the approval of the Zoning Administrator, to a distance equaling the average front yard setback of existing principal dwellings within the block in which the lot is located, provided that in no case shall this distance be less than fifteen (15) feet.

(C) Corner Lots. Front yard requirements shall be observed on each street frontage of a corner lot.

(D) Required Side or Rear Yard Reduction. A required yard on a lot may be reduced by a conditional use permit if the following conditions are met:

(a) The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance.

(b) Property line drainage and utility easements as required by the City's Subdivision Ordinance are provided and no building will occur upon this reserved space.

(c) The reduction will work toward the preservation of trees or unique physical features of the lot or area.

(d) The reduction will not restrict sun access to the abutting lots.

(e) The reduction will not obstruct traffic visibility, cause a public safety problem and complies with Section 21105.05 of this Ordinance.

154.254 EFFICIENCY APARTMENTS.

Except for elderly (senior citizen) housing, the number of efficiency apartments in a multiple family dwelling shall not exceed ten (10) percent of the total number of apartments. In the case of elderly (senior citizen) housing, efficiency apartments shall not exceed thirty (30) percent of the total number of apartments.

154.255 MINIMUM LOT AREA PER UNIT.

The lot area per unit requirements for two family, townhouses, manor and multiple family developments shall be in accordance with applicable zoning district standards in which such uses are located. Lot area per unit requirements for planned unit developments shall be same as those imposed in the corresponding zoning district in which the use is customarily permitted.

154.256 MINIMUM FLOOR AREA PER DWELLING UNIT.

(A) Single Family Dwelling Units in R-1 Zoning Districts. Living units classified as single family dwellings shall contain at a minimum, nine hundred sixty (960) square feet of floor area.

(B) Other Dwelling Units. Except for elderly housing, all other dwellings shall have the following minimum floor areas per unit:

<u>Efficiency and One Bedroom Units</u>	<u>600 square feet</u>
<u>Two Bedroom Units</u>	<u>720 square feet</u>
<u>More than Two Bedroom Units</u>	<u>An additional 100 square feet for each additional bedroom.</u>

(C) Elderly (Senior Citizen) Housing. Living units classified as elderly (senior citizen) housing units shall have the following minimum floor area per unit:

<u>Efficiency Units</u>	<u>440 square feet</u>
<u>One Bedroom</u>	<u>520 square feet</u>

154.257 TWO FAMILY, TOWNHOUSE, MANOR HOME, MULTIPLE FAMILY USES.

(A) No single townhouse or manor home structure shall contain more than fourteen (14) dwelling units.

(B) 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 unit within such a structure may be allowed upon the approval by the City. Approval of a subdivision request is contingent on the following requirements:

(1) Prior to a two family dwelling or townhouse subdivision, the base lot must meet all the requirements of the zoning district.

(2) The lot area calculation for individually platted unit lots shall include the proportionate share of the surrounding base lot.

(3) Permitted accessory uses as defined by the zoning districts are acceptable, provided they meet all the zoning requirements.

(4) A property maintenance agreement must be arranged by the applicant and submitted to the City Attorney for review and comment. The agreement shall ensure the maintenance and upkeep of the structure and lots to meet minimum City standards. The agreement is to be filed with the Washington County Recorder's Office as a deed restriction against the title of each unit lot.

(5) Separate public utility service shall be provided to each subdivided unit and shall be subject to the review and approval of the Zoning Administrator.

(6) The subdivision is to be platted and recorded in conformance to the requirements of the Subdivision Ordinance of the City.

(7) Minimum unit lot width for townhouses shall be not less than twenty (20) feet.

(8) Requirements of the Minnesota State Building Code at the time of subdivision shall be complied with.

(C) Subdivision of apartment dwelling structures, manor homes and other such units:

(1) The subdivision is to be platted and recorded in conformance with the requirements of the Subdivision Ordinance of the City, as applicable.

(2) The subdivision shall comply with applicable cooperative or condominium laws of the State of Minnesota.

154.258 SINGLE FAMILY DWELLINGS.

All single-family detached homes shall comply with the following:

(A) Foundation. Dwellings shall be constructed upon a continuous perimeter foundation, except that the following appurtenant structures may be placed upon pier footings:

(1) Open decks.

(2) Covered porches, provided that the floor height is three (3) feet or less above ground level.

(3) Covered porches with a floor height exceeding three (3) feet above ground level, provided that such porch does not exceed three hundred (300) square feet in area.

(4) Room additions to living area, not exceeding 300 square feet in area.

(5) Additionally, the perimeter foundation need not be continuous in the area of an elevated breezeway or similar architectural feature that connects the home to a garage or similar structure.

(B) Minimum Size. Dwellings shall not be less than thirty (30) feet in length and not less than twenty-two (22) feet in width over that entire minimum length. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwelling shall also meet the minimum floor area requirements as set out in this Ordinance.

(C) Roof Material. Dwellings shall have an earth covered, composition, wood shingled (include shakes), concrete, clay or ceramic-tiled roof. In addition, metal tile and

standing seam metal roof coverings may be allowed by approval of the Zoning Administrator, provided they meet the requirements of ASTM A570 and A611 for roof coverings, and ASTM A219 and A239 for corrosion-resistant roofing materials.

(D) Building Permit. Prior to commencement of construction, dwellings shall receive a building permit. The application for a building permit in addition to other information required shall indicate the height, size, design and the appearance of all elevations of the proposed building and a description of the construction materials proposed to be used.

(E) Design. The exterior architectural design of a proposed dwelling may not be so at variance with, nor so similar to, the exterior architectural design of any structure or structures already constructed or in the course of construction in the immediate neighborhood, nor so at variance with the character of the surrounding neighborhood as to cause a significant depreciation in the property values of the neighborhood or adversely affect the public health, safety or general welfare.

(F) Code Compliance. Dwellings shall meet the requirements of the Minnesota State Building Code or the applicable manufactured housing code.

ACCESSORY BUILDINGS, USES AND EQUIPMENT

154.270 ACCESSORY BUILDING TYPE (Taken From 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities Subd. 3 Accessory Buildings and Structures)

(A) Types of Accessory Buildings – storage or tool sheds; detached residential garage; detached rural storage building; detached domesticated farm animal buildings; agricultural farm buildings. The accessory buildings are defined as follows:

(1) Storage or Tool Shed. A one story accessory building of less than one hundred sixty (160) square feet gross area with a maximum roof height of twelve (12) feet and exterior colors or materials matching the principal structure or utilizing earthen tones. No door or other access opening in the storage or tool shed shall exceed twenty-eight (28) square feet in area.

(2) Detached Residential Garage. A one-story accessory building used or intended for the storage of motor driven passenger vehicles regulated in Section 300.13, Subd. 4, with a maximum roof height of twenty (20) feet. No door or other access opening shall exceed fourteen (14) feet in height. The exterior color, design, and materials shall be similar to the principal structure.

(3) Detached Rural Storage Building. A one story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment, etc. Exterior materials shall match the principal structure in exterior color or be of an earthen tone.

(4) Detached Domesticated Farm Animal Building. A one story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building shall require a Minnesota Pollution Control Agency feedlot permit and site and building plan approval.

(5) Agricultural Farm Building. An accessory building used or intended for use on an active commercial food producing farm operation of more than twenty (20) acres. A Minnesota Pollution Control Agency permit may be required.

154.271 SIZE AND NUMBER.

(A) A tool shed as defined in this section may be placed on any lot in addition to the permitted number of accessory buildings.

(B) No accessory building used or intended for the storage of passenger automobiles shall exceed one thousand (1,000) square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet, nor shall any structure exceed one story in height except when the garages are located in Business, Industrial or Planned Unit Developments. On parcels of twenty thousand (20,000) square feet in area or less, no detached accessory building or garage shall exceed the size of the principal building in gross floor area.

(C) An accessory building shall be considered as an integral part of the principal building if it is located six (6) feet or less from the principal building. The exterior design and color shall be the same as that of the principal building or be of an earthen tone; the height shall not exceed the height of the principal structure unless more restrictive portions of this section prevail.

(D) No accessory building in a commercial or industrial district shall exceed the height of the principal building.

(E) No accessory buildings in apartment developments shall exceed the height of the principal building.

(F) Accessory buildings in the commercial and industrial districts may be located to the rear of the principal building, subject to the Building Code and fire zone regulations.

(G) No detached garages or other accessory buildings in residential districts shall be located nearer the front lot line than the principal building on that lot, except in AG, RR, and R-1 districts where detached garages may be permitted nearer the front lot line than the principal building by resolution of the City Council, except in planned unit developments or cluster developments.

(H) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided that the physical conditions of the lot require such a location and a resolution is issued. In no event shall the structure be located closer than twenty (20) feet to the public right-of-way.

(I) All accessory buildings over thirty-five (35) square feet in area shall have a foundation, concrete slab or wind anchor. Buildings larger than one hundred (100) square feet shall require a building permit regardless of improvement value. Roof loads and wind loads shall conform to requirements as contained in the Building Code.

(J) The required rear yard setbacks for detached residential garages, and storage, boat, and tool sheds shall be a distance equal to the required side yard setback for each zoning district, except on through lots when the required rear yard setback in each zoning district shall apply.

(K) Performance standards for detached agricultural buildings and domesticated farm animal buildings on parcels of less than twenty (20) acres, shall include the following:

(1) Setbacks. All animal buildings, feedlots, and manure storage sites shall be set back as follows:

(2) Slopes. The building, feedlot, or manure storage shall not be placed on slopes which exceed thirteen percent (13%).

(3) Evidence of the seasonally high ground water level or mottled soil (as established by eight and one-half [8 ½] foot borings) shall not be closer than six and one-half (6 ½) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed building and/or feedlot.

(4) No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot, or grazing area.

(L) The Number of Accessory Buildings.
The number and size of accessory buildings permitted in each zoning district shall be as follows. No accessory building shall be constructed unless there is adequate room for the required secondary drainfield site.

Maximum Number and Size of Accessory Buildings	
Agricultural	There shall be no limit on the size or number of accessory buildings so long as the parcel is a nominal forty (40) acres or more and buildings are agricultural buildings as defined in 300.13 Subd 3 (A) (5)
Agricultural (Non-conforming)	
Up to ten (10) acres	Two buildings with a total area not to exceed one thousand (1,000) square feet

Over 10, but less than a nominal forty (40) acres	Two buildings with a total area not to exceed two thousand (2,000) square feet
Rural Residential	
Up to 10 Acres (Nominal)	One 2,000 square feet detached building in addition to an attached garage.
10 Acres to 15 Acres	One 2,500 square feet detached building in addition to an attached garage.
15 Acres to 20 Acres	One 3,000 square feet detached building in addition to an attached garage.
Residential - R1, RED and OP	
5,000 square feet to 1 Acre	A combined 1,200 square feet total for both attached and detached accessory structures or residential garage; the size of the footprint of the detached structure shall not exceed the size of the footprint of the primary structure.
Over 1 Acres to 2 Acres	One 1,200 square feet detached residential garage or building in addition to an attached garage.
Over 2 Acres	1,300 square feet detached residential garage or building in addition to an attached garage.

154.272 TIME OF CONSTRUCTION.

No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.

154.273 DRIVE THROUGH BUSINESS

Where allowed, drive through businesses shall comply with the following:

(A) The facility shall be located only on a site having direct access to a minor arterial street, collector or service road.

(B) All portions of the business with drive through facilities established after ***DATE***, including but not limited to, the building in which they are located, service windows and stacking spaces, shall be located across an arterial or collector street from residentially zoned or guided property, or shall be set back at least three hundred (300) feet from residentially zoned or guided property.

(C) The facility's public address system shall not be audible from any adjacent residentially zoned or guided property and comply with Section 21105.10 of this Ordinance.

(D) Required Stacking Space.

(1) All Uses Except Pharmacy Uses. Businesses with one (1) drive through lane shall provide stacking space for at least ten (10) vehicles, and businesses with two (2) or more drive through lanes shall provide stacking space for at least six (6)

vehicles per lane, as measured from and including the last pick up station, window, or the like. Stacking spaces shall not interfere with parking spaces or traffic circulation.

(2) Pharmacy Uses. Pharmacies with one (1) drive through lane shall provide stacking space for at least five (5) vehicles, and pharmacies with two (2) or more drive through lanes shall provide stacking space for at least three (3) vehicles per lane, as measured from and including the last pick up station, window, or the like. Stacking spaces shall not interfere with parking spaces or traffic circulation.

(E) The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections.

(F) Alcoholic beverages shall not be sold or served.

(G) All elements of the drive through service area, including but not limited to menu boards, order stations, teller windows, and vehicle lights from the stacking lanes, shall be screened from adjacent residentially zoned or guided property pursuant to Section 21130.03 of this Ordinance.

154.274 DRIVE-IN BUSINESS

(A) Traffic And Parking: Traffic and parking arrangements shall be so planned and arranged as not to cause a public nuisance.

(B) The entire area of any drive-in business shall have a drainage system approved by the City Engineer.

(C) The entire area, other than that occupied by structures or plantings, shall be surfaced with a hard surface material which will control dust and drainage.

(D) A box curb at least six (6) inches above grade shall separate the public walk area from the lot, except as approved entrance or drives.

(E) A fence or screen of acceptable design not over six (6) feet in height nor less than four (4) feet which is at least fifty percent (50%) opaque throughout its height shall be constructed along the property line abutting a residential district and the fence or screen shall be adequately maintained. The fence shall not be required in front of the setback line.

(E) In the case of a drive-in theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.

(F) General.

(1) No person shall construct, operate, or maintain a drive-in business within the community without first obtaining site and building plan approval.

(2) Any drive-in business serving food or beverages may also provide, in addition to vehicular service areas, in-door food and beverage service.

(3) The hours of operation shall be set forth as a condition of any drive-in business approval.

(4) Each drive-in business serving food may have outside seating.

(5) Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking areas.

(6) Landscaped planting islands as stipulated in 300.13, Subd. 6 (B) (6) shall be required.

(G) Locations.

(1) No drive-in business shall be located within four hundred (400) feet of a public or private school, church, public recreation area, or any residential district.

(2) No drive-in business shall be located so that it may increase traffic volumes on nearby residential streets.

(3) No drive-in shall be located on any street other than one designated as a thoroughfare or business service road in the Comprehensive Plan.

(H) Site Plan.

(1) The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.

(2) A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.

(3) Adequate area shall be designated for snow storage so that clear visibility shall be maintained from the property to any public street.

(4) The design of any structure shall be compatible with other structures in the surrounding area.

(5) No drive-in business shall be located on a lot less than thirty thousand (30,000) square feet.

(6) Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within four hundred (400) feet of any residentially zoned or used property, nor within two hundred (200) feet of any adjacent lot regardless of use or zoning district.

(7) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers serviced vehicles shall be parked to the sides and/or rear of the principal structure.

(8) No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit.

(9) No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within fifty (50) feet of intersecting street curb lines.

(I) Violation of any applicable law or ordinance in the conditions of the permit shall be cause for permit revocation or suspension (Notice of Violations and Hearings).

(J) The lighting shall be designed so as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.

Proposed language

154.226 (amend D and add E)

- (D) No vehicle or trailer may be used as the principal location of a business, except for temporary construction trailers or mobile services operated by public service agencies (i.e. bookmobile, bloodmobile, etc.)
- (E) No vehicles, trailers, or cargo containers may be used for office, business, industrial manufacturing, testing, or storage, except for trailers parked in a designated and improved loading area and vehicles parked under section (C) above.

*Distributed at
Planning Meeting on
9-20-06.
Kaney*