

GENERAL REGULATION PROPOSED AMENDMENTS

RED and UNDERLINED - NEW LANGUAGE
LANGUAGE PROPOSED TO BE REMOVED

CHAPTER 8

GENERAL REQUIREMENTS

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10-8-1: REGULATIONS: The provisions of this Title shall be subject to such exemptions, additions or modifications as herein provided in this Chapter. These standards in this article are intended and designed to ensure 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

~~10-8-2: APPROVAL OF GOVERNING BODY: All plans for the improvement, development, alteration or expanded use of any property situated in any district other than the RR or the R-1 District shall be examined and approved by the governing body prior to the issuance of any permit whatsoever.~~

~~10-8-3: PUBLIC HEARINGS; FEES:~~

- ~~A. Public Hearings: All public hearings referred to in this Title shall be held by the governing body after notice of the time and place of such hearing has been published in accordance with the legal requirements of the Municipality. In all cases, the governing body may act upon a majority vote of~~

~~all its members. All public hearings held by the Planning Commission shall conform with the procedure set forth in Chapters 15 and 16 of this Title.~~

~~B. Application Fees: All application fees shall be set by the Council resolution. Such resolution may provide a standard application fee and fees for special meetings or hearings. This additional fee may fluctuate in order to cover the expenses for the individual meeting.~~

10-8-2: SETBACK EXEMPTIONS: The following shall not be considered as encroachments on setback requirements: chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and the like, provided they do not project more than two feet (2').

10-8-3: HEIGHT EXEMPTIONS: Height limitations as set forth in this Title shall not apply to ~~elevator or mechanical penthouses, church spires, cupolas and domes which do not contain usable space, water towers, observation towers, flagpoles, chimneys, smokestacks, radio and televisions towers, monuments, parapet walls extending nor more than three feet above the limiting height of the buildings and grain elevators. and similar construction unless, in the opinion of the Building Inspector, such construction might be dangerous or in other ways detrimental to surrounding property, in which case a special permit by the governing body shall be required.~~

10-8-4: CORNER LOTS; SETBACK PROVISIONS: In residential districts where the rear yard boundary line of a corner lot is part of the side yard boundary line of another residential lot, no part of any structure or building on the corner lot shall be nearer or further back from its side lot line (long side) or its front yard (short side) as the required minimum front yard setback (30 feet) or the setback established by existing structures or through a PUD. In the case of a narrow corner lot where compliance with this requirement would give an impractical depth to a structure or building, the City Council may permit the construction of such structure as near to the side street lot line as will give a practicable depth, after the matter has been considered by the City's Planning Commission and they have given their recommendation to the City Council through a variance process.

10-8-5: **TRAFFIC VISIBILITY AT CORNER LOTS** ~~OBSTRUCTION OF VIEW~~: On any corner lot, no wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained which may cause danger to traffic on a street or public way by obstructing the view, and shall be placed within the property line.

10-8-6 GLARE. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from floodlights 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.

10-8-7: REMOVAL OF TOPSOIL; APPEARANCE OF LAND:

A. Removal Of Topsoil: No person shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on said premises and excavation or grading incidental thereto, except as provided elsewhere in this Title.

B. Appearance Of Land: In all districts, the lot area remaining after providing for off-street parking, sidewalks, driveways, building sites and other requirements shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or treatment generally used in landscaping.

10-8-8: PROTECTED PUBLIC WATER ALTERATIONS. Alterations of vegetation and topography will

be regulated along the public waters to prevent erosion into public waters, fix nutrients, prevent bank slumping, and protect fish and wildlife habitat. The public waters for the City of Sartell have been classified below consistent with the Protected Waters Inventory Map for Stearns and Benton Counties, Minnesota.

Urban Rivers	Mississippi River and Sauk River
Tributary River	Watab River
Tributary Stream	Unnamed Tributary (Ditch 13)
Natural Environment Lake	Bakers Lake (PWID #73-0031)
Recreational Development Lake	Davenport Lake (PWID # - 32P)
Wetland	Kruchten Lake (PWID # - 33W)

- A. The removal of natural vegetation along the public waters shall be subject to the following provisions:
1. That appropriate erosion control measures are intact that are consistent with the Minnesota Pollution Control (MPCA) standards.
 2. Within twenty feet (20') from the ordinary high water level and in bluff impact zones and on steep slopes, limited clearing of trees and shrubs, and the cutting, pruning and trimming of trees is allowed to provide a view to the water from the principle dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities provided that along rivers, existing shading of water surfaces is preserved.
 3. The total cumulative view corridor shall not exceed fifty (50) feet or one-half (1/2) the lot width, whichever is less.
 4. These provisions are not applicable to the removal of exotic species such as European Buckthorn and Purple Loosestrife, noxious species such as Poison Ivy and Prickly Ash and trees and as referenced in MN Statutes 18.75-18.91, limbs, or branches that are dead, diseased or pose safety hazards.
- B. Grading and filling and excavations necessary for the construction of structures and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures and driveways. A grading and filling permit will be required for the movement of material on steep slopes or within 20 feet from the ordinary high water level or within a bluff impact zone or for the movement of more than ten (10) cubic yards of material outside of steep slopes and bluff impact zones and beyond 20 feet from the ordinary high water level. The permit may be granted subject to the following conditions:
1. The grading and filling does not enter the ordinary high water level of the public water bodies.
 1. The smallest amount of bare ground is exposed for as short a time as possible.
 2. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
 3. Methods to prevent erosion and to trap sediment are employed that are consistent with the Minnesota Pollution Control Agency's (MPCA) standards.
 4. Fill is stabilized to accepted engineering standards.
 5. Fill or excavated material must not be placed in a manner that creates an unstable slope.

6. Plans to place fill or excavated material on steep slopes must be reviewed by a qualified engineer for continued slope stability and must not create finished slopes of thirty percent (30%) or greater and documentation must be provided to the City verifying this.
7. Fill or excavated material must not be placed in bluff impact zones.
8. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within (10) ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
9. The Commissioner of Natural Resources shall have issued a permit for any work below the ordinary high water level of public water before construction begins.
10. Excavations where the intended purpose is connection to public water, such as boat slips, canals, lagoons and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner of Natural Resources has approved the proposed connection to public waters.

10-8-9: DWELLING UNIT RESTRICTIONS

- A. Purpose: The purpose of this Section is to maintain neighborhood property values and otherwise promote health, safety, order and general welfare providing for manufactured homes in safe, attractive, residential neighborhoods with all urban services and desired amenities as other residential dwellings. Denial Of Building Permit: In the event of a denial of a building permit based on the requirements in this Section the matter may be referred to the governing body. The governing body may refuse to grant a permit for the construction or location of any building in such a manner as to significantly diminish neighboring property values or otherwise impair the health, safety and welfare of the community. The governing body shall have the additional power to require appropriate screening to the extent that such screening sufficiently ameliorate deficiencies of any design or construction
- B. Regulations: Single-family detached dwelling units, which shall include manufactured homes meeting the regulations of this Section, shall be governed by the following restrictions.
 1. Foundation; Anchoring: All dwellings shall be anchored by being placed on a permanent concrete or treated wood foundation (solid for the complete circumference of the dwelling) that meets the requirements of the State Uniform Building Code.
 2. Width; Minimum Ground Floor: A dwelling shall have a minimum width of the main portion of the structure of not less than twenty-four feet (24'), not including an attached garage, as measured across the narrowest portion. Width measurements shall not take account of overhang and other projections beyond the principal walls. Dwellings shall not be less than 30 feet in length. ~~No dwelling shall have a ground floor space of less than seven hundred and twenty (720) square feet.~~
 3. Roof; Pitch: The pitch of the main roof shall not be less than three feet (3') of rise for each twelve feet (12') of horizontal run (or shall have a pitched main roof). The roof shall be covered with shingles or tiles, excluding sheet roofs of corrugated or ribbed metal, and have eaves of not less than six inches (6").
 4. Exterior Finish: Dwelling units shall have exterior siding of a conventional exterior dwelling type material. Any metal siding would have horizontal edges and overlap in sections no wider than

twelve inches (12"). Sheet metal siding is not permitted. All units shall have exterior siding from within six inches (6") of the dirt and two inches (2") of the concrete.

5. Utilities. All dwelling units shall be attached to required city utilities.
6. Design. The exterior architectural design of a proposed dwelling shall be similar in style to the exterior architectural design of any primary structure or structures already constructed or in the course of construction in the immediate neighborhood.

6. 7. Manufactured Homes Outside Manufactured Home Parks: No single-family manufactured home shall be located outside of a manufactured home park unless it is in compliance with this Section and with Minnesota Statutes sections 327.31 through 327.35.

D. Denial Of Building Permit: In the event of a denial of a building permit based on the requirements in this Section the matter may be referred to the governing body. The governing body may refuse to grant a permit for the construction or location of any building in such a manner as to significantly diminish neighboring property values or otherwise impair the health, safety and welfare of the community. The governing body shall have the additional power to require appropriate screening to the extent that such screening sufficiently ameliorate deficiencies of any design or construction

10-8-10: FENCES:

- A. Height: Fences in districts other than Agricultural and Rural Residential shall conform to the following height:

1. Front Yard Height - The fence shall not exceed four (4) feet (with an additional 6" to compensate for changes in grade) and shall be ornamental or picket style. Ornamental fences shall include fences constructed of aluminum, wrought iron or steel and shall not include chain link fences. Decorative fencing is allowed in the required front yard if no higher than 3½ feet and not designed or serving as an enclosure. Decorative fencing includes such things as split rail, picket, and brick fences, but not such things as chain-link fences.
2. Side and Rear Yard Height – The fence shall not exceed Six (6) feet. However, the height of the post structure (which includes the distance from grade) shall not exceed seven feet (7'0").
3. Chain link fences may not exceed 4- 6 feet in height in residential zones. Fences for tennis courts and athletic fields will be allowed a maximum of 12 feet and shall not exceed 25 percent opacity. Fences up to twenty (20) feet in height may be permitted to enclose back stops for athletic fields.

- B. Fence materials:

1. Fences in residential, commercial or industrial areas must be constructed of lumber, iron, maintenance free type material or rust-free chain link. Maintenance free type material shall include vinyl, plastic, wrought iron, aluminum, steel and rust resistant chain link.
2. The following materials are prohibited for fences:
 - a. Barbed wire and electrical fences, except in the rural residential and agricultural district;
 - b. Razor wire;
 - c. Creosote lumber;
 - d. Concrete;

- e. Masonry, except when less than 30 inches in height and accompanied by a boundary survey at the time of permit application;
- f. Chicken wire;
- g. Deer fencing;
- h. Woven or welded wire, except in the Industrial Districts;
- i. Plastic webbing, except when used for temporary traffic, police or erosion control. This shall not prohibit the use of plastic materials intended to resemble wood products;
- j. Makeshift, flimsy materials, such as paper, twine, rope, tin and the like, except when used for traffic control or police security;
- k. Plywood;
- l. Pressed Wood

C. Placement:

1. Fences shall be placed at least two feet (2') within the property line unless the adjacent property owner consents in writing to the ability for the applicant to construct and maintain the fence directly on the property line or closer than two feet (2'). Written consent shall be delivered to the City at the time application is made for permit. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced. The side of the fence considered to be its evident finished side or face (the more attractive side) shall front adjacent property.
- ~~2. On corner lots, fences may not be placed within fifteen (15) feet of the edge of the property line where it will interfere with traffic or pedestrian visibility across the driveway or street.~~
2. Fences shall not be placed within ten (10) feet of the curb, and/or surface of any street, road or alley. For corner lots the setback may be increased to fifteen (15) if the Zoning Administrator determines that the fence will interfere with traffic or pedestrian visibility. Fences shall have a minimum (2) foot setback from any walking path or outside any trail/recreational easement area.
3. No fence shall be placed on or extend into public right-of-way.
4. No fence shall be allowed below the ordinary high water mark or obstruct a natural drainage way ~~within a wetland.~~
5. No fence shall be placed within ~~a drainage easement within and adjacent to a pond, wetland, ditch, or infiltration area, walking path and/or pipeline easement where a utility is located or obstruct a natural drainage way.~~
6. Fences may be permitted over a public easement provided that the structure does not interfere in any way with existing underground or over ground utilities nor negatively impact drainage. Fences are not allowed over any manholes. For private utilities, fences may only be permitted if the owner of the utility provides written consent to the City allowing the applicant to construct the fence over the easement area. ~~may be permitted within an easement where a water main or sanitary pipeline is located provided there is no manhole. .~~
7. Removal and replacement of a fence or wall or a portion thereof for the purpose of utilizing an easement shall be at the property owner's expense.

8. No fence shall be constructed which is approximately parallel to an existing fence, and closer than two feet as to create an area between the fences which has limited accessibility for purposes of maintenance unless maintenance can be achieved.

D. Construction and Maintenance:

1. Maintenance free fences and lumber fences within side and rear yards shall have a maximum panel width of six (6) inches. Fences extending across front yards shall have a maximum panel width of three (3) inches and no less than two (2) inches apart.
 2. All wood fences, other than those constructed out of redwood or cedar, shall be sealed, stained or painted upon completion of construction and all wood fences routinely thereafter.
 3. Chain link fences shall be constructed in such a manner that no barbed ends shall be at the top.
 4. Every fence 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. Any such fence, which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof. Any fence is a public nuisance if it does not comply with the following requirements:
 - a. The fence shall be firmly fastened and anchored in order that it is not leaning or otherwise in the stage of collapse.
 - b. The fence shall be free from deterioration, loose or rotting pieces, or holes, breaks, or gaps not otherwise intended in the original design of the fence.
 - c. The fence shall be free from any defects or condition which makes the fence hazardous.
 - d. No fence section shall have peeling, cracked, chipped or otherwise deteriorated surface finish, including but not limited to: paint or other protective covering or treatment, on more than twenty (20) percent of any one linear ten-foot section of the fence.
- E. Access to Fenced Areas and Boulevards: In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principal structure. Access to Boulevards shall be provided to allow for property owners to maintain the boulevard areas adjoining their property.
- F. Permit Required: No person shall construct, erect, or cause to be constructed or erected, any fence within the City limits, without first making application for and securing a fence permit for the construction and erection of a fence from the City Zoning Administrator. **Manufactured home parks with approved fence standards are exempt from the permit requirement.**
- G. Expiration of Fence Permits: All fence permits issued shall expire (180) days after the day of Issuance. All fees paid under a lapsed permit shall be forfeited to the city.
- H. Application: Every application to construct or erect a fence within the City limits shall include the address and legal description of the property on which the fence is to be constructed and a site plan drawn to scale showing the location of house(s), garage(s), and other improvements on the lot and the location of the fencing and its proximity to the applicant's lot lines as well as the type of fence to be constructed, materials to be used in the construction of the fence, and the height of the fence. The property owner shall be required to provide demonstrable evidence as to the exact

location of the property line(s) as required by the City. All survey pins are to be shown and visible to the inspector at the time of the inspection. Public properties shall be exempt from the requirements.

I. Application Fees: Each applicant shall pay the fees set forth by City Ordinance with each application.

10-8-11: ACCESSORY BUILDINGS AND STRUCTURES IN RESIDENTIAL DISTRICTS:

A. Location: Accessory buildings and structures, except porches ~~and~~ decks, and patios shall be located in the rear yard. Detached garages may be allowed in the side yard as long as they conform with setback regulations and other requirements set forth in this title.

B. Height: Accessory buildings shall not exceed the height of the principle structure or twenty feet (20') in height whichever is less. The maximum height may be extended to twenty-five feet (25') if the roof pitch matches the primary roof pitch of the principle structure.

C. Setbacks: Detached accessory buildings and structures shall conform with all the setback regulations as set forth in this Title.

a. Detached accessory buildings and structures greater than 120 SF must be setback a minimum of ten feet (10') from the rear and side yard lot lines.

b. Detached accessory buildings and structures constructed on corner lots shall have a side yard setback of fifteen feet (15') on the intersecting street.

c. Detached accessory buildings and structures of 120 SF or less must be setback a minimum of six feet (6') from the rear and side lot lines.

d. Detached accessory buildings and structures must be anchored.

e. Accessory buildings and structures shall not be located over any easement.

f. Free-standing patios shall not be located over any easements. For lots without easements, free-standing patios must be at least six (6) feet from side and ten (10) feet from rear lot lines. Patios in the front yard shall not encroach more than ten (10) feet into the front yard setback requirement. Free-standing patios require a permit issued by the City.

g. Sidewalks and concrete paths installed by the property must be located outside of all easement areas. Sidewalks and concrete paths may encroach into an easement if the sidewalk or concrete path makes a connection to a public street, alley, sidewalk, or path.

D. Accessory buildings and structures require a permit issued by the City. Accessory buildings 100 SF or less are exempt from permit requirements but must still be anchored and meet setback requirements set forth in this title. Manufactured home parks with approved shed standards are exempt from the permit requirement provided the shed does not qualify for a building permit.

E. Exterior: All accessory buildings shall have similar exterior material as, and be homogenous in design, to the principal structure. Metal roofs are allowed provided the roof color matches the roof color of the principal structure, and the metal roof has no exposed fasteners.

F. Number Of Buildings: No lot may have more than two (2) detached accessory buildings.

10-8-12: ACCESSORY APARTMENTS:

A. Purpose: The purpose of this Section is to permit the installation of no more than one accessory apartment in an existing single-family dwelling. Because this opportunity is allowed in neighborhoods with established utility systems, parking, traffic patterns and architectural character, the installation and use of accessory apartments must be strictly controlled to avoid physical, health, safety, economic and aesthetic impacts. By allowing only those accessory apartments that

are in compliance with all of the performance standards of this Section, the health and safety of occupants and the character and quality of existing neighborhoods will be protected.

B. Permit Procedures:

1. Application Procedures:

- a. Permit Required: No one shall install an accessory apartment without first having obtained a permit from the Fire Marshal or designated person ~~Zoning Administrator~~.
 - b. Application; Fee: Application for the yearly permit shall be made on forms designated by the Zoning Building and/or Police Department ~~Zoning Administrator~~ and shall be accompanied by a permit fee as set by the City Council.
 - c. Inspection: ~~Within ten (10) working days of application,~~ the Building Inspector shall inspect the property to determine whether the proposed accessory apartment meets Building, Rental, Police and Fire Code standards.
 - d. ~~Approval/Denial Of Permit: Within thirty (30) days of application, after reviewing the Building Inspector's report and the application, the Zoning Administrator shall deny or approve the application for an accessory apartment based upon conformance with the performance standards.~~
 - e. ~~Appeal: The decision to issue or deny the permit may be appealed to the City Council.~~
2. Permit Renewal: The permit shall be renewed yearly and a permit renewal fee, as set by the City Council, paid. Permit renewal may be conditional upon the inspection.
3. Revocation Of Permits:
- a. Violation: Violation of the performance standards shall be grounds for the revocation of the permit.
 - b. Notice Of Intent To Revoke: Notice of intent to revoke the permit shall be sent (by certified mail) by the City ~~Zoning Administrator~~ to the permit holder. The notice shall state the grounds for revocation and the date, at least ten (10) days after the notice is sent, when the City Council shall consider revocation.
 - c. Cease Operation: Operation of the accessory apartment shall cease within sixty (60) days from the date of revocation by the City Council.

C. Performance Standards:

1. Remodeling: All remodeling for the addition of the accessory apartment shall be on the inside of the structure. Exceptions of this condition will be made only if the applicant submits exterior elevation drawings determined by the Building Official and Zoning Administrator to be architecturally compatible with the adjacent structures and consistent with this Title.
2. Off-Street Parking: In addition to the normal parking required for the dwelling unit, there shall be at least one additional paved off-street parking space per accessory apartment dweller.
3. Detached Garages: Detached garages shall not be converted to living spaces.
4. Compliance With Uniform Building Code: Both the principal and accessory structure must meet the standards of the Uniform Building Code.

5. Residence of Owners(s): The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for temporary absences.
6. House Numbers: House numbers shall be placed on the structure to indicate that the structure has more than one dwelling unit.
7. Conformity With State And Local Codes: The accessory apartment must at all times be kept in conformity to all State and local codes and ordinances.
8. Total Dwelling Space: The accessory apartment shall occupy no more than fifty percent (50%) of the total dwelling space.

10-8-13: PRIVATE SWIMMING POOLS: A building permit shall be required for the construction or installation of a permanent swimming pool that has a depth of more than 24 inches and/or a volume of over 5,000 gallons. The following requirements shall be met:

- A. The pool, surrounding sidewalk and pool equipment must be located within the rear yard, outside of any easement, and a minimum of ten feet (10') feet from the rear and side yard lot lines. Except corner lots on which the side yard on the intersecting street shall be a minimum of fifteen feet (15').
- B. Back-flush water or water from pool drainage shall be on the owner's property or into approved public drainage ways. Water shall not drain onto adjacent land.
- C. Lighting for the pool shall be directed onto the pool and shall not spill onto the adjacent property.
- D. Permanent pools shall be enclosed by a fence to effectively prevent the entrance of small children and be without hand or footholds that would enable a small child to climb over it. The fence and gate shall be at least four feet (4') high. Entrances shall be equipped with self-closing, latching gates, which are capable of being locked and be placed on the top of the gate or otherwise inaccessible to small children and provided with hardware for permanent locking devices. The opening between the bottom of the fence and the ground or other surface shall not be more than four (4) inches.
- E. For an in-ground pool, an automatic pool cover can be used in lieu of fencing requirements provided it is certified and complies with ASTM F 1346-91 requirements.
- F. For an above ground pool the wall of the pool can serve as the fence provided the pool wall is at least four feet (4') high and has an automatically retractable ladder or a removable ladder. The ladder must be removed or retracted when the pool is not being attended.
- G. If access to the pool is via a deck or porch, then no access from the ground is permitted to the deck areas unless the property or ground access to the deck is fenced.

10-8-14: CONFORMANCE WITH MUNICIPAL THOROUGHFARE PLAN: No building permit shall be issued and no structure shall be placed in such a way as to interfere with the construction of streets or roads as shown [in the Comprehensive Plan or](#) on the street plan as such plan exists or is amended or adopted in the future.

10-8-15: LAND SUBJECT TO FLOODING: All development or redevelopment of land, which is located within the flood plain, shall occur in conformance with the Title 12 of this Code.

10-8-16: BUILDING LINE ESTABLISHED BY DEVELOPMENT: In platted areas, where buildings have been constructed having front yard setbacks different from those described as minimum of this Title and said construction extends over thirty percent (30%) or more of one block, the setback line will be assumed to have been established and subsequent construction shall not be required to provide a greater or lesser depth of front yard, in which instance no new building or portion thereof shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of proposed structure or, if there be residences upon only one side, then beyond the straight line projected from the front of the nearest residences, and no new building or portion thereof shall have a front yard more than twenty feet (20') deeper than the established building line. However, this Section shall not be interpreted to require a front yard of more than fifty feet (50'). Where the street is curved the line shall follow the curve of the street rather than a straight line.

10-8-17: HOME OCCUPATIONS: Home occupations shall be permitted as authorized by State law and other ordinances of the Municipality, it being the intention that such are exempt from the application of this Title.

- A. Purpose: The purpose of this Section is to regulate home occupations through specific standards and procedures so that they may be conducted in residential areas without jeopardizing the health, safety and welfare of the surrounding neighborhood.
- B. Performance Standards: Permitted home occupations must conform to the following performance standards:
 - 1. They shall not be conducted in any building on the premises other than the building which is used by the occupant as the private dwelling (including garage); not more than twenty percent (20%) of buildings on the lot or the total floor space may be used for such purpose;
 - 2. No person not residing on the premises shall be employed in the performance of such occupation;
 - 3. This use shall not include exterior display or signs except as are permitted by the sign regulations for a residence district;
 - 4. This use shall be no exterior storage of equipment or materials used in permitted home occupations;
 - 5. No structural alterations or enlargements shall be made for the sole or primary purpose of conducting the home occupation;
 - 6. No traffic shall be generated by such home occupations in greater volumes than would be normally found in a similar residential neighborhood;
 - 7. Any needed parking generated by the conduct of such home occupations shall be met off the street on a dust free surface, and other than in a required front yard;
 - 8. There shall be no detrimental effect on the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion or any other annoyance from the home occupation detectable to the normal senses off the lot or premises;
 - 9. Any waste disposed of in the sewer system shall not create or cause a greater volume than that which is normally generated by a similar residential dwelling in the district.
 - 10. No more than one (1) single one (1)- ton or smaller commercial vehicle related to the business use shall be kept at the dwelling.

11. A home occupation shall comply with all of the codes adopted by reference including, but not limited to the State Building Code and the Fire Code.

C. Permitted Home Occupations ~~With out a Permit~~: The following are home occupations not requiring a permit from the Zoning Administrator that must still conform to the performance standards:

~~1. Dressmaker, seamstress, tailor; Tailoring and sewing.~~

2. Artists, sculptors, authors, composers, woodwork which do not involve reportable or regulated quantities of hazardous or flammable substances and where such operations will not generate outside audible noise, dust or orders.

~~3. Home crafts such as model-making, rug-weaving, lapidary work;~~

4. Photo developing or processing;

5. Music, art or dancing teachers with no more than one pupil at a time;

~~6. Secretarial services;~~

7. Office facilities of ministers, rabbis, priests or members of religious orders;

8. Office facilities of salespersons, administrative services, sales representatives or manufacturer's representatives who utilize phone, mail or off premises customer contacts; This includes home marketing businesses where sales of products happen sporadically and do not occur more than two times in a month.

9. Other uses deemed similar to the above by the Zoning Administrator.

D. Home Occupations Requiring Permit: The following are permitted home occupations which, because of greater potential for conflict with surrounding residential neighborhoods, are required annually to obtain a permit from the Zoning Administrator showing conformity with the performance standards. The applicant shall pay a fee as set by the City Council. As a condition of granting the permit the Zoning Administrator may require an inspection of the premises. Upon denial of a permit, the applicant may appeal to the City Council.

10. Office facilities of physicians, dentists or other licensed medical practitioners who receive one client at a time on premises;

11. Office facilities of lawyers, architects, engineers, realtors, insurance agents, brokers, contractors and members of similar professions who receive one client at a time on premises;

12. Printing shops which do not involve reportable or regulated quantities of hazardous or flammable substances and where such operations will not generate outside audible noise, dust or orders.

13. Hair salons, day spas, massage therapy, Barber or beauty shops who receive one client at a time;

14. Upholstering;

15. Carpentry work which do not involve reportable or regulated quantities of hazardous or flammable substances and where such operations will not generate outside audible noise, dust or orders.

16. Repair of non-motorized bicycles, small electrical appliances, typewriters, cameras or other similar small items; which do not involve reportable or regulated quantities of hazardous or flammable substances and where such operations will not generate outside audible noise, dust or orders.
17. The operation of wholesale or retail business, conducted by mail or phone, where only limited and incidental sale of products may be conducted on site.
18. Other uses deemed similar to the above by the Zoning Administrator.

E. Prohibited Home Occupations: Permitted home occupations shall not include any of the following:

- ~~1. The operation of any wholesale or retail business unless it is entirely conducted by mail or phone and does not include the sale, shipment or delivery of merchandise on the premises;~~
2. Any manufacturing business;
3. Any schools, excluding nursery schools, with organized classes of more than one pupil at a time;
4. Repair of internal combustion engines, body shops, machine shops, welding or other services that require equipment other than that normally found in dwellings;
5. Animal hospital or pet shops;
6. Clinics, hospitals or mortuaries;
7. Renting or painting of vehicles, trailers or boats.
8. Short term rental of a room or home for a period less than 30 days.
9. Dismantling, junk, scrap or storage yards.
10. Taxidermy
11. Services which consist of more than one pupil, client, or customer at a time

10-8-18 GEOTHERMAL, SOLAR, AND WIND ENERGY CONVERSION SYSTEMS.

A. Geothermal system.

1. Permitted accessory use in all zoning districts on the condition it meets the requirements of this section and other provisions of the Code.
2. Coils and piping may not cross lot lines without recorded easement from the effected property.
3. Upon determination by the city that encroachment of coils and piping into drainage and utility easements does not interfere with the city's use of the easement, coils and piping may cross into drainage and utility easements with the city's written permission subject to conditions determined by the city.
4. Systems shall meet Minnesota Department of Health Standards (Minnesota Rules chapter 47-25, part 18.31 and part 70.50 (2009) and any amendments thereto).

B. Photovoltaic system and solar thermal system.

1. Nonresidential zoning districts.

- a. Permitted accessory use if on a building or in rear yard.
- b. Conditional use if in front or side yard and must be screened from adjacent lots pursuant to 10-12-4.

2. Residential zoning districts.

- a. Permitted accessory use if on a building (both principal and accessory buildings) Panels on buildings shall not hang over the edge of the roof.
- b. Conditional use if in a rear or side yard. Must be screened from adjacent lots pursuant to 10-12-4.
- c. Not permitted in front or ~~side~~ yards.

3. Requirements for all zoning districts.

- a. Solar thermal piping shall match roof or solar collector color.
- b. Solar Gardens 1-2 MW in Residential zones and 0-5 MW in Commercial and Industrial zones are permitted by a conditional use permit and is subject to additional screening requirements.

C. Wind energy conversion systems.

1. Residential zoning districts.

- a. Permitted accessory use for lots under two acres in size wind, energy conversion systems must be attached to a building.
- b. Permitted accessory use for lots over two acres and under 20 acres in size wind energy conversion systems must be attached to a building or to a monopole in the rear yard that is under 45 feet in height.
- c. Permitted accessory use for lots 20 acres and over, wind energy conversion systems must be attached to a building or to a monopole that may be over 75 feet in height.
- D. Lot line setbacks shall be equal to maximum structure height.

2. Nonresidential zoning districts.

- a. Permitted accessory use if under 45 feet in height.
- b. Conditional use for 45 feet in height and over and/or more than one pole mounted on a lot.
- c. Lot line setbacks shall be equal to maximum structure height.
- d. No limit on the number of roofs mounted turbines.

3. For all zoning districts.

- a. Free standing towers shall be of monopole design.
- b. All wind energy conversion systems shall be equipped with an automatic overspeed control device as part of the design.
- c. Restriction on sound level at lot line (55 dba) or shall comply with the state pollution control agency's noise pollution control section (NPC 1 and NPC 2), as amended, whichever is most restrictive.
- d. Minimum blade clearance to the ground of 30 feet for pole mounted horizontal turbines.
- e. Prior to the issuance of a permit, the applicant shall provide, among other things, to the city documentation or other evidence from the dealer or manufacturer that the wind energy conversion system has been successfully operated in atmospheric conditions and is warranted against any systems failures under reasonably expected severe weather operating conditions as established by the director of fire and building inspection services. The applicant

- shall also provide, among other things, to the city documentation that the tower structure for the system has received a professional engineer's certification.
- f. Wind energy conversion system tower foundations shall be designed to resist two times the wind uplift calculated under the Uniform Building Code as adopted by the city and shall have a professional engineer's certification.
- g. No wind energy conversion system tower shall be constructed within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five feet.
- h. No wind energy conversion system or support tower of any kind shall be erected anywhere within the city without first making an application for and obtaining from the city a permit therefor which shall not be granted unless all requirements of this article are met, and the proposed use will not be harmful to the public health, welfare, and safety.
- i. Wind energy conversion systems and towers shall be adequately grounded, as determined by the city engineer, for protection against a direct strike by lightning and shall comply, as to electrical wiring and connections, with all applicable federal regulations, state statutes, regulations, and standards, as well as city codes.
- j. For all wind energy conversion system towers, effective measures shall be taken to prevent public interference and to place the tower in a substantially unclimbable condition. Effective measures include removal of climbing rungs or ladders from the bottom eight feet of the tower. The intention shall be to prevent climbing of the tower by unauthorized persons.
- k. Except for illumination devices required by FAA regulations and residential lighting in compliance with city codes, no wind energy conversion system or tower shall have affixed or attached to it in any way any sign (does not include equipment labels), banner, or placard of any kind, except for one sign, not to exceed two square feet, which displays suitable warning of danger to unauthorized persons, the system's manufacturer, and emergency shut-down procedures.
- L. All wind energy conversion systems shall comply with all applicable Federal Communications Commission regulations, as amended
- m. All wind energy conversion systems shall comply with all applicable Federal Aviation Administration regulations, as amended.
- n. The interface of a wind energy conversion system with the consumer's electric service shall be pursuant to all applicable federal and state regulations. The city encourages the owner to notify his local electric utility company in advance and requests that both parties regulate their activities in a cooperative manner.
- o. Any wind system or tower which is not used for 12 successive months, shall be deemed abandoned and shall be removed as abandoned lot pursuant to the procedures outlined in the Uniform Building Code as adopted by the city in << >>.
- p. No more than once wind energy conversion system shall be on any lot.

D. General conditions.

1. All conditional use permits required by this section shall be subject to and shall comply with the requirements of Chapter << >> and all other applicable local, state and federal rules and regulations.
2. The system shall be constructed and maintained under all applicable local, state and federal regulations.
3. No system shall be erected anywhere within the city without first making an application for and obtaining from the city a permit therefor which shall not be granted unless all requirements of this article are met, and the proposed use will not be harmful to the public health, welfare, and safety.
4. Unless specifically stated otherwise in this section, all systems shall be subject to applicable front, rear and side yard setbacks.

10-8-19: ANTENNAS, SATELLITE DISH ANTENNAS, AND TOWERS

- D. PERMITTED ZONING DISTRICTS. The Construction and maintenance of a tower shall be permitted within the following zoning classifications, pursuant to a conditional use permit granted in accordance with the Zoning Ordinance.
1. Industrial Districts. I-1 Light Industrial and I-2 Heavy Industrial. All permitted towers and antennas, subject to height and setback provisions as identified in [10-8-9](#) and [10-8-19-F](#)
 2. Agricultural District. R-P Rented Residential. All permitted towers and antennas.
 3. General Business. B2 General Business and B-3 Highway Business Building Mounted Antennas, Exempted Dishes and antennas not attached to a tower.
- E. GENERAL PERFORMANCE STANDARDS: All towers shall meet the following performance standards:
1. Multi-User Requirements: A proposal for a new commercial wireless communication tower shall not be approved unless the City finds that the telecommunications equipment plans for the proposed tower cannot be accommodated by an existing or approved tower or building within a two 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, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be re-enforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause interference materially impacting the usability or other existing or planned equipment at the tower as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approval towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
 - e. Any proposed commercial wireless telecommunication service tower shall be designed (structurally and electronically) in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. The tower must be designed to allow for future re-arrangement of antennas upon the tower and to accept antennas mounted at various heights.
 2. Tower and Antenna Design Requirements: Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. Commercial wireless telecommunication service towers shall be of a monopole design unless the City determines that an alternative design would better blend in the surrounding environment or allow for greater future multi-use.
 3. Landscaping and Screening: The City may establish as a condition of approval of a commercial tower, reasonable requirements relating to landscaping and screening to improve the aesthetic

appearance of the base of the tower and accessory buildings. Existing on-site vegetation should be preserved to the maximum extent possible.

4. Fencing: All commercial towers and accessory buildings shall be enclosed within a galvanized chain link fence with a locked gate to prevent unauthorized entry. The fence shall be at least eight feet, but not greater than ten feet, in height with the option of adding barbed or razor wire on top of the fence.
 5. Construction Standards: All towers shall be constructed and maintained in accordance with the Electronic Industry Association Standards and all applicable building codes.
 6. Minimum Spacing: Minimum spacing between commercial tower locations is two miles.
- F. TOWER SETBACKS: All towers shall conform with the following minimum setback requirements:
1. All towers shall be set back from property lines a minimum of 125% of the height of the tower, including all antennas and attachments. The height of the tower shall be measured from the average grade of the property on which it is located or the actual tower height, whichever is greater.
 2. Building accessory to a tower shall comply with the setback requirement of the zone in which the tower is located.
 3. Commercial towers shall be set back a minimum of 500 feet from schools or structures used as dwellings and a minimum of 300 feet from property zoned for residential use. A change in the use of the property adjacent to an existing commercial tower does not render the tower a nonconforming use, if the tower was in conformance with this ordinance when constructed.
 4. A tower setback may be reduced or varied, ~~at the sole discretion of the City~~, if the variance will facilitate the integration of the tower into an existing or proposed structure, such as a church steeple, light standards, power line support device or similar structure.
- G. TOWER LIGHTING: A tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other state or federal authority for a particular tower. When incorporated into the design standards of the tower, light fixtures to illuminate ball fields, parking lots or similar areas may be attached to the tower.
- H. SIGNS AND ADVERTISING: The use of any portion of a tower for signs other than a warning or equipment informational signs is prohibited.
- I. ABANDONED OR UNUSED TOWERS. Abandoned, unused towers or portions of towers shall be removed as follows:
1. All abandoned, unused towers and associated facilities shall be removed within 12 months of the cession of operations at the site unless a time extension is approved by the Town. In the event the tower is not removed within 12 months of cession of operations at the site, the tower and the associated facilities may be removed by the Town and the cost of removal assessed against the property.
 2. Any unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.
- J. INTERFERENCE OF PUBLIC SAFETY COMMUNICATIONS: No new or existing telecommunication service shall interfere with public safety communications. All applications for

a conditional use permit for new service shall be accompanied by an intermodulation study which provides the technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of a new service or change in existing service, telecommunication providers shall notify the City at least ten (10) calendar days in advance of such changes and allow the City to monitor interference levels during the testing process.

- K. **CONDITIONAL USE APPLICATION SUBMITTAL:** In addition to the information generally required to accompany a request for a conditional use permit as found in the Zoning Ordinance, applications for towers shall include the following supplemental information:
1. A report from a qualified and licensed engineer which:
 - a. Describes the tower height and design, including a cross section and elevation.
 - b. Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distance between antennas;
 - c. Describes the towers capacity, including the number and type of antennas it can accommodate.
 - d. Describes how the applicant will take steps to avoid interference with established public safety communication.
 - e. Includes the engineer's stamp and registration number.
 - f. Includes other information necessary to evaluate the request.
 1. Letter of intent committing the tower owner, and successors, to allow the shared use of the tower if any additional user agrees in writing to meet reasonable terms and conditions for shared use.
 2. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration.
 3. A report from a qualified and licensed professional engineer which demonstrates the tower compliance with all applicable structural and electrical standards.
 4. A site plan showing the boundaries of the property on which the tower is located, adjacent land uses, the location of the tower and any accessory buildings within the property, distance setbacks from property lines for the tower and accessory buildings, fence locations, and proposed landscaping or screening.
 5. A bond of other form of security approved by the City, posted for the purpose of reimbursing the City for cost of removal of the tower in the event its use is discontinued.
- L. **BUILDING MOUNTED ANTENNAS:** The placement of a wireless telecommunication antennas on roofs of walls of existing buildings or structures shall be approved by the City as a conditional use provided that the antennas meet the requirements of this ordinance, after submittal of a final site and building plan, and a report prepared by qualified licensed professional engineer indicating the existing building structure suitability to accept the antenna as well as a proposed method for affixing the antenna to the structure. Complete details of all fixtures, couplings, and the precise point of attachment shall be indicated.
- M. **AMATEUR RADIO AND RESIDENTIAL TELEVISION TOWERS:** Amateur Radio Towers, Residential Television Towers and antennas are subject to the standards and conditions established by this ordinance, except for those specific to commercial towers. The City may waive strict compliance with this ordinance if it finds that the stated purpose of this ordinance is met.
- L. **PENALTIES:** A violation of this ordinance shall constitute a misdemeanor. Each calendar day of a continued violation of the ordinance shall constitute an individual misdemeanor or offense.

~~10-8-20: _____ WINDMILLS: Windmills shall require a conditional use permit as provided in Chapter 14 of this Title. _____~~

~~10-8-21: BUILDING RELOCATION: To maintain a high standard of residential development and to protect such areas from deleterious effects, relocated buildings from within the Municipality limits or from other areas shall meet the following specified requirements:~~

- ~~A. Conditional Use Permit Required: Each location of a relocated building shall require a conditional use permit from the governing body, and all such buildings shall conform with and be suited in a properly zoned area in accordance with all the provisions of this Title and the Building Code.~~
- ~~B. Approval Of Property Owners: Application for a permit to move a building shall be accompanied by a written approval of a majority of the property owners located within a radius of one hundred feet (100') of the lot upon which the building is to be placed.~~
- ~~C. Approval/Denial Of Permit: The application for a permit to move a building may be granted or denied by the governing body.~~

PLANNED LANDSCAPE AMENDMENTS

New language is underlined

Proposed language to be removed is ~~stricken through~~

Italic is staff comments

CHAPTER 11

MAINTENANCE OF TURF GRASS AND VEGETATION

SECTION:

- 4-11-1: Purpose
- 4-11-2: Definitions
- 4-11-3: Where Planted
- 4-11-4: Location of Restoration Areas and Planned Landscape Areas
- 4-11-5: Maintenance Standards
- 4-11-6: Non-Conforming Planned Landscape Areas and Restoration Areas
- 4-11-7: Exemptions
- 4-11-8: Notice, Abatement by City
- 4-11-9: Penalty

4-11-1: **Purpose:** It is the purpose of this Section to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping or garden treatments which add diversity and a richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interest to provide standards regarding the maintenance of vegetation because vegetation which is not maintained may threaten public health, safety and order, and may decrease property values. It is also in the public's interests to encourage diverse landscaping and garden treatments, particularly those which restore native vegetation which requires less moisture and place a lower demand on the public's water resources. The City enacts this Section to balance these competing interests.

4-11-2: **Definitions:** Unless the context clearly indicates otherwise, the following terms shall have the stated meanings.

NATIVE GRASSES AND FORBES: Grasses, including prairie grasses and flowering broad- leaf plants which are indigenous to the State.

NATURAL AREA: Any wetland or floodplain or any area of mature woodland, prairie and meadow vegetation native to the State.

ORNAMENTAL GRASSES AND GROUNDCOVER: Grasses and groundcovers not indigenous to the State. Ornamental grasses and groundcovers do not include turf grasses.

PLANNED LANDSCAPE AREA: An area where ornamental grasses and groundcovers or native grasses and forbs are planted and maintained pursuant to a plan.

RESTORATION AREA: An area where native grasses and forbs are being or have been

intentionally reestablished.

TURF GRASS: Grasses commonly used in lawn areas, including any blue grass, fescue or rye grass blends or any other similar grasses.

WEED: Any plant which is identified by the City Weed Inspector or Assistant City Weed Inspector as a noxious weed pursuant to Minnesota Statute 18.77, Subd. 8, or any volunteer plant, except trees and other woody vegetation, which is not customarily or intentionally planted.

RAIN GARDEN: A ~~City designed and inspected~~ planted depression that is designed to absorb rainwater runoff from impervious urban areas like roofs, driveways, walkways, and compacted lawn areas.

4-11-3: Where Planted:

1. Ornamental grasses and groundcovers shall be planted only in a planned landscape area.
2. Native grasses and forbs shall be planted only in a planned landscape area or a restoration area.
3. **Raingardens proposed to be planted within City right-of way must be approved by City.**

4-11-4: Location of Restoration Areas and Planned Landscape Areas:

1. **Setback:** A restoration area or a planned landscape area must provide the following minimum setbacks:
 - a. ~~20~~ **10 foot** front, rear, and street side setback (as measured from the traveled portion of the street).

STAFF COMMENTS: THE REASON FOR SETBACK IS MOSTLY DUE TO SIGHT LINE ISSUES AND ENCROACHMENTS FROM PLANTS TO NEARBY PROPERTIES. 10' SEEMS TO BE MIDDLE GROUND BASED ON OTHER EXAMPLE ORDINANCES

- b. 5 feet **interior** side yard or rear yard setback

- c. **At the Direction of the City the setback may be increased if the Planned Landscape Area poses sight line issues with vehicular or pedestrian traffic.**

STAFF COMMENTS: IN CASE PLANTINGS GROW TALLER AND POSE SIGHT LINE CONFLICTS.

Provided, however, that a required side yard or rear yard setback may be reduced to 0 feet if:

- a. The restoration area or planned landscape area abuts a restoration area on any adjoining lot, a public park or open space, a vacant lot, a wetland, pond, lake or stream, or natural area, or
- b. The restoration area or planned landscape area is located on slopes equal to or greater than three feet horizontal to one foot vertical **or**

- c. **A fully opaque fence at least four feet in height is installed along the lot line**

adjoining the planned landscape area.

2. Signage: A sign stating that the area is a Planned Landscape Area must be installed. The sign must not exceed 4 square feet and shall be installed in a spot visible to the public. The sign does not need a permit.

STAFF COMMENTS: SIGNAGE IS COMMON REQUIREMENT IN OTHER CITIES. THE SIGN ELIMINATES MISUNDERSTANDINGS AND CUTS DOWN ON NEIGHBOR COMPLAINTS (EYE OF BEHOLDER VIEWPOINTS)

4-11-5: Planting in Right-of-Way Areas

1. The city is not responsible for any damage to landscaped areas planted within right-of way areas. The City may also require the removal of landscaped areas from within right-of-way areas at no expense to the City.

4-11-6: Maintenance Standards: Every owner, lessee, occupant, or any other person having control of property shall maintain the vegetation growing thereon according to the following minimum standards:

1. Turf grasses shall be regularly cut such that no individual plant shall exceed, at any time, ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem or blade. Turf grasses located on slopes equal to or steeper than three feet horizontal to one foot vertical (3:1) or within 20 feet of a wetland, pond, lake or stream, need not be maintained in accordance with this Section.
2. Property owners are responsible to plant and maintain the boulevard areas adjoining their property in a manner which enhances and improves the aesthetic appearance of city streets with turf grass, or rain gardens. To maintain an adequate site line and safe travel within the right-of-way, such plantings, excluding trees, shall not exceed thirty-two inches in height.
3. Weeds shall be regularly cut or controlled such that no individual plant shall exceed at any time ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem, blade or leaf. Noxious weeds as defined by the State Commissioner of Agriculture shall be eradicated.
4. ~~Planned landscape areas and restoration areas shall be cut at least once between May 1 and August 1 of each year or, if appropriate permits are obtained through the City Fire Marshal to burn. Provided, however, that planned landscape areas and restoration areas located on slopes equal to or steeper than three feet horizontal to one foot vertical (3:1) or within 20 feet of a wetland, lake, pond or stream, need not be cut.~~ The City may require a Planned Landscape Area to be trimmed if the plants are causing vehicular and pedestrian sight line issues or posing similar safety concerns. Appropriate permits may be obtained through the City Fire Marshal to burn. No person shall permit ornamental grasses and groundcovers growing on the person's property to invade adjoining properties.

4-11-7: Non-Conforming Planned Landscape Areas and Restoration Areas: Any planned landscape area or restoration area which lawfully existed prior to the effective date of this Chapter may continue to exist and need not comply with the requirements of Section 4-11-4, but shall comply with Section 4-11-5. Any expansion or addition to a non-conforming landscaped area or restoration area shall comply with all provisions of this Chapter.

4-11-8: Exemptions: The provisions of this chapter shall not apply to the following:

1. Non-noxious weeds, grasses and herbaceous vegetation within 50 feet of designated storm water ponds or within 50 feet of natural or altered creeks, rivers and stream corridors, including riparian buffer strips that convey water, provided they are cut to less than 10 inches at least once per year if located within 200 feet of an occupied residence or development property;
2. Non-noxious weed and grass vegetation growing on agriculturally zoned land, including pastures that are fenced and contain animals.
3. Temporary erosion control grasses.
4. Grass and non-noxious weed vegetation in publically owned parks designated as natural preserves or private property so designated by the City Council or natural undisturbed areas where the land and vegetation appears not to have been graded, landscaped or otherwise disturbed by human or mechanical means in recent time.
5. Grass and non-noxious weed vegetation on natural or altered slopes steeper than 2:1.
6. A city designed rain garden that is planted to absorb rainwater runoff from impervious urban areas like roofs, driveways, walkways, and compacted lawn areas.

4-11-**9**:

Notice, Abatement by City:

1. **Nuisance:** Any vegetation which does not meet the requirements of this Chapter is declared to be a nuisance.
2. **Conditions Allowing Inspector to Enter Property:** Entry by the City Weed Inspector or Assistant City Weed Inspector for the purpose of inspecting, cutting, removing, destroying or eradicating vegetation shall be done only after written notice is served upon the owner, lessee, occupant, or other person having control of the property, and failure of the owner, lessee or occupant to cut down, remove or eradicate vegetation declared to be a nuisance, within the time, and in such a manner as the Weed Inspector or Assistant Weed Inspector shall designate in the notice. The notice shall be given in the manner prescribed by Minnesota Statute 18.83, Subd. 2, and shall allow a minimum of seven days for the property owner, lessee, occupant, or other person having control over the property to comply with the requirements of the notice.
3. **Owner's Responsibility for Costs Incurred:** The costs and expenses incurred by the City in connection with entering a property pursuant to Section 4-11-8 and cutting, removing, destroying and eradicating vegetation declared to be a nuisance shall be paid by the owner or occupant of the property. If unpaid within 30 days of invoice to owner or occupant, such amount shall become a lien in favor of the City and a penalty as established by the governing body shall be added to the amount due as of that date and the total cost, expenses and penalties shall be certified to the County Auditor for entry as a special assessment upon such property for collection as other real estate taxes are collected.

4-11-**10**:

Penalty: Any person who shall neglect to cut and remove noxious weeds and turf grass, as directed in this Chapter, or who shall fail, neglect or refuse to comply with provisions of any notice herein provided or who shall violate any of the provisions of this Chapter or who shall resist or obstruct the city or its employees in the cutting and removal of weeds, grass, brush and other vegetation, shall be guilty of a petty misdemeanor. Each day on which such violation continues shall constitute a separate offense.