TITLE 10

ZONING REGULATIONS

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CHAPTER 1

TITLE, INTENT, AND JURISDICTION

SECTION:

10-1-1: Title
10-1-2 Intent; Purpose
10-1-3 Jurisdiction
10-1-4 Application; Interpretation
10-1-5 Separability

10-1-1: TITLE: This Title shall be known as the CITY OF SARTELL ZONING ORDINANCE and will be referred to herein as "this Title."

10-1-2: INTENT; PURPOSE:

A. Generally: This Title is adopted for the purpose of:

1. Protecting the public, health, safety, morals, comfort, convenience and general welfare.

2. Dividing the Municipality into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of structures and land.

3. Promoting orderly development of the residential, business, and industrial districts.

4. Providing for adequate light, air, and convenience of access to property by regulating the construction of buildings to control density of population.

5. Providing for the compatibility of different land uses and the most appropriate use of land within the Municipality.

6. Providing for the administration of this Title and amendments thereto, defining the powers and duties of the administrative officers and governing bodies as provided hereinafter.

7. Prescribing the penalties for the violation of the provisions of this Chapter.

B. Adult Use Zoning Regulations

1. The purpose and intent of the adult use regulations set forth in this Title is to serve a substantial government interest by attempting to preserve the quality and vitality of neighborhoods, curtail the depression of property values, restrain increased criminal activity and slow the spread of sexually transmitted diseases.

2. "Adult use establishments", as defined by this Title, because of their very nature, are recognized as having serious objectionable operational characteristics that have a deleterious effect upon the use and enjoyment of adjacent areas. These secondary effects are especially evident where such uses are concentrated.

3. One of the Title's objectives is to disperse the adult uses through separation requirements from other adult use and from other significantly incompatible uses. This Title allows adult uses only in I-2, Heavy Industrial District. In this community, those areas are located throughout the City and provide opportunity for sites with good visibility and access to major streets and highways.

4. The secondary effects associated with adult uses include an increased level of criminal activity, increased risk of exposure to sexually transmitted diseases, depression of property values and a significant change in character of surrounding neighborhoods.

5. However, it is recognized that such regulations cannot de facto approach prohibition. Otherwise, a protected form of expression would vanish. The adult use regulations set forth in this Title represent a balancing of competing interests: reduction of objectionable secondary effects through the regulation of adult uses versus the protected rights of the owners, operators, performers, and patrons of those adult uses.

6. Adult Establishment Standards.

    a. Adult entertainment establishments shall only be allowed as permitted in the applicable zoning classification.

    b. Adult entertainment establishments shall not sell or dispense intoxicating or non-intoxicating liquors, nor shall they be located in a building which contains a business that sells or dispenses non-intoxicating or intoxicating liquors.

    c. Adult entertainment establishment business shall not be conducted in a manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to “specified sexual activities” or “specified anatomical areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.

    d. Adult entertainment establishments shall prominently display at the entrance and located within two feet of the door-opening device of the establishment a sign which states “This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter.

    e. No person under the age of eighteen (18) shall be permitted on the premises, and no person under the age of eighteen (18) shall be permitted access to material displayed or offered for sale or rent by adult entertainment establishments.

10-1-3: JURISDICTION: The jurisdiction of this Title shall apply to all of the area within the corporate limits of the City.

10-1-4: APPLICATION; INTERPRETATION:

A. Minimum Requirements: In their application and interpretation, the provisions of this Title shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

B. Higher Standards Prevail: Where the conditions of imposed by any provision of this Title are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

C. Wherein a use is not specifically identified herein, the use shall be considered prohibited.

D. Conformance Required:

    1. No structure shall be erected, converted, enlarged, reconstructed or altered without first obtaining a building permit, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Title.

2. Except as herein provided no building, structure, or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements in this Title.

10-1-5: SEPARABILITY:

A. If any court of competent jurisdiction shall judge any provision of this Title to be invalid, such judgment shall not affect any other provisions of this Title not specifically included in said judgment.

B. If any court of competent jurisdiction shall judge invalid the application of any provision of this Title to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

CHAPTER 2

RULES AND DEFINITIONS

SECTION:

10-2-1: Rules
10-2-2: Definitions

10-2-1: RULES: The language, set forth in the text of this Title shall be interpreted in accordance with the following rules:

A. The singular includes the plural and the plural includes the singular.

B. The present tense includes the past and the future tense. The future tense includes the present.

C. The word "shall" is mandatory and the word "may" is permissible.

D. A word or term appearing in the text of this Title shall be interpreted as to its meaning in accordance with the definitions contained in this Chapter.

10-2-2: DEFINITIONS: For the purpose of this Title, certain words and terms are herein defined:

ABUTTING:	Making contact with or separated only by public thoroughfare railroad or public right-of-way.
ABANDONED SIGN:	A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal or owner can be found
ACCESSORY APARTMENT:	A separate dwelling unit contained within an existing single-family structure, to be occupied by another individual(s) as a separate, complete housekeeping unit, subject to the permit procedures and criteria of Section 10-8-12 of this Title. The existence of separate cooking facilities shall distinguish an accessory apartment from the renting of rooms for lodging purposes.
ACCESSORY BUILDING:	A subordinate building or structure on the same lot, or immediately adjacent lot, or part of the main building exclusively occupied by or devoted to a use incidental to the main use.
ACCESSORY USE:	A use subordinate to the principal use on the same lot, or immediately adjacent lot, and customarily incidental to the main use.
ADDITION:	An extension or increase in floor area or height of a building or structure.
ADULT ARCADE:	An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines for viewing by five (5) or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE: An establishment that has a substantial portion of its stock in trade and offers for sale, for any form of consideration, any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

B. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

ADULT CABARET: A nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER: A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

ADULT USE ESTABLISHMENTS: Adult use establishments include, but are not limited to, adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater or sexual encounter establishment.

AGRICULTURAL BUILDING: A structure constructed on a minimum of ten (10) acres of agricultural land and designed to house farm implements (not a parking garage) livestock (which does not include horses and the commercial boarding of horses) and/ or “agricultural products”. Agricultural buildings shall not be used for human habitation, retail sales, mini storage, riding lessons, livestock shows, etc however the building can serve as a place of employment for persons working with the agricultural products and those engaged in the pickup or delivery.

ALLEY: A public right of way which affords a secondary means of access to abutting property.

ANIMATED SIGN: A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following three types:

Electrically Illuminated signs whose motion or visual Energized impression of motion is activated primarily by electrical means.

Electrically energized animated signs are of two (2) types:

A. Flashing Signs: Illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to one hundred percent (100%) (on) during the programmed cycle.

B. Illusionary Movement Sign: Illuminated signs exhibiting the illusion of movement by means of pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

C. Mechanically Energized Signs: manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of plans activated by means of mechanically based drives.

D. Naturally Energized Sign: Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include banners, pennants, streamers, spinners, metallic disks, or other devices designed to move in the wind.

ANTENNA: Equipment located on the exterior of, or outside of any building or structure and used for transmitting or receiving telecommunications.

APARTMENT: A multiple-family building containing dwelling units in a stacked configuration having common walls and floors/ceilings.

ASSISTED AND CONGREGATE: CARE HOUSING A multiple dwelling which typically provides at least one meal per day for each of its residents and may include other supportive services including housekeeping, home health care, and transportation.

AUTOMOBILE REDUCTION YARD: A lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, sale of parts, sale of scrap, storage or abandonment.

AUTOMOBILE REPAIR SHOP: A shop or place of business for repair and maintenance of automobiles, trucks and other automotive equipment. Salvage and junk shall not be kept, stored or worked on in an auto repair shop.

AUTOMOBILE REPAIR, MAJOR: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding and major painting service for any type of vehicle and any type of repair of licensed dump trucks, tow trucks, semi tractors or trailers, tank trucks, tractors, buses, construction vehicles or equipment or earth moving vehicles or equipment.

AUTOMOBILE REPAIR, MINOR: Replacement of any part or repair of any part which does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. This definition is applied to passenger vehicles but does not include dump trucks, tow trucks, semi tractors or trailers, tank trucks, tractors, buses, construction vehicles or equipment or earth moving vehicles or equipment.

AWNING: Any architectural projection that provides Weather protection identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached

BALCONY: A floor projecting from and supported by a structure by a structure without additional independent supports.

BANNER SIGN: A sign made of fabric, or any nonrigid material with no enclosing framework.

BASEMENT: A portion of a building located partially underground, but having one-half (1/2) or less of its clear floor-to-ceiling height below the average grade of the adjoining ground. Basements, except portions used for garages, shall be used in arriving at total gross floor area.

BED AND BREAKFAST: An owner occupied single family residence that provides overnight accommodations to a limited number of visitors for a chance for a charge, not to exceed a stay of seven consecutive nights.

BLUFF: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

A. Part or all of the feature is located in a shoreland area;
B. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
C. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
D. The slope must drain toward the waterbody. An area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff.

BLUFF IMPACT ZONE: A bluff and land located within 20 feet from the top of the bluff.

BOARDING HOUSE: Any dwelling other than the motel or hotel where, by prearrangement, meals or lodging are provided for five (5) or more persons.

BOUNDARY LINES: Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the Zoning Map.

BUFFER: A strip of land intended to create a physical and/or visual separation between potentially incompatible uses of land.

BUILDABLE AREA: That part of the lot remaining after required yards have been provided but not including floodways, wetlands, public rights-of-way, surface waters, bluffs and/or areas deeded to the public.

BUILDING COVERAGE: The area of the lot covered by the building(s)

BUILDING PRINCIPAL: A building or structure in which is conducted the main or principal use of the lot on which said building r structure is situated.

BUILDING SETBACK LINE: The front line of the building of the legally established line which determines the location of the building with respect to the minimum measured distance from the public right-of-way. Said line shall be measured from the public right-of-way on which the structure fronts.

BUILDING: Any structure providing shelter for persons, animals or chattel of any kind. When separated by bearing walls without openings, each portion so separated shall be considered as a separate, building.

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

CALIPER: The length in inches of a parallel line measured through the trunk of a tree at a height of thirty (30)inches above the ground.

CAMPING TRAILERS: Any of the following:

Camping Trailer: A folded structure, mounted on wheels and designed for travel, recreation and vacation uses.

Motor Home: A portable, temporary dwelling to be used for travel, recreation and vacation, constructed on an integral part of a self-propelled vehicle.

Pickup Coach: A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.

CELLAR: That portion of a building having more than half of the clear floor-to-ceiling height below the average grade of the adjacent ground. It shall not be included in arriving at the total gross floor area.

CHANGEABLE SIGN: A sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:

Electronically Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two (2) types:

A. Fixed Message Electronic Signs: Signs whose basic informational content has been pre-programmed to include only certain types of information, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.

B. Computer Controlled Variable Message Electronic Signs: Signs whose informational content can be changed by computer-driven electronic impulses.

Manually Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be altered by manual means.

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

CHURCH: A building , together with its accessory buildings and uses, where persons regularly assemble for religious worship and which buildings

and uses are maintained and controlled by a religious body organized to sustain regular public worship

CLUB OR LODGE: A nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.

COMMERCIAL RECREATION: A bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, theatre, firearms range, boat rental, amusement rides, bingo halls, campgrounds, RV park, live music and dancing, and similar uses.

COMMERCIAL MOTOR VEHICLE: A motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle: has a gross vehicle weight of more than 26,000 pounds; has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds; is a bus; is of any size and is used in the transportation of hazardous materials, except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks a total of not more than 200 gallons of liquid fertilizer and petroleum products; or is outwardly equipped and identified as a school bus, except for school buses defined in Mn. Rules, Section 169.01, Subd. 6(5) as may be amended.

COMMERCIAL USE: Any use occurring and permitted within a business or commercial zone.

COMPREHENSIVE PLAN: The Comprehensive Plan of the City of Sartell.

CONDITIONAL USE PERMIT: A permit specially and individually issued by the City Council in accordance with procedures specified in this Code and following review and recommendation by the Planning Commission, as a flexibility device to enable the City Council to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents

CONDITIONAL USE: A use which because of unique characteristics, cannot be classified as a permitted use in a particular district. After due consideration, in each case, of the impact of such upon neighboring land and of the public desirability for the particular use at the particular locations, a conditional use permit may be granted.

CONDOMINIUM: The legal arrangement in which a dwelling unit in an apartment building or residential development is individually owned but in which the common areas are owned, controlled and maintained through an organization consisting of all the individual owners. Condominium ownership provides design flexibility and the sharing of responsibility through the use of common open spaces that are in addition to private open spaces.

CONSTRUCTION MATERIALS MANUFACTURED: A material which is created from constituent parts which are reduced, pulverized, chemically treated or otherwise altered and then combined in a manufacturing process to form a new

	material. Examples of such materials include but are not limited to chipboard, plywood, hardboard sheets, vinyl sheets, aluminum or steel sheets, stucco, brick, concrete, concrete block and pre-cast panels.
CONSTRUCTION MATERIALS, NATURAL:	A non-manufactured material existing in nature which is prepared for use only by cutting, forming or machining. Examples of such materials include but are not limited to wood planks, timbers and stone.
CONSTRUCTION SIGNS:	A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
CONVENIENCE COMMERCIAL CENTERS:	A limited commercial office, retail, service outlet, which deals directly with the customer for whom the goods or services are furnished. The centers are to provide services or goods for the surrounding neighborhoods and are not intended to draw customers from the entire community.
CONVENIENCE FOOD ESTABLISHMENT;	An establishment which serves food in or disposable or edible containers in individual servings for consumption on or off the premises.
COOPERATIVE HOUSING:	A multiple family dwelling owned and maintained by the residents and subject to and as Defined by Mn. Statutes. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.
COURT/COURTYARD:	An unoccupied open space which is bounded by the walls of the buildings.
CRAWL SPACE:	Shall have the definition given in the building code.
DAY CARE HOME, GROUP:	Any residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than 14 children at any one time, and must meet Group R, Division 3 occupancy requirements.
DAY CARE GROUP FACILITY:	A public or private facility, which for gain or otherwise regularly provides persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home for persons of school age or older.
DAY CARE, HOME FAMILY:	A residence or portion of a residence licensed by the Department of Human Services under chapter 9502 for no more than ten children at one time of which no more than six are under school age, and must meet Group R, Division 3 occupancy requirements.
DECK, OPEN	An accessory use structure consisting of an open platform structure elevated seven inches (7") or more above the average grade of the ground surface below the deck and containing no rails or walls.
DECK, RAILED	An accessory use structure consisting of a platform structure with rails

or fencing material that extends a maximum of six feet (6') high from the platform and contains no roof.

DECORATIVE BLOCK: A building block of cast concrete and aggregate rock that has a split-rock, brick-like, burnished, or ribbed texture on the side to be exposed, and is available in a variety of colors.

DEVELOPMENT PLAN: A plan guiding the development of the property to the ultimate land use. The plan shall include but is not limited to: site analysis information, staging plan, grading plan, drainage plan and end use plan

DISTRICT: A section of the City for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, the intensity of use are uniform for each class of use therein.

DIRECTIONAL/ INFORMATIONAL SIGN: An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g. parking or exit parking or exit and entrance signs. May contain logo provided that the logo may not compromise more than twenty percent (20%) of the total sign area.

DOG KENNEL: Any premises where more than two (2) dogs over six (6) months of age are kept.

DRIVE-IN OR DRIVE-THRU An establishment which accommodates the patron's FACILITY: automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed on or off of the site

DWELLING, ATTACHED: A dwelling which is joined to other dwellings at both sides by party walls, as one of not more than eight (8) dwellings of a series arranged in a row, including the semi-detached dwellings at the ends.

DWELLING UNIT: Any building or portion thereof which is designed or used exclusively for residential purposes.

DWELLING UNIT, QUADRUPLEX: An attached multiple-family dwelling designed QUADRAPLEX OR exclusively for occupancy by four (4) families/household units living independently of each other but sharing common ingress/egress, stairs, hallways and other common areas.

DWELLING UNIT SINGLE A dwelling unit designed exclusively for occupancy by one FAMILY: (1) family. A single-family dwelling unit may be of one of two types:

A. Attached – meaning a dwelling which is joined to another at one or more sides by a common vertical wall and so designed as to supply each unit separate ingress/egress. Attached units may be of row or town house types as opposed to multiple dwelling apartment structures. Attached units and/or lots may be owned or rented.

B. Detached - meaning a dwelling unit not attached to another. No single structure shall contain in excess of six single family dwelling units.

DWELLING UNIT, TOWNHOME:	A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.
DWELLING UNIT,TRIPLEX:	A multiple-family dwelling designed exclusively for occupancy by three (3) families/households living independently but sharing common ingress/egress, hallways, stairs and other common areas.
DWELLING UNIT, TWO FAMILY:	A dwelling designed exclusively for occupancy by two (2) families living independently of each other but sharing common ingress/egress such as a double bungalow (a two-family dwelling with two (2) units side-by-side) or a duplex (a two-family dwelling with one (1) unit above the other).
DWELLING, MULTIPLE (APARTMENT:	A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways, stairs, building entrances and exit and/or other common elements.
DWELLING, ZERO LOT LINE:	A single-family dwellings attached by a common wall in such a manner that the common/party wall is located on the common lot line (e.g. twin home).
EASEMENT:	A temporary or permanent grant by a property owner for the use of a strip or area of land, from the ground to the sky, for purposes including but not limited to the constructing and maintaining of utilities, sanitary sewer, water mains, electric lines, telephone lines, storm sewer or storm water drainage way, and gas lines.
ELECTRICAL SIGN:	A sign or sign structure in which electrical wiring, connections, or fixtures are used.
ESSENTIAL SERVICES:	The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies.
EXTERIOR STORAGE:	The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
EXTERIOR WALL FINISH:	A material or assembly of materials applied on the exterior side of exterior walls for the purpose of providing a weather resisting barrier, insulation or for aesthetics, including veneers, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, fascias, gutters and leaders.
EXTRACTIVE USE:	The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, peat and/or similar materials.
FACE BRICK:	A masonry building block or clay baked in a kiln until hard.

FAMILY CARE HOME: A residential structure typical of those in the neighborhood having a maximum of six residents needing the adult care and supervision of a “supervised residential program” or “social rehabilitation program,” plus a minimum of two or more adults who operate the dwelling unit as a family home. The family care home typically may be a single-family detached dwelling, attached townhouse, rental or owned apartment, or similar unit to those of the immediate neighborhood where it is located. The unit must be acceptable to the licensing requirements of the state, federal government or other governmental licensing agency and the Minnesota Uniform Building Code.

FAMILY: An individual or two (2) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than six (6) persons not so related maintaining a common household, excluding servants.

FARM: A tract of land of ten (10) or more acres in size usually with a house and barn plus other buildings on which crops and often livestock are raised for a principal source of livelihood.

FARMERS MARKET: An area used for the sale of produce grown by local and regional producers.

FEEDLOT: An enclosure for the feeding of poultry or livestock which is not normally used for pasture or crops and in which animal wastes may accumulate.

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

FILLING: The act of depositing any rock, soil, gravel, sand or other material so as to fill a waterbody, watercourse or wetland.

FLOOD AREAS: Land which is subjected to either permanent or temporary flooding from any cause whatsoever. This shall include lands which are flooded by overflowing streams, rivers or lakes or by heavy rainstorms or seasonal runoff (See Title 12 of this Code).

FLOOD FRINGE: That portion of the flood plain outside of the floodway.

FLOOD: A temporary rise in stream flow or stage that results in inundation of the area adjacent to the channel.

FLOODPLAIN: The channel or beds proper and areas adjoining a watercourse which have been or hereafter may be covered by a regional flood. Floodplain areas within the City shall encompass all areas designated as such by the Federal Emergency Management Agency.

FLOODWAY: The channel of a watercourse, bed of a wetland or lake, and those portions of the adjoining floodplains reasonably required to carry and discharge a regional flood.

FLOOR AREA, GROSS: The floor area within the inside perimeter of the exterior walls of the

building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

FLOOR AREA, NET: The actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

FLOOR AREA: The sum of the horizontal areas of the several floors of a building measured from the exterior walls including all floors, basements and attached accessory buildings.

FLOOR AREA (LIVABLE) Livable floor area shall be the same as “floor area” defined above, excluding all areas occupied by garages, open and screened porches, decks, attics, stairways and storage, and utility and heating rooms.

FREESTANDING SIGN: A sign supported permanently upon the ground by poles or braces and not attached to any building.

FRONTAGE: The width of a lot or building site measured on the line separating it from the public street or way. (For the purpose of this Title, the front line of corner lots shall be considered to be the shortest street line.)

GARAGE, PRIVATE: A garage with a capacity of not more than four (4) power driven vehicles for storage only, and which is erected as an accessory to a dwelling. Space to store up to two (2) vehicles, passenger only, may be rented to nonresidents.

GARAGE, PUBLIC: Any premises, except those described as a private or COMMERCIAL: storage garage, used for the storage or care of power driven vehicles or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GOVERNING BODY: A group of persons elected by voters of the Municipality to govern the public affairs thereof. The term shall include town board of supervisors and also city councils.

GOVERNMENT SIGN: Any temporary or permanent sign erected and maintained by the City, County, State, or Federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property or facility.

HEIGHT: The vertical distance measured from the highest point of the peak, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the structure/building whichever is less.

HOME OCCUPATIONS: Any gainful occupation engaged in by occupants of the dwelling when the occupation is conducted within the principal structure or the principal structure becomes the base of operation in accordance with the provisions of this Title.

HOTEL:	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding house or lodging house.
HOSPITAL	A health care facility, comprised of one or more structures on a single lot of record, licensed as a hospital by the State of Minnesota, providing primary health services, medical and surgical care to persons suffering from illness, disease, injury, deformity, infirmity or other abnormal physical or mental conditions and including, as an integral part of the facility, related facilities such as laboratories, diagnostic services, rehabilitation, medical imaging and community education.
HYDRIC SOILS:	Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.
ILLEGAL SIGN:	A sign which does not meet the requirements of this Code and which has not received legal nonconforming status.
ILLUMINATED SIGN:	A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
IMPERVIOUS SURFACE:	An artificial or natural surface through which water, air, or roots cannot penetrate, including but not limited to buildings, parking spaces, driveways, sidewalks, patios, decks, porches, pools and sports courts.
INDUSTRIAL SOLID WASTE:	Non-hazardous, nontoxic waste material resulting from an industrial operation. It shall not include garbage, refuse and other discarded materials, animal waste, fertilizer or solid or dissolved material from domestic sewage.
INDUSTRIAL STORAGE AND DISPOSAL FACILITY:	A facility permitted by the Minnesota Pollution Control Agency or its regulatory successor for the disposal of non-hazardous and nontoxic industrial solid waste.
JUNK YARD:	An area where used, waste, discarded or salvaged material is disassembled, including but not limited to scrap iron and other metal, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area of building shall not be included.
LICENSED RESIDENTIAL FACILITY:	A facility as defined under Minnesota Statutes 245A.02
LAND DISTURBING ACTIVITY:	Any change of the land surface including removing vegetative cover, excavating filling, grading and the construction of any structure.
LAND RECLAMATION:	The process of the re-establishment of acceptable topography (i.e. slopes), vegetative cover, soil stability and the establishment of safe conditions appropriate to the subsequent use of the land.
LANDSCAPE MATERIALS:	Trees, shrubs and vines, sod, grass seed and other similar entities.
LICENSED RESIDENTIAL	A facility as defined under Minnesota Statutes 245A.02, as

FACILITY:	amended.
LIGHTING, CUTOFF:	The point at which all light rays emitted by a lamp, light source or luminaire is completely eliminated (cutoff) at a specific angle above the ground.
LIGHTING, CUTOFF ANGLE:	The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source.
LIGHTING, FOOT CANDLE:	A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one-candle
LIGHTING, FULL CUTOFF LUMINARIES:	A luminaire constructed or shielded to direct all light at a cutoff angle of less than 90 degrees. Also, referred to as a horizon limited luminaire.
LIGHTING, GLARE:	Direct light emitted from a light source which causes eye discomfort.
LIGHT POLLUTION:	The shining of light produced by a luminaire above the height of the luminaire and into the sky.
LIGHT TRESPASS:	The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
LIGHTING, LUMINARY:	A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts
LIVABLE SPACE:	An area that is habitable for the entire year.
LOADING BERTH/DOCK:	An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.
LOADING SPACE:	A space, accessible from a street, alley, railroad or way, in a building or on a lot, for the use of trucks while loading and unloading merchandise or materials.
LOT:	A parcel of land, abutting on or having access to a public street, being a lot designated in a recorded plat or a parcel occupied by a principal building upon the effective date of the ordinance codified in this Title, or being a parcel of record of sufficient size to provide the yards required by this Title.
LOT AREA:	The area of a horizontal plane within the lot lines.
LOT, BUILDABLE AREA:	That part of the lot remaining after required yards have been provided but not including floodways, wetlands, public rights-of-way, surface waters, bluffs and/or areas deeded to the public.
LOT, CORNER:	A lot situated at the intersection of two (2) or more streets.
LOT, COVERAGE:	The part or percentage of the lot occupied by buildings, structures and/or impervious surfaces, including accessory building/structures, parking lots, driveways, tennis courts etc.

LOT DEPTH:	The average distance between the front and the rear lines of a lot.
LOT, DOUBLE FRONTAGE (THROUGH LOT):	A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
LOT FRONTAGE:	That boundary abutting a public right-of-way having the least width.
LOT, INTERIOR:	A lot other than a corner lot.
LOT, LINE:	The property line bounding a lot.
LOT, LINE – FRONT:	That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street.
LOT, LINE – REAR:	That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot connecting the side lot lines and parallel to the front lot line.
LOT, LINE – SIDE:	Any boundary of a lot which is not a front lot line or a rear lot line or a lot line along a public street.
LOT OF RECORD:	A part of a subdivision approved by the city, the plat of which has been duly recorded in the office of the Register of Deeds or Registrar of Titles, prior to the adoption of this Ordinance which meets the minimum requirements of state law and all city ordinances in effect upon the date of the recording.
LOT, STANDARD:	A lot which meets the minimum lot area and lot width requirements as specified by the applicable zoning use district(s).
LOT, UNIT:	Lots created from the subdivision of a twin home, townhouse or quadraminium having different minimum lot size requirements than the conventional base lots within the zoning district.
LOT WIDTH:	The mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.
MAINTENANCE SIGN:	For the purposes of this Title, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
MANUFACTURED HOME:	A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structure which meets the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this Title and which meets the Manufactured Home Builders Code as defined in Minnesota Statutes 327.32, subdivision 3.

MANUFACTURED HOME PARK:	Any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
MANUFACTURING:	Combining machinery, tools, power and labor to bring material closer to a final state.
MANUFACTURING, HEAVY:	The manufacture, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable, hazardous and/or offensive influences; including but not limited to: odors, material/byproduct discharges, dust, glare, ash, smoke, vibration and noise beyond the lot on which the use is located.
MANUFACTURING, LIGHT:	Uses which include the manufacture, compounding, processing, packaging, treatment or assembly of products and materials provided such use will not generate objectionable and/or offensive influences; including but not limited to: odors, material/byproduct discharges, dust, glare, ash, smoke, vibration and noise beyond the lot on which the use is located.
MEDICAL AND DENTAL CLINIC:	A structure intended for providing medical and dental examinations and service available to the public. This service is provided without overnight care available.
MINING:	The extraction of sand, gravel, granite or other material from the land in the amount of 400 cubic yards or more and removal from the site.
MODEL HOME:	A single-family dwelling unit built and used by a builder to demonstrate quality of construction, floor plans, styles, and amenities that are to be available in other homes available for sale by the builder within a subdivision, following subdivision build-out, a model home shall be placed on the market and sold as residence.
MODULAR HOME:	A non-manufactured housing unit that is fabricated at a central factory and transported to a building site where final installations are made permanently affixing the module to the site.
MOTEL:	Two (2) or more attached, detached or semi- detached buildings containing guestrooms or apartments, designed, intended or used for the accommodation of automobile travelers; including auto cabins, motor lodges, motor courts, automobile courts and similar designations.
MOTOR FREIGHT TERMINAL (TRUCK TERMINAL):	A building in which freight brought by motor truck is assembled and sorted for routing in intra-state and inter-state shipment.
MOTOR FUEL STATION:	A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.

MULTIPLE FAMILY RESIDENTIAL: Any dwelling which is jointed to another dwelling typically at two or

more sides by a common wall(s) and featuring a shared ingress/egress facility(ies), hallways and other common areas.

MUNICIPALITY: The governmental unit or area described in and governed by the provisions of this Title. The term shall include unincorporated as well as incorporated areas.

NONCONFORMING SIGN:

A. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

B. A sign which does not conform to the Sign Code requirements, but for which a special permit has been issued.

NON-CONFORMING STRUCTURE: Any lawfully established structure which on the effective date of this Ordinance does not conform to the applicable conditions if the structure was to be erected under the guidance of this Ordinance.

NONCONFORMING USE: A use lawfully in existence on the effective date of this Title but not conforming to the regulations for the district in which it is situated except as modified elsewhere in this Title.

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

OFFICE BUILDING: A building designed or used primarily for office purposes, no part of which is used for manufacturing or for dwelling.

OFF-PREMISES SIGN: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising".

ON-PREMISES SIGN: A sign which pertains to the use of the use of the premises and/or property on which it is located.

OPEN SALES LOT: Land devoted to the display of goods for sale, rent, lease, advertising or trade, where the goods are not enclosed within a building.

ORDINARY HIGH WATER LEVEL: The boundary of public waters, and wetlands delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominately terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

OUT PATIENT CARE FACILITY: Medical examination or service available to the public provided without overnight care.

OWNER: A person recorded as such on official records. For the purposes of this Title, the owner of property on which a sign is located is presumed to

be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g. a sign leased from a sign company.

PATIO: An at-grade ground covering consisting of interlocking brick, tile, cement, asphalt, or similar material.

PARCEL: A lot, piece or portion of land designed by metes and bounds, registered land survey, auditor's plat or other means separated from other parcels and portions by said description for the purpose of separation thereof.

PARKING LOT: Three or more parking spaces, along with the driveway connecting the parking spaces to the street or alley and permitting satisfactory ingress and egress of an automobile and the driving lane between or servicing the parking spaces.

PARKING RAMP: An accessory structure designed and used for the storage of motor vehicles at, below and/or above grade.

PARKING SPACE: An area of not less than one hundred eighty (180) square feet net, exclusive of access or maneuvering area, to be used exclusively as a temporary storage space for one private motor vehicle.

PATIO HOME/COTTAGE HOME: A single family attached or detached unit and structure consisting of a one level living area.

PERFORMANCE STANDARD: Criteria established to control height, bulk, setback, land coverage and density of buildings as well as noise, odor, toxic or noxious matter, vibration, fire, explosive hazards or glare or heat generated by or inherent in uses of land or buildings.

PERSON: Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include partners, associates, or members of a corporation, who are responsible for the violation.

PLANNED UNIT DEVELOPMENT: A large lot or tract of land developed as a unit rather than as individual development where in two or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

PATIO/PORCH, OPEN: A building or portion thereof consisting of a platform structure with a roof, with or without rails or walls, that extends a maximum of four feet (4') high (excluding roof columns) from the platform, that contains no windows or screening materials.

PATIO/PORCH,SCREENED: A building or portion thereof consisting of a platform structure with a roof that is enclosed, in whole or part, by a screening or a permeable material (such as mesh, lattice or other similar open material) and containing no windows.

PORCH, THREE SEASON: A building that is fully enclosed by non-permeable materials (such as walls, doors, and/or windows) which is not served by a permanent heating system or fixtures.

PORCH, FOUR SEASON: A building that is fully enclosed by non-permeable materials (such as walls, doors, and/or windows) which is served by a permanent heating system or fixtures.

POLITICAL SIGN: A temporary sign used in connection with a local, State, or national election or referendum.

PORTABLE SIGN: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

PRECAST PANEL: A building wall section of concrete poured into a form at the manufacture facility and shipped to the construction site for installation.

PREMISES: A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed under this Title.

PROCESSING: The crushing, washing, compounding or treating of rock, sand, gravel, minerals, organic materials, organic compounds, artificially created materials or materials similar in nature.

PROJECTING SIGN: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

PROTECTED WATERS: Any waters of the state which serve a beneficial public purpose, as defined in Mn. Statutes. However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purpose of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner of Natural Resources shall be exempt from the provisions of this chapter. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner of Natural Resources. The official size of lakes, ponds or flowages shall be the areas listed in the Division of Waters Bulletin 25, “An Inventory of Minnesota Lakes,” or in the event that lakes, ponds or flowages are not listed therein, official determination of size and physical limits shall be made by the Commissioner of Natural Resources in cooperation with the municipality.

PUBLIC USE: Uses owned or operated by municipal, school districts, county, state, or other governmental units.

PUBLICATION: A notice placed in the official city newspaper stating time, location and date of meeting and description of topic.

REAL ESTATE SIGN: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

RECREATIONAL VEHICLE: A vehicular or portable structure used for amusement,

RECREATION SPORT VEHICLE:	vacation or recreational activities, including but not limited to travel trailers, motor homes, camping trailers, boats, jet skis, ATV's and snowmobiles.
RESIDENTIAL CARE FACILITY:	A residential dwelling typical of those in the neighborhood having from 7 to 16 residents needing the adult care and supervision of a supervised residential program or social rehabilitation program plus a minimum of one adult supervisor for every four residents.
RESIDENTIAL DISTRICT:	A zoning classification primarily providing for dwelling units.
REST HOME, NURSING HOME:	The terms "rest home", "nursing home" and "boarding care home" shall mean a building used to provide care for the aged or infirm persons requiring or receiving personal care or custodial care in accordance with the regulations of the State Board of Health.
RETAIL SALES:	Establishments engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise organized to sell merchandise in small quantities to the general public. Store retailers operate fixed point of sale locations, located and designed to attract a high volume of walk-in customers. In general, retail stores have extensive displays of merchandise and use mass-media advertising to attract customers. They typically sell merchandise to the general public for personal or household consumption, but some also serve businesses and institutional clients. These include establishments, such as office supply stores, computer and software stores, apparel stores and electronic stores. In addition to retailing merchandise, some types of store retailers are also engaged in the provision of after-sale services, such as repair and installation.
SATELLITE DISH ANTENNA:	A parabolic shaped antenna (including all supporting apparatus) located on the exterior of, or outside of, any building or structure and is used for receiving telecommunications, television or radio signals.
SCREENING:	An artificial barrier, vegetation, or topography which makes any structure on any property visually inconspicuous.
SETBACK, FRONT YARD:	The minimum horizontal distance between the front line of a building and the property line, disregarding front steps, eaves and gutters.
SEXUAL ENCOUNTER ESTABLISHMENT:	Adult use establishments include, but are not limited to, an establishment other than a hotel, motel or similar establishment offering public accommodations which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate orconsort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional persons licensed by the State engages in sexual therapy.
SHOWROOM:	Any business wherein a family of related products and/or services are housed, enclosed, sold and exhibited directly to the customer or to other businesses.

SIGN:	Any device, structure, fixture, or placard using graphics, symbols, end/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.
SIGN, AREA IDENTIFICATION:	A freestanding sign or pylon which identifies the name of a neighborhood, a residential subdivision, a multiple-residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns or an industrial area consisting of three (3) or more structures.
SIGN, BUSINESS:	A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered on the premises on which such sign is located or to which it is affixed.
SIGN, DIRECTIONAL:	A sign erected on public or private property which bears the address and/or name of a business, institution, church or other use or activity plus directional arrows or information on location.
SIGN, FLASHING:	Any illuminated sign on which such illumination is not kept stationary or constant in intensity or in color at all times when such sign is in use.
SIGN, IDENTIFICATION:	Any sign which states the name or address or both of the business or occupant of the lot or building where the sign is placed and may be a directory listing the names, addresses and businesses of occupants.
SIGN, ILLUMINATED:	Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.
SIGN, INSTITUTIONAL:	A sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.
SIGN, SURFACE AREA OF:	The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structure elements outside the limits of such sign and not forming an integral part of the display.
SPECIFIED ANATOMICAL AREAS:	As used herein, specified anatomical areas means and includes any of the following: A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
SPECIFIED SEXUAL ACTIVITIES:	As used herein, specified sexual activities means and includes any of the following: A. The fondling or other erotic touching of human genitals, pubic

region, buttocks, anus or female breasts;

B. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated; or

D. Excretory functions as part of or in connection with any of the activities set forth in subsections A through C of this definition.

SPORT COURT: An outdoor facility that typically includes a paved playing surface for one or more sport activities such as, but not limited to, tennis, basketball, hockey, or volleyball.

STAND, ROADSIDE: A structure used only for the display and sale of products with no space for customers within the structure.

STEEP SLOPE: Land where agriculture activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

STORY: The vertical distance from top to top of two successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, were there is not a ceiling, to the top of the roof rafters.

STREET: All property dedicated or intended for public street, highway, freeway or roadway purposes and subject to public easements theretofore.

STREET, ARTERIAL – PRINCIPAL: The functional classification of streets placing highest emphasis on mobility as opposed to land access. Although various sections of roadway may vary in functional classification and characteristics, principal arterials generally carry large volumes of traffic (e.g. 15,000 or greater daily average) and have right-of-way widths of 200 to 300 feet. Principal arterials in general have highly managed intersection spacing and control criteria, do not provide direct land access and do not allow for on–street parking. Large truck traffic is unrestricted. Principal arterial streets in the City of Sartell are defined by the Comprehensive Plan (e.g. T.H. 15 as of the date of this Ordinance).

STREET, ARTERIAL – MINOR: The functional street classification placing high emphasis on mobility as opposed to land access. Although various sections of roadway may vary in functional classification and characteristics, minor arterials generally carry a moderate volume of traffic (e.g. 5,000 – 20,000 daily average) and have right-of-way widths of 100 to 150 feet. Minor arterials in general have managed intersection spacing and control criteria, highly restrict direct land access and highly restrict on–street parking. Large truck traffic on minor arterial streets are generally unrestricted. Minor arterial streets in the City of Sartell are

defined by the Comprehensive Plan (e.g. Pine Cone Road as of the date of this Ordinance).

STREET, COLLECTOR: The functional classification of streets that places moderate emphasis on mobility and moderate emphasis on land access, may be major or minor collector. Although various sections of roadway may vary in functional classification and characteristics, collectors generally carry a modest volume of traffic (e.g. 1,000 – 5,000 daily average) and have right-of-way widths of 80 to 100 feet. Collector streets in general have managed intersection spacing, may employ traffic control measures, may somewhat restrict direct land access and may somewhat restrict on–street parking. Large truck traffic on collector streets are generally unrestricted. Collector streets in the City of Sartell are defined by the Comprehensive Plan.

STREET, LOCAL: The functional classification of streets that places low emphasis on mobility and high emphasis on land access. Although various sections of roadway may vary in functional classification and characteristics, local streets generally carry a small volume of traffic (e.g. less than 1,000 daily average) and have right-of-way widths of 66 feet. Local streets in general have limited on-street parking restrictions, permit driveway access and restrict large truck traffic.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above; or if no floor is above, the space between the floor and ceiling next above. A basement shall be counted as a story and a collar shall not be counted as a story.

STRIP MALL/SHOPPING CENTER: A group of commercial establishments joined, planned, developed and managed as a unit related in location, size and type of shops that the unit serves. Each establishment will have a separate entrance at street level.

STRUCTURAL ALTERATION: Any change in a building or structure affecting its supporting members such as bearing walls or partitions, beams, girders, etc., roofs or exterior walls included. Incidental repairs shall not be considered as alterations.

SUBDIVISION IDENTIFICATION: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

TEMPORARY SIGN: A sign not constructed or intended for long-term use.

TOP OF THE BLUFF: The higher point of a 50-foot segment with an average slope exceeding 18 percent.

TOWER: Any pole, spire or structure, or any combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces.

TOWNHOUSE: A group of three (3) or more single-family residences attached one to the other with common sidewalls. These dwellings may be one story or two (2) story buildings but each unit shall be designed and constructed to house single families. The design, construction or use of two (2) story units to house more than one family shall not be permitted.

USE: The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

USE, ACCESSORY: A use incidental or accessory to the principal use of the lot or a building located on the same lot with a building but detached there from.

USE, CONDITIONAL: A use which because of unique characteristics cannot be properly classified as a permitted use in a particular district. After due consideration each case, a public hearing, an examination of the impact of such use upon a neighboring land and conditional use standards according to this Ordinance, the City Council may approve such use and/or attach conditions to the use. Conditional uses are itemized in individual zoning classes.

USE, INDUSTRIAL: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

USE, INTERIM: A use which requires an interim use permit. Interim Use Permits are granted by the City Council for a specific period of time in accordance with procedures specified in this Ordinance.

USE, PRINCIPAL: The main use of land or buildings as distinguished from subordinate or accessory uses. A 'principal use' shall either be a permitted or a conditional or an interim use within the applicable zoning classification. There shall be only one principal use per lot.

UTILITY BUILDING: A nonpermanent structure on the same lot, or immediately adjacent lot, for the storage of domestic supplies.

WALL SIGN: A sign attached essentially parallel to and extending not more than twenty four inches (24") from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

WAREHOUSING: The storage of goods, material, or equipment within an enclosed building as a principal use (30% or more of the gross floor area).

WATERBODY: A body of water (lake, pond) in a depression of land or expanded part of a river or an enclosed basin that holds water and is surrounded by land.

WATERCOURSE: A channel or depression through which water flows, such as rivers, streams or creeks and may flow year around or intermittently.

WATERSHED: The area drained by the natural and artificial drainage system, bounded peripherally by a bridge or stretch of high land dividing drainage areas.

WETLAND: An area where water stands near, at, or above the soil surface during a significant portion of most years, saturating the soil and supporting a predominantly aquatic form of vegetation, and which may have the following characteristics: a) Vegetation belonging to the marsh (emergent aquatic), bog, fen, sedge meadow, shrub land, southern lowland forest (lowland hardwood), and northern lowland forest

(conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4,6, 7, and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S. 1971"). (Ref. Ord. 915, 12/13/94) b) Mineral soils with grey horizons or organic soils belonging to the Histosol order (peat and muck). c) Soil which is water logged or covered with water at least three (3) months of the year. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and such property, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

WHOLESALE TRADE: Establishments engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers are organized to sell or arrange the purchase of (a) goods for resale (i.e., goods sold to other wholesalers or retailers), (b) capital or durable non-consumer goods, and (c) raw and intermediate materials and supplies used in production. Wholesalers sell merchandise to other businesses and normally operate from a warehouse or office. These warehouses and offices are characterized by having little or no display of merchandise. In addition, neither the design nor the location of the premises is intended to solicit walk-in traffic. Wholesalers do not normally use advertising directed to the general public. Customers are generally reached initially by telephone, in-person marketing, or by specialized advertising that may include Internet and other electronic means. Follow-up orders are either vendor-initiated or client-initiated, generally based on previous sales, and typically exhibit strong ties between sellers and buyers. Although, in general, wholesaling normally denotes sales in large volumes, durable non-consumer goods may be sold in single units. Sales of capital or durable non-consumer goods used in the production of goods and services, such as farm machinery, medium and heavy duty trucks and industrial machinery, are always included in wholesale trade. (NAICS manual description).

YARD: An open space on a lot which is unoccupied and obstructed from its lowest level to the sky, except as otherwise permitted in this Title.

YARD, FRONT: A yard extending along the full width of the front lot line between side lot lines and from the abutting front street right of way to the front building line in depth.

YARD, REAR: That portion of the yard on the same lot with the principal building located between the rear building line and the rear lot line and extending the full width of the lot.

YARD, REQUIRED: That distance specified in the yard requirements pertaining to setbacks. Setbacks and required yards are used interchangeably.

YARD, SIDE: A yard between the side line of the lot and the nearest line of the building and extending from the front line of a lot to the rear yard.

CHAPTER 3

ZONING DISTRICTS; MAP

SECTION:

10-3-1: Establishment Of Districts
10-3-2: Official Zoning Map
10-3-3: Recording Of Ordinance
10-3-4: Changes On Official Map
10-3-5: District Boundaries
10-3-6: Permitted Uses
10-3-7: Annexations

10-3-1: ESTABLISHMENT OF DISTRICTS: For the purpose of this Title, the Municipality is hereby divided into the following districts:

AA	-	Agricultural
RR	-	Rural Residential
R-1	-	Single-Family Residence
R-1A	-	Townhome Residence
R-2	-	Single- or Two-Family Residence
R-3	-	Multiple-Family Residence
R-4	-	Transitional District
R-5	-	Planned Unit Development
B-1	-	Neighborhood Business
B-2	-	General Business
B-3	-	Medical Professional
I-1	-	Light Industrial
I-2	-	Heavy Industrial
CDZ-	-	Comprehensive Design Zone

10-3-2: OFFICIAL ZONING MAP: The boundaries of the districts established by this Title are delineated on a map. The map shall be kept by the City Administrator and/or his/her assigned and shall be available for public inspection. It shall be the responsibility of the City Administrator and/or his/her assigned to cause the map to be amended within thirty (30) days after amendments made by the governing body. The Official Zoning Map shall be identified by the signature of the City Administrator and/or his/her assigned under the following words:

This is to certify that this map constitutes the Official Zoning Map of Sartell referred to in the Zoning Ordinance of the Municipality.

10-3-3: RECORDING OF ORDINANCE: Notice to the effect that the Ordinance codified in this Title and Zoning Map have been adopted, stating the date of adoption, and that same may be examined in the City Administrator and/or his/her assignee's office, shall be recorded in the offices of the County Recorders of Stearns and Benton Counties by the City Administrator and/or his/her assigned. The recorded notice shall serve as notice to the public of authorized property uses.

10-3-4: CHANGES ON OFFICIAL MAP: No changes of any nature shall be made on the Official Zoning Map except in conformity with the procedures set forth in this Title. Any unauthorized changes made by any person shall be considered a violation of this Title and punishable as provided in the enforcement section of this Title.

10-3-5: DISTRICT BOUNDARIES

A. Boundary Lines: The boundaries between districts are, unless otherwise indicated, either the cent line of streets, alleys or railroad rights of way. These boundaries may also follow lot lines or other property lines as indicated on the Map and the center of streams, shoreline of rivers and the shoreline of lakes.

B. Inundated Areas: All areas within the corporate limits under water shall be subject to all of the regulations of the district which immediately adjoins the water area. (This should not be confused with areas subject to flooding as described elsewhere in this Title.)

C. Parks, Playgrounds, Schools, Cemeteries, Etc.: Any area shown on the Zoning Map as a park, playground, school, cemetery, water, etc., shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restrictive adjoining district shall govern.

D. Vacated Public Ways: Whenever any street, alley or other public way is vacated, the zoning district adjoining that of such vacated street, alley or public way shall be automatically extended to the center of such vacated area and all area included therein shall be then henceforth subject to all regulations of the extended district.

10-3-6: PERMITTED USES: In all cases where a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases the use may be added as a permitted use upon approval by the City Council only after review by the Planning Commission. Such use shall be general in keeping with all of the permitted uses identified within the respective district.

10-3-7 ANNEXATIONS: Properties annexed to the which are greater than 5 acres and/or are not part of an existing lot of record will automatically be zoned A-1 - Agriculture unless an application of a zoning district establishment is simultaneously submitted with the annexation petition and conforms to the criteria as addressed in 10-3-7a.

Properties annexed to the City which are 5 acres or less and/or part of an existing lot of record will automatically be zoned R-1 – Single Family Residential unless an application of a zoning district establishment is simultaneously submitted with an annexation petition and conforms to the criteria as addressed in 10-3-7a.

A. Zoning District Establishment Criteria: In evaluating the suitability of a proposed zoning district, the Planning Commission and City Council will examine the following conditions:

1. The proposed zoning and land use is in harmony with the objectives of the Comprehensive Plan.

2. The availability and capacity of existing utilities, transportation needs and fire hydrant coverage on the property is adequate for the proposed zoning.

CHAPTER 4

ENFORCEMENT AND ADMINISTRATION

SECTION:

10-4-1: Enforcement
10-4-2: Planning Commission Report
10-4-3: Penalty

10-4-1: ENFORCEMENT: This Title shall be administered by the Zoning Administrator. The Planning and Community Development Director and/or his/her assigned shall be the Zoning Administrator. The Zoning Administrator shall require that the application for a building permit and the accompanying site plot plan contains all of the information necessary to ascertain whether the proposed building complies with the provisions of this Title. No building permit shall be issued until the Zoning Administrator and/or his/her assigned has certified that the proposed building or alteration complies with all provisions of this Title.

10-4-2: PLANNING COMMISSION REPORT: The Planning Commission report shall report to the governing body on any matter referred to said Planning Commission within thirty (30) days after such reference. After forty(40) days have elapsed, the governing body may proceed as prescribed herein without said Planning Commission report.

10-4-3: PENALTY:

A. Violation: Any person who violates, disobeys, admits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Title shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code for each offense. If the violator has not complied with said order within ten (10) days after being so served, the violator shall be guilty of a penal offense, and upon conviction thereof shall be punishable as a misdemeanor.

B. Continuing Violation: Each day that a violation continues to exist shall constitute a separate offense.

C. Civil Action: In the event of a violation or threatened violation of this Title, the City Council may direct the City Administrator and/or his/her assigned and City Attorney to institute appropriate action or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Attorney to institute such legal action.

CHAPTER 5

RESIDENTIAL DISTRICTS

ARTICLE A. AG AGRICULTURE DISTRICT:

SECTION:

10-5A-1:	Intent
10-5A-2:	Permitted Uses
10-5A-3:	Conditional Uses
10-5A-3.5:	Interim Uses
10-5A-4:	Permitted Accessory Uses
10-5A-5:	Lot, Area and Yard Requirements
10-5A-6	Animal Density Allowances
10-5A-7	Minnesota Agricultural Land Preservation Program
10-5A-8	Waste Utilization Plan

10-5A-1: INTENT: The agriculture district is intended to preserve the city's agricultural uses in order to protect farms, to maintain the city's small town character and to create an urban reserve for such time when there is a need for additional urban development and public utilities may be extended.

10-5A-2: PERMITTED USES: The following uses shall be permitted within the A-1 Agriculture District:

A. General Farming
B. Single Family detached dwellings
C. Greenhouses, Nurseries and tree farms
D. Public parks and playgrounds, game refuge
E. Roadside/Seasonal produce stands.

    1. They are erected at least fifty feet (50') from the nearest edge of roadway surface.
    2. Parking space is provided off the road right of way

10-5A-3: CONDITIONAL USES: The following uses require a conditional use permit as provided in Chapter 14 of this Title:

A. Living quarters for up to six (6) persons employed on the premises
B. Cemeteries.
C. Equipment maintenance and storage facilities.
D. Commercial outdoor recreation facilities including Golf courses, club houses, swimming pools and other similar uses.
E. Commercial Kennels and veterinary establishments.
F. Stables and riding academies.
G. Public and Private Schools.
H. Public buildings, essential services
I. Churches.
J. Agricultural service establishments

10-5A-3.5: INTERIM USES: Subject to the issuance of a interim use permit.

A. Mining/extraction of minerals, sand, gravel, other granular materials and the like subject to other applicable sections of this Title.
B. Land Filling of over 50 cubic yards of material.

10-5A-4: PERMITTED ACCESSORY USES:

A. Accessory structures.
B. Operation and storage of vehicles, equipment, and machinery that is incidental to an allowed principal or conditional use permit.
C. Solar and Wind energy systems.
D. Fenced runs, pens and similar intensively used facilities for animal raising and care provided they are not located within three hundred feet (300') of a neighboring property.
E. Home Occupations,
F. Living quarters for up to 6 persons employed on the premise.
G. Fish ponds for private use to not exceed 5 acres.
H. Signs
I. Gardening

10-5A-5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS:

A. Lot Area: Minimum lot area forty (40) acres.
B. Lot Width: Minimum lot width 150 feet.
C. Front Yard Setback: The minimum front yard setback in the A-1 Agriculture District shall be fifty feet (50').
D. Side Yard Setback: The minimum side yard setback in the A-1 Agriculture District shall be twenty feet (20').
E. Rear Yard Setback: The minimum rear yard setback in the A-1 Agriculture District shall be thirty feet (30').
F. Height: Maximum height of buildings may be two (2) stories or thirty-five feet (35'), whichever is less.

10-5A-6: ANIMAL DENSITY ALLOWANCES: Animal density allowances shall be calculated using gross acreage of all substantially contiguous property owned or leased by the same property owner regardless of jurisdictional boundary and rounded to the nearest whole number.

A. One (1) equine/acre
B. One (1) cattle/acre
C. Three (3) swine/acre
D. Four (4) cervidae/acre (e.g. deer)
E. Five (5) goats or sheep/acre
F. Twenty-five (25) large poultry/acre (such as turkey, ducks, etc.)
G. Fifty (50) small poultry and animals/acre (such as chickens, rabbits, etc.)
H. Fifty-one (51) or more small poultry/acre by conditional use permit

10-5A-7: MINNESOTA AGRICULTURAL LAND PRESERVATION PROGRAM: Properties proposed for designation under agricultural preserve status as provided for by MN Statute, Chapter 40A, must be zoned AG – Agricultural District.

10-5A-8: WASTE UTILIZATION PLAN: All properties with livestock must have a Waste Utilization Plan (according to NRCS Standard 633) that is approved by the applicable county soil and water conservation district and must comply with all MPCA permitting requirements.

CHAPTER 5

RESIDENTIAL DISTRICTS

ARTICLE B. RR RURAL RESIDENTIAL DISTRICT

SECTION:

10-5B-1: Intent
10-5B-2: Permitted Uses
10-AB-3: Conditional Uses
10-5B-4: Protection Of Residential Districts
10-5B-5: Permitted Accessory Uses
10-5B-5.5: Interim Uses
10-5B-6: Area Requirements

10-5B-1: INTENT: In areas where conditions of soils might limit agricultural or residential activities, or both, the use of the RR Residential District provides for a mixture of agricultural and large lot residential uses. The District is also appropriate for transitional areas where some landowners may wish to transfer from agricultural to residential uses.

10-5B-2: PERMITTED USES: As Allowed in Table 2: Residential Use Matrix.

A. Single-family detached dwellings.

B. Agricultural crop production or gardening.

C. Roadside stand for the sale of agricultural products produced on the premises (providing that such stands conform with the requirements of this Title relative to construction, setback, and use).

D. Residences for principal farm operators.

E. Nurseries and tree farms.

F. Parks, recreational areas, wildlife areas, game refuges and forest preserves owned by government agencies.

G. State licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons; licensed day care facility serving twelve (12) or fewer persons; group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted. General, parking, signage, landscaping/screening standards within Title 10.8, 10.10 and 10.11 and 10.12 are applicable.

H. Residential Planned Unit Development per Section 5H of this Title.

10-5B-3: CONDITIONAL USES: As Allowed in Table 2: Residential Use Matrix. Subject to the issuance of a conditional use permit.

A. Golf courses (miniature and regular), country clubs, tennis clubs, public swimming pools serving more than one family.
B. Cemeteries.
C. Essential service structures.
D. Farming operations involving the construction of new buildings.
E. Greenhouses.
F. Ski runs, snowmobile trails, riding trails, overnight camping and picnicking (privately owned and operated).
G. Schools, churches, and familiar facilities.

10-5B-4: PROTECTION OF RESIDENTIAL DISTRICTS: In the issuance of any conditional use permit which permits or in any way pertains to the construction or operations of any nonresidential facility under this Article, the City Council shall, in addition to the restrictions, stipulate that such construction and operation be situated on the land involved in such a way that distance from residential property and general topography will prevent the operation from being or becoming a nuisance which will, in any way, be deleterious to residential property. Applications for these conditional use permits shall be accompanied by a site plan of the property indicating thereon the proposed location of all facilities.

10-5B-5: PERMITTED ACCESSORY USES: As Allowed in Table 2: Residential Use Matrix.

A. Private garage for parking space.
B. Repair garage (for the repair of machinery used on the premises only.)
C. Living quarters of the persons directly connected with the operation of the farm.
D. Signs as regulated elsewhere in this Title for residential districts.
E. Home occupations as regulated within this Title.
F. “Accessory apartments” as defined and regulated in this Title.
G. Dog kennels with two or fewer dogs, must be in side or rear yard.
H. Fishponds and fishing for privately owned fish stocked and raised on the premises, providing said ponds are: landscaped; do not exceed five (5) acres in size and do not exceed (10) feet in depth.
I. Gardening or other horticultural uses where no sale of products is conducted on the premises.
J. Gazebos.
K. Off street parking and loading subject to the standards contained within Section 10.10 of this Ordinance.
L. Personal antennas, satellite dish antennas and towers.
M. Playhouses not exceeding 220 square feet in gross area.
N. Private swimming pools, as provided for in Section 10.8 of this Title.
O. Private sports courts provided they have ten foot rear and ten foot side yard setbacks.
P. Temporary facilities for construction purposes for a period not to exceed construction or nine months (whichever is shorter).
Q. Detached accessory structures as provided for in Section 10.8 of this Title.

10-5B-5.5: INTERIM USES: Subject to the issuance of a interim use permit.

A. Mining/extraction of minerals, sand, gravel, other granular materials and the like subject to other applicable sections of this Title.

B. Temporary, seasonal sale of produce and goods produced on site.

10-5B-6: AREA REQUIREMENTS: As provided for in Table 1: Residential Lot Requirements.

A. Minimum: Any tract of land shall contain not less than two and one-half (2 ½) acres (108,900 square feet) to be classified as rural residence property subject to the provisions of this Article.

B. Divisions Of Property: Any subdivision of rural residence property into more than one areas of than two and one-half (2 ½) acres for the purposes of constructing a dwelling shall require rezoning from a RR District to a Residential District.

C. Present Status: Nothing in this Title is intended to change the present status of any existing agricultural operation building location, field or pasture use.

D. Detached accessory structures greater than 120 square feet shall be setback ten (10) feet from side and rear lot lines.

E. Detached accessory structures of 120 square feet or less shall be setback 6 feet from the side and rear lot lines.

F. Parking pads shall not located within any easement areas within the lot and must be at least six (6) feet from the side lot lines. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

G. Decks, patios, and open and screened porches (as defined by Chapter 2 of this code) part of the principal structure shall be setback a minimum of twenty (20) feet from the rear yard line and ten feet (10') from the side yard line. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

H. Lot Coverage: Building coverage may not exceed thirty-five percent (35%) of a lot or plot of land. Total impervious surfaces shall not exceed forty-five percent (45%) of a lot or plot of land.

CHAPTER 5

RESIDENTIAL DISTRICTS

ARTICLE C. R-1 SINGLE-FAMILY RESIDENCE DISTRICT

SECTION:

10-5C-1: Intent
10-5C-2: Permitted Uses
10-5C-3: Conditional Uses
10-5C-4: Interim Uses
10-5C-5: Permitted Accessory Uses
10-5C-6: Lot, Yard, Area and Height Requirements
10-5C-7 General Building and Performance Standards

10-5C-1: INTENT: The R-1 Residential District provides space for low-density residential living with full provision of necessary urban service facilities. Existing agricultural uses are allowed to continue, within regulations, on land not yet needed for residential development, but other nonresidential uses are limited to the minimum necessary for residential convenience and welfare. This district is suitable for areas guided to very low and/or low density residential development in the Comprehensive Plan.

10-5C-2: PERMITTED USES: As Allowed in Table 2: Residential Use Matrix.

A. Single-family Detached dwellings.

B. Parks, Athletic Facilities and playgrounds.

C. Public and private preschool, elementary/secondary schools provided no building shall be located within fifty feet (50') of any lot line of an abutting lot in a Residential use district. Any fence erected around a play area shall not be less than twenty feet (20') from the property line of the abutting lot in a residential use district. A preschool shall be defined as pre-kindergarten education.

D. Religious institutions, including churches, synagogues, chapels and temples including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious function on the same site provided no buildings shall be located with fifty feet (50') of any lot line of an abutting lot in a residential use district.

E. Community Centers, municipal buildings and structures, excluding storage of maintenance equipment and trucks over on and one-half (1 ½) tons, stockpiling of aggregate and open storage of material, but including firefighting apparatus, provided these shall not be located within fifty feet (50') of any lot line of an abutting lot in a residential use district.

F. State licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons; licensed day care facility serving twelve (12) or fewer persons; group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted. General, parking, signage, landscaping/screening standards within Title 10.8, 10.10 and 10.11 and 10.12 are applicable.

G. Residential Planned Unit Development per Section 5H of this Title.

10-5C-3: CONDITIONAL USES: As Allowed in Table 2: Residential Use Matrix.

A. Golf courses, country clubs, tennis clubs.

B. Service structures, public or private, designed and used to serve the families in the surrounding area such as electric power substations, telephone buildings, deep wells, elevated tanks and similar structures and uses.

C. Industrial and commercial parking lot provided they are appropriately screened from adjacent residential uses so as to prevent headlamps from shining onto adjacent property, to lessen noise at the property line and to buffer the parking lot from adjacent residential uses.

D. Guesthouse, provided the Building Inspector and governing body are satisfied that lot area is adequate for sewage disposal system; the premises contains a minimum area equal to two (2) ordinary minimum sized lots in the District; additional off-street parking is provided; the guest house is a detached accessory use to a principal residence; and, the guest house shall not be less than 600 square feet or exceed 25 percent of the area of the principal residence or 1,000 square feet, whichever is more. The rental or lease of a guest house or the use of a guest house as a permanent residence for a second family on the premises shall be prohibited. All property development regulations applicable to the principal residence shall also be applicable to the guest house, including setbacks, yards, and height limitations. (Rental of any guest house will not be permitted.)

E. Public or private cemeteries or exterior columbarium's.

10-5C-4 INTERIM USES: Subject to the issuance of an interim use permit.

A. Temporary, seasonal outdoor sale of produce and goods provided the site is adjacent to an arterial or collector street and the site must be at least twenty (20) acres in size.

10-5C-5: PERMITTED ACCESSORY USES: As Allowed in Table 2: Residential Use Matrix.

A. Private detached garages and parking pads provided they comply with setback requirements and building material requirements.

B. Private sports courts, provided they have ten foot (10') rear and ten foot (10) side yard setbacks.

C. Home occupations as regulated by this Title.

D. Signs as regulated by this Title.

E. Temporary buildings for construction purposes, for a period not to exceed construction or nine months whichever is less.

F. Gardening or other horticultural uses in compliance with 10-5C-4:A.

G. Keeping of not more than a total of two (2) boarders or roomers by a resident family.

H. Separate living quarters for domestic servants employed on the premises; provided, that said premises contain a minimum areas equal to two (2) minimum sized lots in the District.

I. Detached accessory buildings provided they comply with setback and building material requirements. Hoop/Tubular frame buildings and sheet metal siding shall not be permitted.

J. Personal antennas and satellite dish antennas and towers.

K. Private swimming pools in compliance with 10.8 of this Title.

L. Dog kennels with two (2) or fewer dogs, must be in rear yard (not to exceed 100 square feet) must be located no further than 15 feet from the principle structure and no closer than 10 feet from any adjoining property line.

M. Gazebos (not to exceed 220 square feet, inside area).

N. Playhouses, not exceeding 220 square feet in gross area.

O. "Accessory apartments" as defined and regulated by this Title and under the permit procedures in Section 10-8-12 of this Title.

P. Off street parking/loading subject to Section 10.10 of this Title.

10-5B-6: LOT, YARD, AREA AND HEIGHT REQUIREMENTS: As provided for in Table 1: Residential Lot Requirements.

A. Lot Area: Nine thousand five hundred (9,500) square feet.

B. Lot Width: Each lot shall have a minimum average width of seventy-five feet (75') (in new plats). Each lot shall have a minimum frontage on a public street of fifty feet (50'). Lots within a subdivision or plat recorded prior to the enactment of the Ordinance codified in this Title which are smaller in width or in area than the minimum as set forth in this Title and separately owned may be utilized for a single-family dwelling if the area is at least five thousand (5,000) square feet and setback requirements are attained.

C. Front Yard Setback: The front yard setback in the R-1 Residence District shall be thirty feet (30').

D. Side Yard Setback: The side yard setback in the R-1 Residence District shall be ten feet (10'). Except corner lots on which the side yard on the intersecting street shall be not less than thirty feet (30').

E. Rear Yard Setback: The rear yard setback in the R-1 Residence District shall be thirty feet (30').

F. Detached accessory structures greater than 120 square feet shall be setback ten (10) feet from side and rear lot lines. Detached accessory structures of 120 square feet or less shall be setback 6 feet from the side and rear lot lines.

G. Parking pads shall not be located within any easement areas within the lot and must be a minimum of six feet from the side yard lot line. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

I. Height: Maximum height of buildings may be two (2) stories or thirty-five feet (35') whichever is less.

J. Lot Coverage: Building coverage shall not exceed thirty-five percent (35%) of a lot or plot of land. Total impervious surfaces shall not exceed forty-five percent (45%) of a lot or plot of land.

K. Decks, patios, open and screened porches (as defined by Chapter 2 of this code) part of the principal structure shall be setback a minimum of twenty (20) feet from the rear yard line and ten feet (10') from the side yard line. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

10-5C-7 GENERAL BUILDING AND PERFORMANCE STANDARDS:

A. Single Family Dwellings: All single family detached dwellings shall meet the following design criteria:

1. All structures shall have permanent type foundations that are designed and constructed in accordance with all applicable provisions of the State Building Code as adopted in the State of Minnesota.

2. The exterior wall finish of all single family residences shall be similar in appearance to normal wood, stucco, stone veneer or masonry material. Vinyl and metal siding is permitted with no exposed fasteners and overlapping in sections not wider than 12 inches. Sheet metal siding is not permitted.

3. All roofs shall be covered with materials as approved by the State Building Code as adopted by the State of Minnesota and shall be similar in appearance to asphalt shingles, wood shakes, slate, and concrete tile. Sheet type metal roofing is an approved alternative provided all of the following are met:

a. A metal material which is an approved type in accordance with the State Building Code.

b. Be standing-seam profiled metal.

c. Constructed of corrosion resistant material or have a corrosion resistant coating.

d. Have concealed fasteners.

CHAPTER 5

RESIDENTIAL DISTRICTS

ARTICLE D. R-1A TOWNHOUSE DISTRICT

SECTION:

10-5D-.0.5: Intent
10-5D-1: Permitted Uses
10-5D-2: Conditional Uses
10-5D-3: Permitted Accessory Uses
10-5D-4: Lot, Yard, Area and Height Requirements
10-5D-5: General Building and Performance Standards

10-5D-0.5: INTENT: The R-1A Townhouse District provides for a variety of single-family housing types, including single-family detached and single-family common wall attached housing units such as twin homes (CUP), townhomes or two family dwellings (CUP) at low to moderate residential densities. This district is suitable for areas guided to medium density residential development in the Comprehensive Plan.

10-5D-1: PERMITTED USES: The following uses shall be permitted within the R-1A Townhouse District as represented in Table 2: Residential Lot Requirements Matrix.

A. Any use or structure permitted and regulated within the R-1 District except as hereinafter modified.

B. Single family attached dwelling or "townhouse" as defined in Section 10-2-2 of this Title. Each dwelling unit must have a separate entrance to front and rear yards. Units may be clustered but no more than six (6) units connected in a cluster. These units are subject to Section 10-9-1 of this Title.

10-5D-2: CONDITIONAL USES**:** as represented in Table 2: Residential Lot Requirements Matrix and subject to the issuance of a conditional use permit.

A. Any use or structure permitted and regulated as a conditional use in the R-1 District.

B. Private swimming pools intended to serve more than one family who are occupants of the property on which it is located, provided that the pool area is fenced so as to prevent uncontrolled access.

C. Twin Home or Two Family Dwelling provided:

1. No more than two (2) attached units per lot.

2. The subdivision of properties in the district wherein the property owner desires to construct these dwellings shall, by lot size, provide for a housing mix.

3. These dwellings may be divided into single lots subject to the following conditions:

a. Each of the lots created in subdividing land shall be equal in area where practical, and each shall have access to public right of way.

b. Except for setbacks along the common property line, all other setback yard requirements shall be met.

c. Separate utility services shall be provided to each residential unit.

d. There shall be a common party firewall up to new construction standards in the International Building Code.

e. The owner of the property to be subdivided shall execute and record at owner's expense, a declaration of covenants, conditions and restrictions to be approved by the City Attorney. The declaration shall provide protection to the individual owners and public on the following: maintenance, repair and construction, building and use restrictions, party walls, relationships among owners of adjoining living units and arbitration of disputes.

D. Manufactured Home Parks providing the MHP is consistent with the requirements of Section 5H (PUD) of this Title.

E. Private swimming pools intended to serve more than one family who are occupants of the property upon which it is located in compliance with 10.8 of this Title.

F. State licensed residential facility serving from seven (7) through sixteen (16) persons or a licensed day care facility serving from thirteen (13) through sixteen (16) persons. General, parking, signage, landscaping/screening standards within Title 10.8, 10.10 and 10.11 and 10.12 are applicable.

10-5D-3: PERMITTED ACCESSORY USES: In accordance with Table Two: Residential Use Matrix, all permitted accessory uses within an R-1 District as regulated in the District.

10-5D-4: LOT, YARD, AREA AND HEIGHT REQUIREMENTS: As per Table 1: Residential Lot Requirements.

A. Minimum Lot Size: Single family detached: 9,500 per dwelling.

B. On lots developed for townhouse/twin home units, the minimum lot area per dwelling unit shall be four thousand (4,000) square feet.

C. Lot Width:

1. Each lot shall have a minimum average width of seventy-five feet (75') (in new plats).

2. Each lot shall have a minimum frontage on a public street of fifty feet (50').

3. Lots within a subdivision or plat recorded prior to the enactment of the Ordinance codified in this Title which are smaller in width or in area than the minimum as set forth in this Title and separately owned may be utilized for a single-family dwelling if the area is at least five thousand (5,000) square feet and setback requirements are attained.

D. Front Yard Setback: The front yard setback in the R-1a Residence District shall be thirty feet (30').

E. Side Yard Setback: The side yard setback in the R-1a Residence District shall be ten feet (10'). Except corner lots on which the side yard on the intersecting street shall be not less than thirty feet (30').

F. Rear Yard Setback: The rear yard setback in the R-1a Residence District shall be thirty feet (30').

G. Detached accessory structures greater than 120 square feet shall be setback a minimum of ten (10) feet from side and rear property lines. Detached accessory structures 120 square feet or less shall be setback a minimum of six (6) feet from side and rear property lines.

H. Parking pads shall not located within any easement areas within the lot and must be a minimum of six (6) feet from the side yard lot line. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

I. Height: Maximum height of buildings may be two (2) stories or thirty-five feet (35') whichever is less.

J. Lot Coverage: Building coverage shall not exceed thirty-five percent (35%) of a lot or plot of land. Total impervious surfaces shall not exceed forty-five percent (45%) of a lot or plot of land.

K. Decks, patios, open and screened–porches (as defined by Chapter 2 of this code) part of the principal structure shall be setback a minimum of twenty (20) feet from the rear yard line and ten feet (10') from the side yard line. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

10-5D-5: GENERAL BUILDING AND PERFORMANCE STANDARDS:

A. Two Family Dwellings: All two family dwellings shall meet the following design criteria:

1. All structures shall have permanent type foundations that are designed and constructed in accordance with all applicable provisions of the State Building Code as adopted in the State of Minnesota.

2. The exterior wall finish of all two family residences shall be similar in appearance to normal wood, stucco, stone veneer or masonry material. Vinyl and metal siding is permitted with no exposed fasteners and overlapping in sections not wider than 12 inches. Sheet metal siding is not permitted.

3. All roofs shall be covered with materials as approved by the State Building Code as adopted by the State of Minnesota and shall be similar in appearance to asphalt shingles, wood shakes, slate, and concrete tile. Sheet type metal roofing is an approved alternative provided all of the following are met:

a. A metal material which is an approved type in accordance with the State Building Code.

b. Be standing-seam profiled metal.

c. Constructed of corrosion resistant material or have a corrosion resistant coating.

d. Have concealed fasteners.

CHAPTER 5

RESIDENTIAL DISTRICTS

ARTICLE E. R-2 TWO-FAMILY RESIDENCE DISTRICT

SECTION:

10-5E-1: Intent
10-5E-2: Permitted Uses
10-5E-3: Conditional Uses
10-5E-4: Permitted Accessory Uses
10-5E-5: Lot, Yard, Area and Height Requirements
10-5E-6: General Building and Performance Standards

10-5E-1: INTENT: The R-2 Residential District is similar in intent to the R-1 District except that it permits a somewhat higher residential density and a somewhat broader range or uses. Provides for a variety of single-family housing types, including single-family detached and single-family common wall attached housing units such as twin homes, townhomes (CUP) or two family dwellings at low to moderate residential densities. This district is suitable for areas guided to medium density residential development in the Comprehensive Plan.

10-5E-2: PERMITTED USES: In accordance with Table Two: Residential Use Matrix, the following uses shall be permitted within the R-2 Two-Family Residence District:

A. Any principal use or structure permitted and regulated in the R-1 District principal except as hereinafter modified.

B. Two-family dwellings/Twin Homes.

10-5D-3: CONDITIONAL USES: In accordance with Table Two: Residential Use Matrix, the following uses require a conditional use permit as provided in Chapter 14 of this Title:

A. Any use or structure permitted and regulated as a conditional use in an R-1 and R-1A District.

B. Activity or community centers.

10-5E-4: PERMITTED ACCESSORY USES: In accordance with Table Two: Residential Use Matrix, all permitted accessory uses within an R-1 District, regulated in the R-1 District.

10-5E-5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS: As per Table 1: Residential lot Requirements.

A. Lot Area: Nine thousand five hundred (9,500) square feet.

B. Lot Width:

1. Each lot shall have a minimum average width of seventy-five feet (75') (in new plats).

2. Each lot shall have a minimum frontage on a street of fifty feet (50').

3. Lots within a subdivision or plat recorded prior to the enactment of the Ordinance codified in this Title which are smaller in width or in area than the minimum as set forth in this Title and separately owned may be utilized for a single-family dwelling if the area is at least five thousand (5,000) square feet providing required setbacks are met.

C. Front Yard Setback: The front yard setback in the R-2 Residence District shall be thirty feet (30').

D. Side Yard Setback: The side yard setback in the R-2 Residence District shall be ten feet (10'). Except corner lots on which the side yard on the intersecting street shall be not less than thirty feet (30').

E. Rear Yard Setback: The rear yard setback in the R-2 Residence District shall be thirty feet (30').

F. Height: Maximum height of buildings may be two (2) stories or thirty-five feet (35') whichever is less.

G. Detached accessory structures greater than 120 square feet shall be setback a minimum of ten (10) feet from side and rear property lines. Detached accessory structures of 120 square feet or less shall be setback a minimum of six (6) feet from side and rear property lines.

H. Decks, patios, open and screened–porches (as defined by Chapter 2 of this code) part of the principal structure shall be setback a minimum of twenty (20) feet from the rear yard line and ten feet (10') from the side yard line. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

I. Lot Coverage: Building coverage shall not exceed thirty-five percent (35%) of a lot or plot of land. Total impervious surfaces shall not exceed forty-five percent (45%) of a lot or plot of land.

J. Parking pads shall not located within any easement areas within the lot and must be a minimum of six feet (6') from the side yard lot line. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

10-5E-6: GENERAL BUILDING AND PERFORMANCE STANDARDS:

A. Two Family Dwellings: All two family dwellings shall meet the following design criteria:

1. All structures shall have permanent type foundations that are designed and constructed in accordance with all applicable provisions of the State Building Code as adopted in the State of Minnesota.

2. The exterior wall finish of all two family residences shall be similar in appearance to normal wood, stucco, stone veneer or masonry material. Vinyl and metal siding is permitted with no exposed fasteners and overlapping in sections not wider than 12 inches. Sheet metal siding is not permitted.

3. All roofs shall be covered with materials as approved by the State Building Code as adopted by the State of Minnesota and shall be similar in appearance to asphalt shingles, wood shakes, slate, and concrete tile. Sheet type metal roofing is an approved alternative provided all of the following are met:

a. A metal material which is an approved type in accordance with the State Building Code.

b. Be standing-seam profiled metal.

c. Constructed of corrosion resistant material or have a corrosion resistant coating.

d. Have concealed fasteners.

CHAPTER 5

RESIDENTIAL DISTRICTS

ARTICLE F. R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT

SECTION:

10-5F-1: Intent
10-5F-2: Permitted Uses
10-5F-3: Conditional Uses
10-5F-4: Permitted Accessory Uses
10-5F-5: Lot, Yard, Area and Height Requirements
10-5F-6: General Building and Performance Standards

10-5F-1: INTENT: By providing space for apartment buildings and other styles of multiple-dwelling structures, the R-3 Residential District permits a variety of housing options while still promoting a neighborhood atmosphere. This district is suitable for areas guided to medium and high density residential development in the Comprehensive Plan.

10-5F-2: PERMITTED USES: As represented in Table Two: Residential Use Matrix, the following uses shall be permitted within the R-3 Multiple-Family Residence District:

A. Any use or structure permitted and regulated in the R-1, R-2 and R-1A District except as hereinafter modified.

B. Multiple-family dwellings structures.

C. Post-secondary schools and colleges, provided no buildings shall be located within fifty feet (50') of any Residential District.

10-5F3: CONDITIONAL USES: As represented in Table Two: Residential Lot Matrix, the following uses require a conditional use permit as provided in Chapter 14 of this Title:

A. Any use or structure permitted and regulated as a conditional use in an R-2 District.

B. Boarding houses, provided the site shall contain not less than five hundred (500) square feet of lot area for each person to be accommodated.

C. Private swimming pools intended to serve more than one family who are occupants of the property on which it is located in compliance with 10.8 of this Title**.**

D. Buildings used for the treatment of human ailments, nursing homes, homes for the aged.

E. Dormitories, sororities, fraternities.

F. Manufactured home parks, pursuant to the issuance of a permit under section 5H of this ordinance R-5 (PUD) and subject to submittal of site development plans and all minimum requirements of State, County, and local regulations for said uses and provided that no manufactured home is less than fifty feet (50') from any lot line of an abutting lot in an Residential District.

G. Activity or community centers.

10-5F-4: PERMITTED ACCESSORY USES: As provided for in Table Two: Residential Use Matrix, any use or structure permitted and regulated in the R-2 District.

10-5F-5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS: According to Table One: Residential Lot Requirements.

A. Lot Area;

1. Efficiency Unit: Two thousand four hundred and twenty (2,420) square feet per unit.

2. One Bedroom: Two thousand five hundred (2,500) square feet per unit.

3. Two Bedroom: Three thousand (3,000) square feet per unit.

4. Three or more bedrooms: Three thousand five hundred (3,500) square feet per unit.

B. Lot Width:

1. Each lot shall have a minimum average width one hundred fifty feet (150').

2. Each lot shall have a minimum frontage on a street of seventy-five feet (75').

C. Front Yard Setback: The front yard setback in the R-3 Residence District shall be thirty feet (30').

D. Side Yard Setback: The side yard setback in the R-3 Residence District shall be fifteen feet (15'). Except corner lots on which the side yard on the intersecting street shall be not less than thirty feet (30').When abutting an R-1, R-1A or R-2, R-5 (PUD), CDZ (residential) or any existing residential use, side yard setbacks shall be a minimum of fifty (50) feet plus an additional ½ foot of setback for each one foot of building height over fifteen feet.

E. Rear Yard Setback: The rear yard setback in the R-3 Residence District shall be forty feet (40'). When abutting an R-1, R-1A, R-2, R-5 (PUD), CDZ (residential) or any existing residential use, rear yard setbacks shall be a minimum of fifty (50) feet plus an additional ½ foot of setback for each one foot of building height over fifteen feet.

F. Height: Maximum height of buildings may be three (3) stories or forty feet (40') whichever is less.

G. Lot Coverage: Impervious surfaces shall not exceed fifty-five percent (55%) of a lot or plot of land. Total building coverage shall not exceed thirty-five percent (35%) of a lot or plot of land.

H. Detached accessory structures and parking lots with more than 2 stalls shall be setback a minimum of ten (10) feet from those side and rear property lines adjacent to uses of a similar density (R-3, R-4 or R-5) commercial and industrial properties. Detached accessory structures shall be setback a minimum of thirty (30) feet from those side and rear property lines adjacent to lower density residential uses.

I. Decks, patios, open and screened porches (as defined by Chapter 2 of this code) part of the principal structure shall be setback a minimum of twenty (20) feet from the rear yard line and ten feet (10') from the side yard line. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

10-5F-6: GENERAL BUILDING AND PERFORMANCE STANDARDS:

A. Multiple Family Dwellings: All multiple family dwellings shall meet the following design criteria:

1. All structures shall have permanent type foundations that are designed and constructed in accordance with all applicable provisions of the State Building Code as adopted in the State of Minnesota.

2. The exterior wall finish of all multiple family buildings shall be similar in appearance to normal wood, stucco, stone veneer or masonry material. Vinyl and metal siding is permitted with no exposed fasteners and overlapping in sections not wider than 12 inches. Sheet metal siding is not permitted.

3. All roofs shall be covered with materials as approved by the State Building Code as adopted by the State of Minnesota and shall be similar in appearance to asphalt shingles, wood shakes, slate, and concrete tile. Sheet type metal roofing is an approved alternative provided all of the following are met:

    a. A metal material which is an approved type in accordance with the State Building Code.

    b. Be standing-seam profiled metal.

    c. Constructed of corrosion resistant material or have a corrosion resistant coating.

    d. Have concealed fasteners.

CHAPTER 5

RESIDENTIAL DISTRICTS

ARTICLE G. R-4 TRANSITIONAL DISTRICT

SECTION:

10-5G-1: Intent
10-5G-2: Permitted Uses
10-5G-3: Conditional Uses
10-5G-4: Permitted Accessory Uses
10-5G-5: Lot, Yard, Area and Height Requirements

10-5G-1: INTENT: The R-4 Transitional District provides for a transitional zone between residential and commercial areas by allowing a mixture of office and residential uses. This District is suitable for areas guided to mixed use development in the Comprehensive Plan.

10-5G-2: PERMITTED USES: As provided for in Table Two: Residential Use Matrix: the following uses shall be permitted within the R-4 Transitional District:

A. Any use or structure permitted and regulated in the R-3 District (such use shall comply with the standards of the use district in which it is specifically listed).

B. Multiple-family dwellings (3 to 7 stories).

C. Public parks and playgrounds.

D. Offices.

E. Clinics and other buildings used for the treatment of human ailments, nursing homes for the aged.

10-5G-3: CONDITIONAL USES: As provided for in Table Two: Residential Use Matrix: the following uses require a conditional use permit as provided in Chapter 14 of this Title:

A. Any use or structure permitted and regulated as a conditional use in an R-3 District.

B. Gasoline service stations if abutting a collector or arterial street**.**

C. Neighborhood grocery store, coffee shop, dairy store, drug store, dry-cleaning and laundry pickup station provided no single retail establishment exceeds 20,000 square feet in gross area. The square foot limitation shall apply to individual retail establishments and structures for which permits are sought and also to the cumulative sum of related or successive permits for retail establishments or structures that are part of a larger project, such as piecemeal additions to a building or multiple buildings on a lot or adjacent lots. Wholesale establishments are prohibited.

D. Retail service operations where necessary for the operation of a permitted use.

E. Restaurant or supper club, with or without an on-sale liquor license.

F. Motels, hotel and apartment hotels.

G. Private clubs and lodges.

10-5G-4: PERMITTED ACCESSORY USES: as provided for in Table Two: Residential Use Matrix.

A. Any use or structure permitted and regulated in the R-3 District.

10-5G-5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS: as provided for in Table One: Residential Lot Requirements.

A. Lot Area;

1. Single Family residential units shall be consistent with R-1 standards.
2. Twinhome/Townhome units shall be consistent with R-1a Standards
3. For office units the minimum areas shall be consistent with B-1 zoning standards.
4. For multiple family residential units the lot area shall be a minimum of two thousand four hundred and twenty (2,420) square feet per unit with a maximum lot width of two hundred feet (200').

B. Schedule of Allowances.

1. The lot areas per dwelling unit are subject to the following schedule of allowances, which shall be added to or subtracted from, the required lot area.

   a. For each parking space provided within the building, or underground, subtract 150 square feet of required gross lot area.
   b. If the multiple dwelling unit contains major outdoor recreational features or structures such as swimming pools, improved outdoor common areas with pathways/parkland or similar facilities requiring a substantial investment equal to or greater than five (5%) percent of the construction cost of the principal structure, subtract 75 square feet of required gross lot area for each unit.

2. The net density requirements are subject to the following schedule of allowances.

   a. In such cases where it is necessary to raze an existing principal structure in a dilapidated condition, or where said building is economically unfeasible to rehabilitate, there shall be provided a net density allowance of two dwelling units per net developable acre not to exceed a maximum allowance of ten (10) additional units.

3. Reduction of parking space requirements. The documentation of factors including but not limited to the present or future availability of transit services, shared parking, pedestrian orientation and occupancy characteristics may allow, at the discretion of the City, the parking requirements to be reduced from the required stalls.

C. Yard And Setback Regulations:

1. Front yard setback shall be a minimum of thirty feet (30') unless height of structure is greater than three stories or 45 feet, then the required front yard setback is fifty (50) feet.

2. Side yard setbacks shall be a minimum of fifteen feet (15') except on corner lots on which the side yard on the intersecting street shall be not less than thirty feet (30') unless height of structure is greater than three stories or 45 feet, then the required side yard setbacks are twenty-five (25) for an interior lot and forty (40) feet for a corner lot. When abutting an R-1, R-1A, R-2, R-5 (PUD) or CDZ (residential) or any existing residential use, the side yard setbacks shall be a minimum of fifty (50) feet plus an additional ½ foot of setback for each one foot of building height over fifteen feet.

3. The rear yard setback shall be a minimum of forty feet (40') unless the height of the structure is greater than three stories or forty-five feet, then the required rear yard setback is sixty (60) feet.

D. Height: The maximum height of a building may be seven (7) stories or one hundred five feet (105'), whichever is less.

E. Lot Coverage: Impervious surfaces shall not exceed fifty-five percent (55%) of a lot or plot of land. Building coverage shall not exceed thirty-five percent (35%) of a lot or plot of land.

F. Detached accessory structures and parking lots with more than two stalls shall be setback a minimum of ten (10) feet from those side and rear property lines adjacent to uses of a similar density (R-3, R-4 or R-5), commercial and industrial properties. Detached accessory structures shall be setback a minimum of thirty (30) feet from those side and rear property lines adjacent to lower density residential uses.

G. Decks, patios, open and screened porches (as defined by Chapter 2 of this code) part of the principal structure shall be setback a minimum of twenty (20) feet from the rear yard line.

CHAPTER 5

RESIDENTIAL DISTRICTS

ARTICLE H. R-5 PLANNED UNIT DEVELOPMENT DISTRICT

SECTION:

10-5H-1: Purpose; Intent
10-5H-2: Procedures And Requirements
10-5H-3: Property Control
10-5H-4: General Development Provisions
10-5H-5: Review And Evaluation

10-5H-1: PURPOSE; INTENT:

A. Purpose: The purpose of this chapter is to provide for the utilization of planned unit development districts, which allow for a more flexible regulatory process as compared to standard regulations common to traditional zoning districts. The Planned Unit Development (PUD) process provides for a joint planning/design effort by developers and City officials rather than the City establishing maximum limits within which developers may perform. Benefits resulting from this process include an opportunity to protect and preserve valuable natural resources and amenities, and to assure a higher quality environment and provide for the modification of certain regulations when it can be demonstrated that such modification would result in development which: would not have been provided if no regulations were modified; which remains compatible with surrounding development; and, which conforms to the goals and policies of the Comprehensive Plan. Throughout this title, "PUD" shall mean the same as "planned unit development." The PUD District is further intended to encourage one or more of the following:

1. Promote Mixed Uses: Promote mixed uses so that not only may the unit be solely residential or commercial, but it may also contain a combination of uses (mixed residential or residential - commercial) for greater convenience to the residents;

2. Preserve Natural Features: Development that preserves natural vegetation, topographic and geologic features;

3. Conserve Open And Recreational Space: Conserve land for common open and recreational space through clustering of buildings and activities; and

4. Efficient Use Of Land: Create an efficient use of land resulting in smaller networks of utilities and streets thereby lowering housing costs and public investment.

B. Intent: These regulations are not intended as subdivision regulations and do not replace them. The approval of a subdivision shall be required of all projects which involve or contemplate the subdivision of land and the procedures set forth in the subdivision ordinance shall be followed concurrently herewith. The approved final planned unit development plan shall be a binding site plan. A lease of land not involving a residential structure shall be exempt from the subdivision ordinance if the lease conforms to the final planned unit development plan**.**

10-5H-1.5: TYPES OF PLANNED UNIT DEVELOPMENTS:

A. Planned Residential Unit Development District (PRD).

1. Purpose. In addition to the general purposes of Planned Unit Development Districts as described above, the purposes of the Planned Residential Unit Development District (PRD) District are to allow greater variety in the types of residential environment available to the residents, to respond to changes in housing demands and new housing concepts, to encourage the provision of privately controlled common open space ancillary to new housing developments, and to allow a more efficient allocation and maintenance of public facilities such as streets and utility lines serving new housing developments.

2. Permitted Uses. Dwelling Units in detached, semi-detached, attached, or multi-story structures, or combinations thereof, as specified in an approved plan.

3. Density. It is intended that the gross density (number of housing units per acre of land) of the PRD District shall not exceed the density that would have been achieved with the original zoning district; however, the City Council may approve a higher density for good cause, but in no case shall such higher density exceed 115% of that permitted by the original district. An applicant desiring higher densities shall demonstrate that the higher number will not have an undue or adverse impact upon existing public facilities and upon the reasonable use and enjoyment of neighboring property and is appropriate for that site. In determining the reasonableness of the authorized housing units per acre, the physical amenities, increased efficiency in public facilities and services, and preservation of natural resources and amenities beyond Ordinance requirements may be considered.

B. Planned Multiple-Use Unit Development Districts (PMD).

1. Purpose. In addition to the general purposes of Planned Unit Development Districts described above, the purpose of the Planned Multiple-Use Unit Development District (PMD) is to provide for development of a variety of complementary uses in a cohesive arrangement. Type and intensity of development is controlled by the development standards of the existing Residential, Commercial and Institutional Districts and by the Comprehensive Plan.

2. Permitted Uses. Uses specified within the approved PUD/Development Agreement for the property, including residential, commercial and institutional uses.

3. Density. It is intended that the gross density of the PMD District shall not exceed the density that would have been achieved with the most restrictive original zoning district; however, the City Council may approve a higher density for good cause, but in no case shall such higher density exceed 115% of that permitted by the original district.

10-5H-1.6: GENERAL REQUIREMENTS:

A. Specific allowed uses and performance standards for each PUD shall be delineated in the planned unit development plan and the development agreement. The PUD development plan and agreement shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the planned unit development plan and agreement. Any change in the list of uses presented in the development plan and agreement will be considered a major amendment to the PUD and will follow the procedure described herein relative to major PUD amendments.

B. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD

C. Common open space shall be either held in common ownership by all owners in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.

D. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required within Section 10 of this Ordinance. However, the City may reduce the number of parking spaces required provided PUD applicants submit information demonstrating a reduced need for parking facilities (e.g. senior housing complex, PUD's featuring joint parking facilities, parking study, proximity to and availability of bus service coupled with transit-friendly design, etc.).

E. The major internal streets serving each planned unit development shall be functionally connected to at least one minor arterial or collector street as defined by the comprehensive plan.

F: The streets connecting with any planned unit development must be of sufficient size and character to accommodate the traffic to be produced by the project. Evaluation of the proposal pursuant to this section shall include consideration of the following criteria:

1. The increase in traffic which will be generated by the development;

2. The present width and condition of streets to be affected;

3. Presence or absence of improved sidewalks;

4. Potential impacts upon the value of surrounding properties;

5. Anticipated effect upon availability of parking;

6. Existence of a particular conflict between vehicular and pedestrian traffic;

7. The street type designated in the comprehensive plan.

G. The City may reduce paved right-of-way width requirements outlined in the subdivision ordinance for streets contained within the PUD providing:

1. A demonstrated benefit to the public exists that would not exist if not for the reduction of street width; and,

2. Providing the City Engineer and City's Emergency Service providers (Fire, Ambulance and Police) review the PUD determine adequacy of proposed street widths. The City may require total right-of-way widths (including non-paved) to adhere to standards contained within the subdivision ordinance.

10-5H-1.7: PHASED DEVELOPMENT: Development of the project may be phased, in which case each complete phase may be processed separately through both preliminary development plan review and final development plan review. A map showing all property owned or controlled by the developer which is contiguous to the development site or which is within the area determined by the City to be relevant for comprehensive planning and environmental assessment purposes, together with a conceptual plan of said properties' eventual development through all potential phases shall be submitted with the application for the first phase. The developer is not responsible for providing a conceptual plan for contiguous or nearby property which is not owned or controlled by the developer. The conceptual plan shall conform to the purposes of this chapter and shall be used by the city to review all phases of the development. All phases of the development shall conform to the conceptual plan, all conditions of approval, and applicable regulations.

10-5H-2: PROCEDURES:

A. Pre-Application/Informational Meeting and Concept Review Phase:

1. Informational Meeting. Prior to filing an application for preliminary PUD plan approval, the applicant of the proposed PUD shall arrange for and attend an informational meeting with City staff. At such conference, the applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.

2. Following a pre-application/informational meeting but prior to submitting an application for preliminary plan approval, the applicant for a proposed PUD shall submit to the City a general concept plan for review by the Zoning Administrator and Planning Commission. The purpose of the review is to give guidance as to the suitability of the project, including conformity to this Title and the Land Use Plan. Five (5) copies of the following shall be made available to the City at least one week in advance of the review meeting:

    a. Base Map: Base map showing applicant's land and uses in adjoining property;

    b. Physical Feature Map: Physical feature map showing the general topography, trees, watercourses;

    c. Overall maximum PUD density range;

    d. General location of major streets and pedestrian walkways;

    e. General location and extent of public and/or common open space;

    f. General location of residential and non-residential land uses with approximate intensities of development;

    g. Staging and timetable of development;

    h. Other special criteria for development.

3. Review By Commission: The Commission shall complete its review within forty-five (45) days of submission.

B. Preliminary Development Phase: Each PUD shall require preliminary and final approval. The preliminary development phase shall follow upon Planning Commission recommendations resulting from the concept review phase.

1. The first step in the preliminary phase shall be the application for rezoning to an R-5 District in accordance with procedures outlined in Chapter 15 of this Title.

2. If land subdivision is requested in conjunction with the PUD plan, both preliminary and final PUD approvals shall be processed in concurrently with the platting procedures set forth in the City's Subdivision Ordinance. Required data, parkland/fee in-lieu of parkland dedication, design standards and required improvements shall be the same as per a conventional subdivision and as set forth within the City's Subdivision Ordinance. In addition to the data requirements itemized within the Subdivision Ordinance the application shall also include information necessary to process the PUD preliminary and final plan(s) as contained within this chapter. The zoning administrator may waive requirements determined to be redundant.

3. The preliminary development plan and the final development plan may be combined and together processed through review as a final development plan. In addition the applicant may file a concurrent rezone application in accordance with the procedures set forth in the zoning ordinance.

C. Preliminary PUDs – Contents of Complete Application.

1. The applicant shall file with the City a preliminary development plan (ten large scale copies and one 11 X 17 reproducible copy), which includes the following:

   a. A legal description of the property proposed to be developed;

   b. A map of the subject property and surrounding area determined by the City to be relevant for comprehensive planning, environmental assessment or zoning review purposes, which shall depict comprehensive plan designations, zoning classifications and existing land uses and utility mains/urban facilities including parks and streets;

   c. A proposed site plan for the subject property depicting the following:

      i. Topography at two-foot contours for slopes 15 percent or less and five-foot contours for slopes over 15 percent;

      ii. Individual trees over ten inches in trunk diameter measured four feet above the base of the trunk in areas to be developed or otherwise disturbed;

      iii. Designated placement, location, and principal dimensions of lots, buildings, streets, parking areas, recreation areas and other open space, landscaping areas and utilities;

      iv. If the developer owns or otherwise controls property adjacent to the proposed development, a conceptual plan for such property demonstrating that it can be developed in a compatible manner with the proposed development;

   d. A conceptual landscape plan showing existing and proposed landscaping including groundcover, shrubbery and tree species;

   e. Drawing and/or text showing scale, bulk and architectural character of proposed structures;

   f. For single-family PUDs, a conceptual drawing depicting the number and location of lots which would be allowed if no regulations were modified;

   g. Special features including but not limited to critical areas and sites or structures of historic significance;

   h. Text describing conditions or features which cannot be adequately displayed on maps or drawings;

   i. A narrative stating how the proposed development complies with the goals and policies of the Comprehensive Plan;

   j. A narrative stating how the proposed plan impacts adjacent property owners;

   k. A narrative describing the public benefit of the proposed PUD;

   l. A narrative describing proposed operation/maintenance of the development including open areas, stormwater features and recreational facilities resulting from the subdivision;

m. If applicable, draft conditions, covenants and restrictions and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities;

n. Information normally required within the zoning ordinance relating to site plan review.

o. Other information required by the City.

2. The applicant may submit to the community development director proposed development standards which, if approved by the City, shall become a part of the preliminary plan in lieu of the requirement of subsection (1)(b) of this section for specifying placement, location and principal dimensions of buildings, streets, and parking areas. This alternative process is intended to accommodate the need for flexibility in large scale non-single-family developments, while insuring that sufficient information as to the nature of the development is available upon which to base a decision concerning the preliminary development plan. Proposed development standards shall specifically set forth parameters for location, dimensions and design of buildings, streets and parking areas.

D. Preliminary PUDs – Criteria for Approval. Preliminary PUD approval shall be granted by the city only if the applicant demonstrates that:

1. The proposed project shall not be detrimental to present and potential surrounding land use.

2. Land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible.

3. Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project, in light of the criteria set forth in the Subdivision Ordinance and the comprehensive plan.

4. Services including potable water, sanitary sewer and storm drainage are available or can be provided by the development prior to occupancy.

5. Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

6. The project conforms with the purposes and standards prescribed in this chapter.

7. The project conforms to the Comprehensive Plan.

8. Conformance with the design standards and required improvements as set forth within the Subdivision Ordinance.

E. Final Development Phase:

1. Following the completion of the preliminary development pause, the applicant shall enter into the final development phase. It is recognized that certain PUD projects may involve construction over an extended period of time. Therefore the final development phase may occur in stages. Whether review is to occur in stages or as a whole, the final development phase shall include the following content:

a. A survey of the property, showing for all areas to be developed or disturbed existing features, including topography at two-foot contours for slopes 15 percent or less and five-foot contours for slopes over 15 percent, buildings, structures, trees over eight inches in

trunk diameter measured four feet above the base of the trunk, streets, utility easements, rights-of-way, and existing land uses;

b. Elevation and perspective drawings of project structures and improvements;

c. Proposed final conditions, covenants and restrictions (CC&Rs) and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities, which CC&Rs and other documents shall be recorded upon final PUD approval;

d. Proposed final agreements which may have been required as conditions of preliminary PUD approval;

e. A development schedule;

f. The following plans and diagrams as requested:

i. An off-street parking plan;

ii. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the planned unit development, and to and from existing and programmed thoroughfares; any special engineering features and traffic regulating devices needed to facilitate or insure the safety of this circulation pattern must be shown;

iii. Landscaping and tree planting plan, including site grading;

iv. A topographic map or model of the site and surrounding vicinity;

2. In the event that development standards were submitted and approved as part of the preliminary development plan, development standards shall be made binding upon all future developers of the property in a manner acceptable to the city and may be submitted in lieu of elevation and perspective drawings of project improvements.

F. Final PUDs – Criteria for Approval. Final PUD approval shall be granted by the city only if the applicant demonstrates that the final PUD substantially conforms to the approved preliminary PUD. For the purposes of this section, “substantially conforms” means that, as compared to the preliminary PUD, the final PUD contains no revisions in density, uses, design or development standards or in the site plan, other than the minor changes pursuant to Subd. 11 of this chapter.

G. Final PUDs – Extension of Time for Filing. For good cause shown, the city, at its discretion, may grant an extension of time of one year for filing the final PUD and required accompanying papers, and may grant additional one-year extensions; provided, however, the city shall have the right to re-examine and update any conditions made to mitigate development impact.

H. Final PUDs – Failure to File – Termination.

1. In the event the final PUD or any required attendant papers are not filed within 12 months following approval of a preliminary PUD, except as provided elsewhere in this Chapter or as noted in subsection 2 (immediately following this subsection), the approval of the preliminary PUD shall lapse and the approval shall be deemed null and void and without force or effect.

2. When it is determined as part of the preliminary PUD approval that the final PUD is to be phased, the final PUD for the first phase shall be submitted within 12 months of preliminary approval. The final development plan for each subsequent phase shall be submitted within the schedule established at the time of preliminary PUD approval. In the case of a PUD which

includes a subdivision, the final PUD shall be submitted within five years of receiving preliminary approval.

3. The time period for filing of final PUDs shall not include periods of time during which progress on the final PUD was reasonably halted or delayed due to the filing and pendency of legal actions challenging an approval granted by the city pursuant to this chapter; provided, that in all cases when more than two years have elapsed subsequent to the date of approval of a preliminary PUD the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the city prior to being granted approval of the final PUD; provided, that a change in zoning district classification enacted subsequent to approval of the final development plan shall not affect the project.

10-5H-3: PROPERTY CONTROL:

A. Ownership, Unified Whole: At all phases an application for PUD approval must be filled by the landowner or jointly by all landowners of the property to be included in the project. The application and all submissions must be directed to development of the property as a unified whole. In case of multiple ownership the approved PUD Plan, final plan, and final plat shall be binding to all owners.

B. Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.

C. Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following:

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 an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in Minnesota Statutes shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the County Recorder's Office.

b. The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.

c. The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation may be formed and if such an association or corporation is formed property owners must be members of the 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 effective private control.

d. The declaration shall additionally provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City, or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of

the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.

e. Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it.

f. The open space restrictions must be permanent and not for a given period of years.

g. Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.

h. The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan.

D. Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.

10-5H-4: MAJOR AND MINOR CHANGES TO AN APPROVED PRELIMINARY PUD:

A. A proposed minor change to an approved PUD require a public hearing and shall be incorporated into the application for final PUD approval, and any notification regarding such final PUD approval shall describe the proposed minor change(s). A “minor change” means any departure from the conditions of preliminary approval which is not a “major change” and includes but is not limited to the following:

1. Revisions to number of dwelling units in a structure;

2. Revisions to number of nonresidential structures;

3. Revisions to heights of structures;

4. Revisions to location of internal roads;

5. Revisions similar in nature to those above as determined by the city.

B. A proposed major change to an approved preliminary PUD shall require reapplication for preliminary PUD approval and any notification regarding such preliminary PUD approval shall describe the proposed major change or changes. A major change is any departure from the conditions of preliminary PUD approval which would result in any of the following:

1. Revisions to the approved design concept;

2. Revisions to the approved use(s);

3. An increase in the number of residential dwelling units;

4. An increase in square footage of nonresidential structures;

5. A decrease in the amount of landscaping, site perimeter buffering, and open space; and

6. An increase in traffic volumes or change in circulation patterns which impacts surrounding development.

10-5H-5: MAJOR AND MINOR CHANGES TO AN APPROVED FINAL PUD:

A. The zoning administrator is authorized to allow adjustments in accordance with subsection B (which immediately follows this section) of this chapter. The zoning administrator shall allow only such adjustments as are consistent with guidelines established in subsection B of this section, and in no case shall an adjustment be allowed if it will increase the total amount of floor space authorized in the approved final PUD, or the number of dwelling units or density, or decrease the amount of parking or loading facilities or permit buildings to locate substantially closer to any boundary line or change substantially any point of ingress or egress to the site.

B. For the purposes of this section, “adjustments” means any departure from the conditions of final PUD approval which complies with the following criteria:

1. The adjustment maintains the design intent and quality of the original approval;

2. The amount of landscaping, buffering and open space shall not be reduced;

3. The number of dwelling units in residential developments and the square footage of structures shall not increase;

4. The density of the development shall not change;

5. The adjustment shall not relocate a building, street or other use more than 20 feet in any direction and shall not reduce any required yard and/or setback;

6. The height of buildings and other structures shall not increase;

7. Views from both structures on-site and off-site shall not be substantially reduced;

8. Traffic volumes shall not increase and circulation patterns shall not change;

9. Changes in colors, plant material and parking lot configurations are minor;

10. The adjustment does not add significant new environmental impacts or significantly increase environmental impacts disclosed in the original documents;

11. The zoning administrator determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

10-5H-6: BUILDING PERMITS/CERTIFICATES OF OCCUPANCY. The city shall issue building permits for buildings and structures which conform with the approved final PUD and with all other applicable city ordinances and regulations. The city shall issue a certificate of occupancy for completed buildings or structures which conform to the requirements of the approved final PUD and all other applicable city ordinances and regulations.

10-5H-7: EXTENSION OF TIME FOR CONSTRUCTION. For good cause shown, the city, at its discretion, may grant one extension of time for commencement or continuation of construction subsequent to approval of the final PUD.

10-5H-8: TERMINATION OF PLANNED UNIT DEVELOPMENT – FAILURE TO COMMENCE OR CONTINUE CONSTRUCTION**.** If the construction has not been started within five years from the date of approval of a final PUD with an associated subdivision, or two years from the date of approval of any other final PUD, or if construction has been commenced but the work has been abandoned for a period of one year or more, and if no extension of time has been granted as provided in herein, the authorization granted for the planned unit development project shall terminate and all permits and approvals issued pursuant to such authorization shall expire and be null and void.

The time period of commencing or continuing construction shall not include periods of time during which commencement of construction or continuation of construction was reasonably halted or reasonably delayed due to the filing of a pendency of legal action challenging an approval granted by the city pursuant to this chapter; however, in all cases, when more than five years have elapsed subsequent to the date of approval of a final PUD with associated subdivision, or more than two years have elapsed subsequent to the date of approval of any other final PUD the permittee shall be required to comply with all current building, construction, subdivision and other applicable standards of the city; provided, that a change in zoning district classification enacted subsequent to approval of the final development plan shall not affect the project.

10-5H-9: SALE OF LOTS. Lots in a platted planned unit development may be sold to separate owners according to the separate lots as shown in the plat filed and approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as to create a new lot line except as provided in Section 11, Chapter 2 (lot split) the subdivision ordinance.

10-5H-10: LOTS SUBJECT TO FINAL PUD. All lots or other divisions of a subdivided planned unit development shall remain subject to compliance with the final development plan regardless of the fact of subdivision in compliance with the subdivision ordinance or lot(s)/division(s) of a subdivided PUD were subsequently conveyed.

CHAPTER 6

BUSINESS DISTRICTS

ARTICLE A. B-1 NEIGHBORHOOD BUSINESS DISTRICT

SECTION:

10-6A-1: Intent
10-6A-2: Permitted Uses
10-6A-3: Conditional Uses
10-6A-4: Permitted Accessory Uses
10-6A-4.5: Interim uses:
10-6A-5: Yard and Height Requirements

10-6A-1: INTENT: The B-1 Neighborhood Business District is intended to provide space for small-scale commercial facilities at locations where they will be easily accessible to adjacent residential areas. This district is suitable for areas guided to limited commercial development and mixed use in the Comprehensive Plan and certain growth areas adjacent to collector or arterial roadways and residential subdivisions.

10-6A-2: PERMITTED USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following uses shall be permitted within the B-1 Neighborhood Business District:

A. Animal hospital.
B. Appliance store.
C. Art and school supply store, book or stationary store.
D. Bakery goods, sales and baking goods for retail sales on premises.
E. Banks, loan companies, insurance offices and other financial offices.
F. Barber and beauty shops.
G. Bicycle sales and repairs.
H. Camera and photographic supply store.
I. Candy, ice cream, popcorn, coffee, frozen dessert and soft drink shop, but not of the drive-in type.
J. Churches/places of worship.
K. Clothing sales.
L. Convenience store provided the subject lot for the use abuts a collector or arterial street.
M. Copy shop.
N. Delicatessen, grocery, fruit, meat or vegetable store.
O. Drive in/through establishment such as restaurants, frozen desserts and theaters.
P. Drug store.
Q. Laundry pickup stations including incidental pressing and repair.
R. Electrical sales/service – household, retail.
S. Florists.
T. Garden supply store provided conducted within an enclosed building.
U. General merchandise store.
V. Hardware store.
W. Hobby shop and gift store.
X. Jewelry sales and repair store.
Y. Laundromat of the self-service type.
Z. Library.
AA. Liquor store.
AA. Medical, optical and dental clinics
AB. Municipal and other governmental buildings.

AC. Offices
AD. Photographic studio.

AE. Plumbing (retail) sales with repair services incidental to the retail sales establishment.
AF. Public buildings and public uses.
AG. Record shop and video stores.
AH. Restaurant, café, tearoom, but not the drive-in type.
AI. Shoe sales and repair.
AJ. Sporting goods store.
AK. State licensed day care centers and nursery school facilities provided adequate off-street parking and loading is provided and the facility meets Mn. State requirements.
AL. Television/electronic sales/service.
AM. Upholstery service.

10-6A-3: CONDITIONAL USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following uses require a conditional use permit as provided in Chapter 14 of this Title:

A. Car wash, drive through provided in conjunction with convenience store.

B. Car wash, self service type

C. Gasoline service stations, providing subject lot abuts a collector or arterial roadway.

D. Service structures, public or private, designed and used to serve the uses in the surrounding area, such as electric power substations, telephone buildings, deep wells, elevated tanks and similar structures and uses.

E. Used and new car sales, providing the aggregate outdoor sales area is not more the twice the aggregate square footage of indoor sales area.

10-6A-4: PERMITTED ACCESSORY USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following are permitted accessory uses within the B-1 District.

A. Newsstand provided all accessory uses combined do not exceed 35% of the aggregate square footage of the structure.

B. Off-street parking and loading areas as required by this Title.

C. Signs as regulated by this Title.

D. Temporary buildings for construction purposes, for a period not to exceed construction or nine months, whichever is less.

E. School facilities

10-6A-4.5: INTERIM USES: As represented in Table Four: commercial/industrial Use Matrix, the following uses are allowed subject to the issuance of an Interim Use Permit under this Title.

A. Outdoor seasonal sales/displays of any kind.

10-6A-5: YARD AND HEIGHT REQUIREMENTS: As illustrated in Table Three: Commercial/Industrial Lot Requirements.

A. Minimum lot size: 32,670 square feet (.75 acres).

B. Minimum lot width: 100 feet.

C. Front Yard Setback: Each building shall have a front yard setback of not less than thirty feet (30').

D. Side Yard Setback: minimum fifteen (15) feet; if adjacent to an R-1A or R-2 District thirty (30) feet; when adjacent to any single-family residential district fifty (50) feet.

E. Rear Yard Setback: minimum of thirty (30) feet, except no structure shall be placed within fifty (50) feet of any residential lot line.

F. Maximum impervious surface coverage of all buildings, parking areas, sidewalks and other covered surfaces: seventy-five (75) percent. Properties developed prior to the effective date of this ordinance are exempt from this standard.

G. Height: No structure or building shall exceed two (2) stories, or thirty-five feet (35') in height, whichever is less.

H. Buffer Requirements: Where a business development and/or parking lot exceeding two (2) spaces abuts upon an R-1, R-1a, R-2 or R-3, CDZ or R-5 PUD Residential District or is separated from such residential district by an alley, there shall be a protective strip of not less than 25' in width established as a buffer zone. Landscaped buffer must contain a fence or evergreen hedge as described in 10-9-2. If abutting an R-4 District, the buffer shall be not less than 15' in width.

I. Exterior Material Requirements:

1. Building facades shall be designed to avoid a monolithic or monotonous appearance by employing designs, which prevent the appearance of straight, unbroken lines in their horizontal and vertical surface.

2. Portions of buildings facing or oriented toward public rights of way shall feature breaks/divisions in materials, separate entrances/entrance treatments, variations in rooflines and/or variations in building setbacks.

3. Portions of buildings facing or oriented toward public rights of way shall feature a minimum of 75% of the total walls above grade level, excluding doors and windows constructed of approved stone, brick, concrete masonry (indented, hammered, split face or similar) units, glass, or concrete (integrally painted or exposed aggregate) masonry units.

4. The use of various textures, colors and accents is encouraged. The following are acceptable exterior materials:

    1. Brick or face brick,

    2. Decorative architectural precast concrete masonry units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish and be integrally colored. Light weight concreted block or cinder block construction is prohibited,

    3. Specially designed, precast or tilt wall concrete panel units if the surfaces have been integrally treated with an applied decorative material or texture (excluding raw concrete block painted or unpainted),

    4. Wood

    5. Natural or Cut Stone such as granite, marble, limestone, slate, river rock and other durable naturally occurring all weather stone,

    6. Stucco (plaster) EIFS,

7. Glass curtain walls provided they are designed as non-load bearing exterior walls supported in a metal framework,

8. Decorative synthetic material approved by the City Council,

9. Any combination of the materials identified herein,

10. Any other material approved by the City Council, including but not limited to hardy plank or other concrete composite materials found to be of comparable or superior durability which mimic the appearance of other approved materials.

J. Framing Types: Concrete block or masonry framing systems are preferred. Tilt up framing, Post and Frame and/or steel construction are allowed as long as any structure has a contiguous masonry frost-free foundation.

K. Roof Materials: Commercial grade asphalt shingles, wood shingles, standing seam pre-finished architectural metal, slate, tile or copper. Flat roofs are exempt from this requirement. Flat roofs are not allowed unless a parapet is provided.

L. Building Design Requirements:

1. Accessory structures must be similar to principal structure in material, quality and appearance.

2. Accessory structures shall not exceed height of principal structure.

3. Screening walls and/or exposed areas of retaining walls must be constructed of permanent material and finish and in a color compatible with the principal structure.

M. Excessive Bulk Requirements: Flat, blank or unarticulated facades fronting on streets or residentially designated areas are prohibited. Facades fronting on streets or residentially designated areas shall be designed to incorporate architectural elements, which provide breaks in the planes of the exterior walls and/or rooflines. Such breaks can include openings, canopies, windows, changes in materials, changes in height and/or depth of walls/roof, cornice/ molding detail and the like.

CHAPTER 6

BUSINESS DISTRICTS

ARTICLE B. B-2 GENERAL BUSINESS DISTRICT

SECTION:

10-6B-1: Intent
10-6B-2: Permitted Uses
10-6B-3: Conditional Uses
10-6B-4: Permitted Accessory Uses
10-6B-4.5: Interim uses
10-6B-5: Yard and Height Requirements

10-6B-1: INTENT: The B-2 General Business District is intended to provide space for concentrated general business and commercial activities or central business district at locations where the interaction between such activities can be maximized with minimal infringement on residential neighborhoods. This district is suitable for areas guided to general business and mixed use in the Comprehensive Plan.

10-6B-2: PERMITTED USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following uses shall be permitted within the B-2 General District:

A. Any use permitted in B-1 District.

B. Armory, exhibition hall, auction hall.

C. Automotive accessory (retail) sales.

D. Automotive repair, Minor.

E. Bar or Tavern.

F. Battery sales (retail).

H. Business or trade school.

I. Business supply.

H. Call Center

J. Coin and collectors shop.

K. Department, discount or general merchandise store.

L. Employment agencies.

M. Floor covering store.

N. Fraternal organizations, YMCA, YWCA.

O. Gasoline service stations.

Q. Hospitals clinics and other buildings used for the treatment of human ailments, nursing

homes, homes for the aged.

R. Mortuaries.

S. Motels and hotels.

T. Musical instrument stores.

U. Paint and wallpaper sales store.

V. Pet shops provided no pets are maintained outside an enclosed building.

W. Theatres, but not the drive-in type.

X. Tire sales: passenger vehicle – retail but not commercial vehicle tire sales or wholesaling of tires.

10-6B-3: CONDITIONAL USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following uses require a conditional use permit as provided in Chapter 14 of this Title:

A. Any conditional use in the B-1 District, except gasoline service stations which shall be a permitted use in the B-2 General Business District.

B. Building materials yard provided said yard is compliant with outdoor storage and architectural design standards included in this ordinance.

C. Crematorium.

D. Heating, ventilation and air conditioning sales/service.

F. Municipal, commercial or industrial parking lot providing lighting, screening and off-street parking standards are achieved.

G. Places of commercial amusement, including bowling alleys, billiard and pool rooms, skating rinks and trampoline centers, dance halls, night clubs and children amusement parks when conducted entirely within an enclosed structure. Excludes adult uses.

H. Travel trailers, motor homes and other recreational sales and services, providing aggregate outdoor sales areas are not more than twice the aggregate square footage of indoor sales areas.

I. Water softener repair, sales and service.

J. Boat or marine sales (retail), providing outdoor aggregate sales area is not more than twice the aggregate amount of indoor sales area.

10-6B-4: PERMITTED ACCESSORY USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following are permitted accessory uses in the B-2 General Business District.

A. Permitted accessory uses in the B-1 Neighborhood Business District.

10-6B-4.5: INTERIM USES: As represented in Table Four: commercial/industrial Use Matrix, the following uses are allowed subject to the issuance of an Interim Use Permit under this Title.

A. Outdoor seasonal sales/displays of any kind.

10-6B-5: YARD AND HEIGHT REQUIREMENTS: As illustrated in Table Three: Commercial/Industrial Lot Requirements.

A. Minimum lot size: 32,670 square feet (.75 acres).

B. Minimum lot width: 100 feet.

C. Front Yard Setback. A minimum of thirty (30) feet unless adjacent to a residential zone, then fifty (50) feet.

D. Side Yard Setback: minimum ten (10) feet for interior lots and fifteen (15) feet for corner lot lines; if adjacent to a residential district thirty (50) feet

E. Rear Yard Setback: minimum of thirty (30) feet, except no structure shall be placed within fifty (50) feet of any residential lot line.

F. Maximum impervious surface coverage of all buildings, parking areas, sidewalks and other covered surfaces: seventy-five (75) percent. Properties developed prior to the effective date of this ordinance are exempt from this standard.

G. Height: No structure or building shall exceed fifty-five feet (55') in height, except each required setback shall be increased by one foot for every one foot of building height exceeding thirty-five (35) feet

H. Buffer Requirements: Where a business development and/or parking lot exceeding two (2) spaces abuts upon an R-1, R-1a, R-2, R-3, CDZ or R-5 (PUD) Residential District or is separated from such residential district by an alley, there shall be a protective strip of not less than 25' in width established as a buffer zone. Landscaped buffer must contain a fence or evergreen hedge as described in 10-9-2. If abutting an R-4 District, the buffer shall be not less than 15' in width.

I. Exterior Material Requirements:

1. Building facades shall be designed to avoid a monolithic or monotonous appearance by employing designs which prevent the appearance of straight, unbroken lines in their horizontal and vertical surface.

2. Portions of buildings facing or oriented toward public rights of way shall feature breaks/divisions in materials, separate entrances/entrance treatments, variations in roof lines and/or variations in building setbacks.

3. Portions of buildings facing or oriented toward public rights of way shall feature a minimum of 75% of the total walls above grade level, excluding doors and windows constructed of approved stone, brick, concrete masonry (indented, hammered, split face or similar) units, glass, or concrete (integrally painted or exposed aggregate) masonry units.

4. The use of various textures, colors and accents is encouraged. The following are acceptable exterior materials:

5. Brick or face brick,

6. Decorative architectural precast concrete masonry units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish and be integrally colored. Light weight concreted block or cinder block construction is prohibited,

7. Specially designed, precast or tilt wall concrete panel units if the surfaces have been integrally treated with an applied decorative material or texture (excluding raw concrete block painted or unpainted),

8. Wood,

9. Natural or Cut Stone such as granite, marble, limestone, slate, river rock and other durable naturally occurring all weather stone,

10. Stucco (plaster), EIFS,

11. Glass curtain walls provided they are designed as non-load bearing exterior walls supported in a metal framework,

12. Decorative synthetic material approved by the City Council,

13. Any combination of the materials identified herein,

14. Any other material approved by the City Council, including but not limited to hardy plank or other concrete composite materials found to be of comparable or superior durability which mimic the appearance of other approved materials.

J. Framing Types: Concrete block or masonry framing systems are preferred. Tilt-up, Post-Frame wood and/or steel construction framing is allowed as long as any structure has a contiguous masonry frost-free foundation.

K. Roof Materials: Commercial grade asphalt shingles, wood shingles, standing seam pre-finished architectural metal, slate, tile or copper. Flat roofs are exempt from this requirement. Flat roofs are not allowed unless a parapet is provided.

L. Building Design Requirements:

1. Accessory structures must be similar to principal structure in material, quality and appearance.

2. Accessory structures shall not exceed height of principal structure.

3. Screening walls and/or exposed areas of retaining walls must be constructed of permanent material and finish and in a color compatible with the principal structure.

M. Excessive Bulk Requirements: Flat, blank or unarticulated facades fronting on streets or residentially designated areas are prohibited. Facades fronting on streets or residentially designated areas shall be designed to incorporate architectural elements which provide breaks in the planes of the exterior walls and/or roof lines. Such breaks can include openings, canopies, windows, changes in materials, changes in height and/or depth of walls/roof, cornice/ molding detail and the like.

CHAPTER 6

BUSINESS DISTRICTS

ARTICLE C. B-3 MEDICAL/PROFESSIONAL DISTRICT

SECTION:

10-6C-1: Intent
10-6C-2: Permitted Uses
10-6C-3: Conditional Uses
10-6C-4: Permitted Accessory Uses
10-6C-4.5: Interim uses
10-6C-5: Yard and Height Requirements

10-6C-1: INTENT: The B-3 Medical/Professional District is intended to provide for high quality professional medical office and mixed use development, including hospitals, retail offices and senior or other medium to high-density housing. This district is suitable for areas guided to medical professional mixed-use development in the Comprehensive Plan principally those areas adjacent to TH 15 north of CR 120.

10-6C-2: PERMITTED USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following uses shall be permitted within the B-3 Medical/Professional District:

A. Business or Trade School.

B. Churches, places or worship.

C. Clothing sales.

D. Copy shop.

E. Drug Store.

F. Electrical sales, service.

G. Fraternal organizations, YMCA, YWCA.

H. Hospitals clinics and other buildings used for the treatment of human ailments, nursing homes, homes for the aged

I. Library.

J. Medical, optical and dental clinics.

K. Medical Research Laboratory.

L. Professional and financial offices, banks, loan companies, insurance companies, etc.

M. Public buildings and uses.

N. Restaurant, café, tearoom.

O. State licensed day care centers and nursery school facilities provided adequate off-street parking and loading is provided and the facility meets Mn. Stat. requirements.

P. Television/electronics sales/service.

Q. Call Centers

10-6C-3: CONDITIONAL USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following uses require a conditional use permit as provided in Chapter 14 of this Title:

A. Car wash, drive through provided in conjunction with convenience store.

B. Motels and Hotels.

10-6D-4: PERMITTED ACCESSORY USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following are permitted accessory uses in the B-2 General Business District.

A. Permitted accessory uses in the B-1 and B-2 Business District.

B. Any combination of the following provided all accessory uses combined do not exceed 35% of the aggregate square footage of the structure: art and school supply store; book or stationary store; bakeries baked goods, sales and service; banks, loans, insurance offices (if not the principal use of the structure); barber/beauty shops; candy, ice cream, coffee, popcorn, frozen dessert and soft drink shops and the like but not the drive thru type; delicatessen, grocer, fruit, meat or vegetable store; laundry pick up stations including incidental pressing and repair; employment agencies; florists; hobby/gift shops; record shop/video store; and, residential structures and related residential uses necessary for security and safety reasons in relation to the principal use.

10-6C-4.5: INTERIM USES: As represented in Table Four: commercial/industrial Use Matrix, the following uses are allowed subject to the issuance of an Interim Use Permit under this Title.

A. Outdoor seasonal sales/displays of any kind.

10-6C-5: YARD AND HEIGHT REQUIREMENTS: As illustrated in Table Three: Commercial/Industrial Lot Requirements.

A. Minimum lot size: 32,670 square feet (.75 acres).

B. Minimum lot width: 100 feet.

C. Front Yard Setback. A minimum of thirty (30) feet unless adjacent to a residential zone, then fifty (50) feet.

D. Side Yard Setback: minimum ten (10) feet for interior lots and fifteen (15) feet for corner lot lines; if adjacent to a residential district thirty (50) feet.

E. Rear Yard Setback: minimum of thirty (30) feet, with landscaping and screening sufficient to protect the view from adjacent residential properties. No structure shall be placed within fifty (50) feet of any residential lot line.

F. Maximum impervious surface coverage of all buildings, parking areas, sidewalks and other covered surfaces: seventy-five (75) percent. Properties developed prior to the effective date of this ordinance are exempt from this standard.

G. Height: No structure or building shall exceed sixty-five feet (65') in height, except each required setback shall be increased by one-half foot for every one foot of building height exceeding thirty-five (35) feet.

H. Buffer Requirements: Where a business development and/or parking lot exceeding two (2) spaces abuts upon an R-1, R-1a, R-2 or R-3, CDZ or R-5 PUD Residential District or is separated from such residential district by an alley, there shall be a protective strip of not less than 25' in width established as a buffer zone. Landscaped buffer must contain a fence or evergreen hedge as described in 10-9-2. If abutting an R-4 District, the buffer shall be not less than 15' in width.

I. Exterior Material Requirements:

1. Building facades shall be designed to avoid a monolithic or monotonous appearance by employing designs, which prevent the appearance of straight, unbroken lines in their horizontal and vertical surface.

2. Portions of buildings facing or oriented toward public rights of way shall feature breaks/divisions in materials, separate entrances/entrance treatments, variations in rooflines and/or variations in building setbacks.

3. Portions of buildings facing or oriented toward public rights of way shall feature a minimum of 75% of the total walls above grade level, excluding doors and windows constructed of approved stone, brick, concrete masonry (indented, hammered, split face or similar) units, glass, or concrete (integrally painted or exposed aggregate) masonry units.

4. The use of various textures, colors and accents is encouraged. The following are acceptable exterior materials:

   a. Brick or face brick,
   b. Decorative architectural precast concrete masonry units. Concrete masonry units shall have an indented, hammered, split face finish or other similar architectural finish and be integrally colored. Light weight concreted block or cinder block construction is prohibited,
   c. Specially designed, precast or tilt wall concrete panel units if the surfaces have been integrally treated with an applied decorative material or texture (excluding raw concrete block painted or unpainted),
   d. Wood,
   e. Natural or Cut Stone such as granite, marble, limestone, slate, river rock and other durable naturally occurring all weather stone,
   f. Stucco (plaster) EIFS,
   g. Glass curtain walls provided they are designed as non-load bearing exterior walls supported in a metal framework,
   h. Decorative synthetic material approved by the City Council,
   i. Any combination of the materials identified herein,
   j. Any other material approved by the City Council, including but not limited to hardy plank or other concrete composite materials found to be of comparable or superior durability which mimic the appearance of other approved materials.

5. Framing Types: Concrete block or masonry framing systems are preferred. Tilt-up, post frame wood and/or steel framing are allowed as long as any structure has a contiguous masonry frost-free foundation.

6. Roof Materials: Commercial grade asphalt shingles, wood shingles, standing seam pre-finished architectural metal, slate, tile or copper. Flat roofs are exempt from this requirement. Flat roofs are not allowed unless a parapet is provided.

7. Building Design Requirements:

8. Accessory structures must be similar to principal structure in material, quality and appearance.

9. Accessory structures shall not exceed height of principal structure.

10. Screening walls and/or exposed areas of retaining walls must be constructed of permanent material and finish and in a color compatible with the principal structure.

11. Excessive Bulk Requirements: Flat, blank or unarticulated facades fronting on streets or residentially designated areas are prohibited. Facades fronting on streets or residentially designated areas shall be designed to incorporate architectural elements, which provide breaks in the planes of the exterior walls and/or rooflines. Such breaks can include openings, canopies, windows, changes in materials, changes in height and/or depth of walls/roof, cornice/ molding detail and the like.

CHAPTER 7

INDUSTRIAL DISTRICTS

ARTICLE A. I-1 LIGHT INDUSTRIAL DISTRICT

SECTION:

10-7A-1: Intent

10-7A-2: Permitted Uses
10-7A-3: Conditional Uses
10-7A-4: Permitted Accessory Uses
10-7A-5: Lot, Yard, Area and Height Requirements
10-7A-6: Performance Standards

10-7A-1: INTENT: The I-1 Light Industrial District provides space for industrial activities involving a minimum degree of refuse by-products and air or noise pollution and requiring a relatively low level of on premises processing. Several of these activities include secondary commercial functions, which are conducted on site. This district is suitable for areas guided to office/warehouse in the Comprehensive Plan.

10-7A-2: PERMITTED USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following uses shall be permitted within the I-1 Light Industrial District:

A. Agriculture/Farm Equipment Sales.

B. Assembling plants that do not cause noxious odors or noises as regulated under Section 10-9-4 of this Title.

C. Automotive repair, major.

D. Bottling works.

E. Building materials yard provided said yard is compliant with outdoor storage and architectural guidelines included in this ordinance.

F. Cabinet or carpentry shops.

G. Call Center.

H. Car wash, self service type.

I. Contractor's supply yard or storage for lumber, coal, brick and stone, provided such use is entirely enclosed with a substantial opaque fence not less than six feet (6') in height.

J. Distributor storage and distribution of non-hazardous materials.

K. Electrical service/repair – wholesale, commercial.

L. Heating, ventilation and air conditioning sales/service.

M. Highway maintenance shops.

N. Development and research laboratories and facilities.

O. Mail order establishments.

P. Manufacturing, compounding, processing and packaging or treatment of food products, drugs, perfumes, pharmaceuticals, toiletries and condiments, excluding fish, sauerkraut, vinegar and yeast.

Q. Manufacturing of musical instruments, toys, novelties, rubber or metal stamps.

R. Manufacturing of small electrical parts or neon signs.

S. Medical research laboratories.

T. Newspaper, printing or publishing plant – wholesale, production.

U. Production and processing facilities.

V. Production of hand crystal, glass art novelties, pottery, figurines or similar ceramic products using previously pulverized clay.

W. Railway and motor freight depot or trucking terminal (entrances to be not less than 50 feet from any residential district).

X. Rental storage facilities.

Y. Tire sales: passenger vehicle – wholesale; commercial vehicle retail or wholesale.

Z. Warehousing with inside storage.

AA. Water softener repair, sales and service.

AB. Wholesale storage.

AC. Wholesale trade/service and storage of goods related to wholesale trade/service.

10-7A-3: CONDITIONAL USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following uses require a conditional use permit as provided in Chapter 14 of this Title:

A. Pulp or paper manufacturing facility.

B. Service structures, public or private, designed and used to serve the uses in the surrounding area, such as electric power substation, telephone buildings, deep wells, elevated tanks and similar structures and uses.

C. Wholesale greenhouses.

D. Indoor Fitness Facilities, including gyms and health clubs.

10-7A-4: PERMITTED ACCESSORY USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following are permitted accessory uses in the Light Industrial District.

A. Off-street parking and off-street loading.

B. Temporary buildings for construction purposes for a period not to exceed construction or nine months, whichever is less.

C. Any combination of the following provided all accessory uses combined do not exceed 35% of the aggregate square footage of the structure: offices, residential structures and related residential uses necessary for security and safety reasons in relation to the principal use; and, restaurant, café and the like but not drive in/through type.

D. Any combination of the following provided all accessory uses combined do not exceed 20% of the aggregate square footage of the structure: commercial activities directly relating to a product

produced on site and/or commercial activities relating to production systems, structural maintenance programs or the construction industry; and, wholesale showrooms.

10-7A-5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS: as presented in Table Three: Commercial/industrial Lot Requirements.

A. Lot Area: Minimum lot size: 1.5 acres. Minimum lot width: 100 feet.

B. Front Yard Setback:

1. The front yard setback in any industrial district shall be forty feet (40'). On corner lots, the setback shall be forty feet (40'). Where an industrial district is separated from a residential or residential planned unit development district by a street, the setback from the street in the industrial district shall not be less than one hundred feet (100').

2. The front yard bordering upon a street shall be landscaped.

3. Structures adjacent to Trunk or County State Aid Highways shall be set back an additional ½ foot for each one foot of building height over fifteen feet.

C. Side Yard Setback:

1. The side yard setback in any industrial district shall be not less than fifteen feet (15').

2. The industrial district side yard adjacent to a residential boundary line shall provide for a landscaped strip sixty feet (60') in width along such boundary line. A portion of this landscaped strip shall be planted to provide a screen. The governing body may require additional side yard width in these cases. When such additional width is required, such additional width shall not exceed one hundred feet (100') and parking in this area is not permitted.

3. The side yard bordering upon a street shall be landscaped.

4. Structures adjacent to Trunk or County State Aid Highways shall be set back an additional ½ foot for each one foot of building height over fifteen feet.

D. Rear Yard Setback: The rear yard setback in all industrial districts shall be a minimum of thirty (30) feet which may be used for parking. If the rear of an industrial district abuts on or is across from an alley or street from a residential use, the rear yard setback shall be a minimum of one hundred (100) feet.

E. Height: No building constructed adjacent to any residential use shall be more than fifty five (55) feet. Each required setback shall be increased by one foot for every one foot of height exceeding 35 feet. This increased setback can be combined with requirements pertaining to increased setbacks from certain roadways.

F. Maximum impervious surface coverage of all buildings, parking areas, sidewalks and other covered surfaces: seventy-five (75) percent. Properties developed prior to the effective date of this ordinance are exempt from this standard.

G. Buffer Requirements: Where a business development and/or parking lot exceeding two (2) spaces abuts upon a residential use or is separated from such residential district by an alley, there shall be a protective strip of not less than 25' in width established as a buffer zone. Landscaped buffer must contain a fence or evergreen hedge as described in 10-9-2.

H. Exterior Material Requirements:

1. Any approved commercial materials in B-1, B-2 and B-3 Districts.

2. Standard smooth-faced concrete masonry units.

3. Unfinished pan formed precast or cast in place concrete panels.

4. Portions of buildings facing or oriented toward public rights of way shall feature a minimum of fifty (50) percent of the total walls above grade level, excluding doors and window, constructed of approved stone, brick, concrete masonry (indented, hammered, split face or similar) units, glass or concrete (integrally painted or exposed aggregate) masonry units.

5. Other materials as approved by the City Council.

I. Framing Types. Concrete block or masonry framing systems are preferred. Tilt-up, post frame wood and/or steel framing are allowed as long as any structure has a contiguous masonry frost-free foundation.

J. Roof Materials. Commercial grade asphalt shingles, wood shingles, standing seam pre-finished architectural metal, slate, tile or copper. Flat roofs are exempt from this requirement.

K. Building Design Requirements. Accessory structures must be similar to principal structure in material, quality and appearance. Accessory structures can't exceed height of principal structure. Screening walls and/or exposed areas of retaining walls must be constructed of permanent material and finish and in a color compatible with the principal structure. City encourages buildings be placed close to street with parking behind or beside the building. Pole Building Construction is prohibited for commercial construction.

L. Excessive Bulk Requirements: Flat, blank or unarticulated facades over 40 feet in length, width and/or depth and fronting on streets or residentially designated areas are prohibited. Breaks in planes of the exterior walls/roof may be provided by changes in exterior finish materials (excluding windows/doors), wall and/or roof height and/or wall depth.

10-7A-6: PERFORMANCE STANDARDS: Applicants for a permit to develop any light industrial property (I-1) in the Municipality shall be required to submit a complete and accurate statement concerning the specific nature of the use to which the property is to be put. This statement shall include detailed information relative to the control of smoke, odors, noise, vibrations or other effects, which may be considered by the governing body or the Planning Commission as detrimental to health, safety or general welfare. The City Council may require any additional information, corrections or control deemed necessary for the protection of the public.

In order to assure compliance with the performance standards set forth above, the City Council may require the owner or operator of any permitted or conditional use to have made such investigations and tests as may be required to show compliance with these performance standards. Such investigation and tests as are required to be made may be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organization as may be selected by the City Council after thirty (30) day notice. The costs incurred in having such investigations or tests conducted shall be the responsibility of the owner or operator. The procedure stated above does not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

CHAPTER 7

INDUSTRIAL DISTRICTS

ARTICLE B. I-2 HEAVY INDUSTRIAL DISTRICT

SECTION:

10-7B-1: Intent
10-7B-2: Permitted Uses
10-7B-3: Conditional Uses
10-7B-3.5: Interim Uses
10-7B-4: Permitted Accessory Uses
10-7B-5: Lot, Yard, Area and Height Requirements
10-7B-6: Performance Standards

10-7B-1: INTENT: The I-2 Heavy Industrial district is established to protect public health, safety, comfort, convenience and the general welfare and to protect the economic base of the City as well as the value of real estate, by regulating industrial development in appropriate locations. This district is suitable for areas guided to industrial development in the Comprehensive Plan. These general objectives include, among others, the following specific objectives:

A. To protect previously established residential and commercial areas by regulating those nearby industrial activities which may create offensive noise, vibration, smoke, dust odors, heat, glare, fire hazards, and other objectionable influences to those areas which are appropriate therefor.

B. To establish proper standards of performance which will restrict undesirable or temporary industrial activities, while at the same time encouraging and permitting industrial activities which are able to comply with the standards established herein without adversely affecting the health, happiness, safety, convenience and welfare of the people living and working in nearby areas.

C. To promote the most desirable use of land in accordance with a well-considered plan of land use for all of the City, to conserve the use of property, to promote stability of industrial activities and related development, to protect the character and established development in each area of the community, and to enhance and stabilize the value of land and to protect the tax base of the City of Sartell.

10-7B-2: PERMITTED USES: As represented in Table Four: Commercial/Industrial Use Matrix, only the following uses are permitted in I-2 Heavy Industrial Districts:

A. Any use permitted in the I-1 Light Industrial District, except: agricultural/farm equipment sale; building materials yards; call centers; and, heating, ventilation and air conditioning service.

B. Acetylene gas manufacture and electrical power plants.

C. Adult use establishments with a minimum separation of three hundred fifty (350) lineal feet from any other adult use establishment and one thousand three hundred twenty (1,320) lineal feet from any hotel, motel, nursing care home, housing for the elderly, day care facility, church, school and/or any residentially zoned property. Also subject to Chapter 1, Section 10-1-2 (B), Purpose and intent of Adult Use Zoning Regulations of this Ordinance and Chapter 2, Definitions, that apply to adult use establishments.

D. Alcohol manufacture.

E. Boiler works.

F. Brick, tile, terra cotta, masonry manufacture.

G. Cement products manufacture and production of ready mix concrete.

H. Food processing, smoking, curing, canning.

I. Freight**/**transportation/trucking terminal**/**classification yards.

J. Iron or steel foundry or fabrication plant for heavy casting subject to hours and noise ordinance requirements. The fabrication includes the cutting, bending and assembling of raw materials into a value added process that involves the construction of machines and structures. A scrap yard, metal recycling center (buys and sells scrap metal) or refineries are not considered fabrication plants and therefore are not permitted.

K. Pulp or paper manufacturing facility which may be subject to state and federal permitting processes and permitting.

L. Railroad repair shops.

M. Railroad Rights Of Way: All in-use railroad rights shall be considered as Heavy Industrial District.

10-7B-3: CONDITIONAL USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following uses require a conditional use permit as provided in Chapter 14 of this Title:

A. Any conditional use of the I-1 District, except pulp/paper manufacturing which is a permitted use in the I-2 District.

B. "Industrial storage" and "disposal facility" as herein defined provided that the same shall be developed, constructed, operated and maintained in accordance with the MPCA permit, applicable county licensing requirements or any other subsequent state or county directives or regulations have the force of law.

C. Wholesale greenhouses.

10-7B-3.5 INTERIM USES: The following uses require an interim use permit as provided in Chapter 14 of this Title:

A. The decommissioning which is defined as the significant removal of machinery from service within a site, or the demolition of existing buildings, pavement, structures or facilities, along with site remediation for the purposes of leaving a property barren for an unspecified amount of time. The decommissioning and/or demolition shall be subject to 10-7B-6. A site plan shall be submitted and is subject to Chapter 9 of this Title.

10-7B-4: PERMITTED ACCESSORY USES: As represented in Table Four: Commercial/Industrial Use Matrix, the following are permitted accessory uses within the I-2 District.

A. Off-street parking and off-street loading.

B. Signs.

C. Temporary buildings for construction purposes for a period not to exceed construction or nine months, whichever is less.

D. Any combination of the following provided all accessory uses combined do not exceed 35% of the aggregate square footage of the structure: offices, residential structures and related residential uses necessary for security and safety reasons in relation to the principal use; and, restaurant, café and the like but not drive in/through type.

E. Any combination of the following provided all accessory uses combined do not exceed 20% of the aggregate square footage of the structure: commercial activities directly relating to a product produced on site and/or commercial activities relating to production systems, structural maintenance programs or the construction industry; and, wholesale showrooms

10-7B-5: LOT, YARD, AREA AND HEIGHT REQUIREMENTS: as presented in Table Three: commercial/industrial lot requirements.

A. Lot Area: Minimum lot size: 5 acres. Minimum lot width: 200 feet.

B. Front Yard Setback:

1. The front yard setback in any industrial district shall be forty feet (40'). On corner lots, the setback shall be forty feet (40'). Where an industrial district is separated from a residential use by a street, the setback from the street in the industrial district shall not be less than one hundred feet (100').

2. The front yard bordering upon a street shall be landscaped and shall not be used for the parking of employees.

3. Structures adjacent to Trunk or County State Aid Highways shall be set back an additional ½ foot for each one foot of building height over fifteen feet.

C. Side Yard Setback:

1. The side yard setback in any industrial district shall be not less than fifteen feet (15').

2. The industrial district side yard adjacent to a residential use boundary line shall provide for a landscaped strip sixty feet (60') in width along such boundary line. A portion of this landscaped strip shall be planted to provide a screen. The governing body may require additional side yard width in these cases. When such additional width is required, such additional width shall not exceed one hundred feet (100') and parking in this area is not permitted.

3. The side yard bordering upon a street shall be landscaped and shall not be used for parking of employees.

4. Structures adjacent to Trunk or County State Aid Highways shall be set back an additional ½ foot for each one foot of building height over fifteen feet.

D. Rear Yard Setback: The rear yard setback in all industrial districts shall be a minimum of thirty (30) feet which may be used for parking. If the rear of an industrial district abuts on or is across from an alley from a residential use, the rear yard setback shall be a minimum of one hundred (100) feet.

E. Height: No building constructed adjacent to residential use shall be more than fifty five (55) feet. Each required setback shall be increased by one foot for every one foot of height exceeding 35 feet. This increased setback can be combined with requirements pertaining to increased setbacks from certain roadways.

F. Maximum impervious surface coverage of all buildings, parking areas, sidewalks and other covered surfaces: seventy-five (75) percent. Properties developed prior to the effective date of this ordinance are exempt from this standard.

G. Buffer Requirements: Where a business development and/or parking lot exceeding two (2) spaces abuts upon any residential use or is separated from such residential use by an alley or street, there shall be a protective strip of not less than 25' in width established as a buffer zone. Landscaped buffer must contain a fence or evergreen hedge as described in 10-9-2.

H. Exterior Material Requirements:

1. Any approved commercial materials in B-1, B-2 and B-3 Districts.

2. Standard smooth-faced concrete masonry units.

3. Unfinished pan formed precast or cast in place concrete panels.

5. Other materials as approved by the City Council.

I. Framing Types. Concrete block or masonry framing systems are preferred. Tilt-up, post frame wood and/or steel framing are allowed as long as any structure has a contiguous masonry frost-free foundation.

J. Roof Materials. Commercial grade asphalt shingles, wood shingles, standing seam pre-finished architectural metal, slate, tile or copper. Flat roofs are exempt from this requirement.

K. Building Design Requirements. Accessory structures must be similar to principal structure in material, quality and appearance. Accessory structures can't exceed height of principal structure. Screening walls and/or exposed areas of retaining walls must be constructed of permanent material and finish and in a color compatible with the principal structure. City encourages buildings be placed close to street with parking behind or beside the building. Pole Building Construction is prohibited for commercial construction.

10-7B-6: PERFORMANCE STANDARDS: Applicants for a permit to develop any heavy industrial property (I-2) in the Municipality shall be required to submit a complete and accurate statement concerning the specific nature of the use to which the property is to be put. This statement shall include detailed information relative to the control of smoke, odors, noise, vibrations or other effects, which may be considered by the governing body or the Planning Commission as detrimental to health, safety or general welfare. The City Council may require any additional information, corrections or control deemed necessary for the protection of the public.

In order to assure compliance with the performance standards set forth above and below, the City Council may require the owner or operator of any permitted use to have made such investigations and tests as may be required to show compliance with these performance standards. Such investigation and tests as are required to be made may be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organization as may be selected by the City Council after thirty (30) day notice. The costs incurred in having such investigations or tests conducted shall be the responsibility of the owner or operator. The procedure stated above does not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

A. Landscaping (for permitted, accessory, CUP and IUP uses**:** All open areas of any zoning lot must be graded to provide proper drainage and, except for areas used for parking, drives or storage, landscaped with trees, shrubs or planted groundcover in accord with the zoning code (Landscaping, Buffering and Screening). It is the owner's responsibility to see that this landscaping is maintained in an attractive and well-kept condition. All vacant lots must be properly maintained including but not limited to weed growth and pavement management.

B. Noise (for permitted, accessory, CUP and IUP uses): Noise will be measured on any property line of the zoning lot on which the operation is located. Noise must be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity. The sound pressure level of noise in an octave band frequency radiated continuously from a facility shall not exceed the noise area classification (NAC) established by the MPCA and as amended, exempted or granted a variance from those standards as directed and approved by the MPCA. This requirement does not apply to snow removal activities, noise as a result of safety equipment or the noise created from truck and waste traffic entering or exiting the site.

C. Vibration (for permitted, accessory, CUP and IUP uses): Vibration must not be discernible at any adjoining property line to the human sense of feeling for three (3) minutes or more in duration in any one (1) hour.

D. Wastes (for permitted, accessory, CUP and IUP uses): All solid waste material, debris, refuse or garbage must be kept within an enclosed building or properly contained in closed or screened containers, or stored in racks designed for such purpose. The containers or buildings used for waste materials may be open on the top. If materials need to be temporary (less than 72 hours) stored outside of a contained building or structure, it must be completely screened from all public roadways and public waterways to the greatest extent possible. All liquid wastes containing any organic or toxic matter must be discharged in the manner prescribed by the Health Department, must meet all city, state and federal storm water and erosion control requirements and permits. Any deviations of this provision may be addressed with appropriate mitigative impacts as part of the IUP.

E. Air Pollution (for permitted, accessory, CUP and IUP uses): Any activity or operation must conform with the MPCA regulations relating to ambient air quality standards and air pollution control regulations. All crushing of concrete or other demolition activities which create dust shall be continually watered to ensure that dust does not impact neighboring properties.

F. Performance Bond. (for IUP uses): A security agreement in the form of a performance Bond may be required, as directed the City and shall be 110% of the cost associated with all work included in all phases, or in the amount as determined by the City, before any permits, including a IUP for the work included in all phases of the decommission, site remediation or demolition activities, including, but not limited to the removal of buildings structures, slabs foundations and paved parking areas on the site. Once site restoration, grading and seeding of areas disturbed are completed, the inspected and approved by the City, the amount of the Bond may be reduced.

G. Environmental Investigations and Cleanup, (for permitted, accessory, CUP and IUP uses) The property may be subject to regulatory oversight by the Minnesota Pollution Control Agency's Voluntary Investigation and Cleanup and Brownfields Program.

H. Historical Buildings. (for IUP uses) A historic assessment of the property and buildings may be conducted prior to the issuance of any permit or the commencement of any demolition, site remediation, decommissioning or the dismantling of interior facilities, or the like.

I. Transportation (CUP and IUP uses) A traffic impact study may need to be submitted which will determine the utilization (wear) and circulation features of the site and cumulative effects of beyond the subject property. The property will be responsible for excessive use and destruction of the public roadways and; utilities adjacent to the site which includes but is not limited to streets,

sidewalks, curbs and driveways caused by trucks or equipment from the demolition and restoration activities. The impact study need shall be determined by the City Engineer and the study must be approved by the City Engineer and/or County Engineer. Onsite weighing equipment may be required.

J. Hours of Operation (CUP and IUP uses) All events related to the demolition, redevelopment site remediation are limited to the hours of 7 am to 8 pm. Truck traffic entering or exiting the site must be limited to 8 am to 8 pm Monday through Friday. Modifications to the hours of operations are subject to the traffic impact study. Hours of operation must be posted on the site and at all entrances and exits.

K. Fire and Building Safety. (for permitted, accessory, CUP and IUP uses) All site plans and actions are subject to compliance with all applicable code requirements for fire safety and safeguards during demolition and construction with the current Minnesota Building and Fire Codes as adopted by the City.

L. Utility Protection. (for IUP uses). The site must be appropriately disconnect any private utility connections to the public system. This includes, but is not limited too; stormwater connections, sewer lines and water lines.

M. All information and evidence submitted in applications which are to indicate conformity to performance standards shall constitute certification and agreement on the part of the applicant that the proposed use can and will conform to all federal, state or City laws, ordinances and standards at all times.

TABLE 2

Industrial Use Matrix

N = Not Allowable
P = Permitted Use
C = Conditional Use
I = Interim Use
A = Accessory Use

** Provided all accessory uses combined do not exceed 35% of the aggregate square footage of the structure.*
*** Provided all accessory uses combined do not exceed 20% of the aggregate square footage of the structure.*

District/Use				I-1	I-2
Acetylene gas manufacture and electrical power plants				N	P
Adult use establishments with a minimum separation of three hundred fifty (350) lineal feet from any other adult use establishment and one thousand three hundred twenty (1,320) lineal feet from any hotel, motel, nursing care home, housing for the elderly, day care facility, church, school and/or any residentially zoned property. (Note: check measurements to be sure this is not ruling out eligible area; consider additional standards specific to adult uses e.g. hours of operation, prohibition on liquor licenses, etc.)				N	P
Agricultural/farm equipment sales				P	P
Alcohol manufacture				N	P
Animal hospitals and kennels				N	N
Appliance Store				N	N
Armory, exhibition hall, auction hall				N	N
Art and school supply store, book or stationary store				N	N
Assembly plants and manufacturing enterprises that do not cause noxious odors or noises as regulated under this Code				P	P
Automotive accessory sale				N	N
Automotive repair, major				P	P
Automotive repair, minor				N	N
Bakeries, bakery goods, sales and baking goods for retail sales on premises				N	N
Banks, loan companies, insurance offices and other financial offices				N	N
Barber and Beauty shops				N	N
Bar or tavern				N	N
Battery sales				N	N

District/Use				I-1	I-2
Bicycle sales and repairs				N	N
Boat or marine sales, providing outdoor aggregate sales area is not more than twice the aggregate amount of indoor sales area.				N	N
Boiler works				N	P
Bottling establishments				P	P
Building materials yard, provided said yard is compliant with outdoor storage and architectural design standards included in this ordinance.				P	P
Business or trade school				N	N
Business supply				N	N
Cabinet or carpentry shops				P	P
Call Center				P	P
Camera and photographic supply store				N	N
Candy, ice cream, popcorn, coffee, frozen dessert and soft drink shop, but not of drive through type				N	N
Car wash, drive through provided in conjunction with convenience store				N	N
Car wash, self service type				P	P
Cement products manufacture and production of ready mix concrete				N	P
Churches/places of worship				N	N
Clothing sales				N	N
Coin and collectors shop				N	N
Commercial activities directly relating to a product produced on site and/or commercial activities relating to production systems, structural maintenance programs or the construction industry, provided all accessory uses combined do not exceed twenty (20) percent of the aggregate square footage of the principal structure.				A**	A**
Contractor's supply yard or storage for lumber, coal, brick and stone, provided such use is entirely enclosed with a substantial opaque fence not less than six feet (6') in height.				P	P
Convenience store; in B-1 must abut a collector or arterial street				N	N
Copy shop				N	N
Crematorium				N	N

District/Use				I-1	I-2
Delicatessen, grocer, fruit, meat or vegetable store				A*	N
Demolition, Site Remediation				P	I
Department, discount or general merchandise store				N	N
Distributor storage and distribution of non-hazardous materials				P	P
Drive in/through establishment such as restaurants, frozen desserts and theaters				N	N
Drug Store				N	N
Laundry pick up stations including incidental pressing and repair				N	N
Electrical sales/service – household, retail				N	N
Electrical service/repair – Wholesale, commercial				P	P
Employment agencies				N	N
Florists				N	N
Floor covering sales				N	N
Food processing, smoking, curing, canning				N	P
Fraternal organizations, YMCA, YWCA				N	N
Freight/transportation/trucking terminal/classification yards				P	P
Garden supply store provided conducted within an enclosed building				N	N
Gasoline service stations; in B-1 must abut a collector or arterial street				N	N
Hardware store				N	N
Heating, ventilation and air conditioning sales/service				P	P
Highway maintenance shops				P	P
Hobby shop and gift store				N	N
Hospitals clinics and other buildings used for the treatment of human ailments, nursing homes, homes for the aged				N	N
Industrial research laboratories				P	P
"Industrial storage" and "disposal facility" as herein defined provided that the same shall be developed, constructed, operated and maintained in accordance with the MPCA permit, applicable county licensing requirements or any other subsequent state or county directives or regulations have the force of law.				N	C
Iron or steel foundry or fabrication plant for heavy casting				N	P

District/Use				I-1	I-2
Jewelry sales and repair shop				N	N
Laundromat of the self-service type				N	N
Library				N	N
Liquor Store				N	N
Mail order establishments				P	P
Manufacturing, compounding, processing and packaging or treatment of food products, drugs, perfumes, pharmaceuticals, toiletries and condiments; excluding fish, sauerkraut, vinegar and yeast.				P	P
Manufacturing of musical instruments, toys, novelties, rubber or metal stamps				P	P
Manufacturing of small electrical parts or neon signs				P	P
Masonry, brick, tile, terra cotta manufacture				N	P
Medical, optical and dental clinics; providing in B-1 or B-2 gross square footage does not exceed 5,000 s.f.				N	N
Medical research laboratories				P	P
Mortuary				N	N
Motels and hotels				N	N
Municipal and other governmental buildings				N	N
Municipal, commercial or industrial parking lot, providing lighting, screening and off-street parking standards are achieved.				A	A
Musical instrument stores				N	N
Newspaper, printing or publishing shops – wholesale, production				P	P
Newsstand				N	N
Off-street parking and loading areas required by this Title				A	A
Outdoor seasonal sales of any kind				N	N
Offices, providing in B-1 gross square footage does not exceed 5,000 s.f.				A*	A*
Paint and wallpaper sales store				N	N
Pet shops, provided no pets are maintained outside the buildings				N	N
Photographic studio				N	N
Places of commercial amusement when conducted entirely within an enclosed structure but not adult uses.				N	N

District/Use				I-1	I-2
Plumbing (retail) sales with repair services incidental to the retail sales establishment				N	N
Production/processing facilities				P	P
Production of hand crystal, glass art novelties, pottery, figurines or similar ceramic products using previously pulverized clay				P	P
Public buildings and public uses				N	N
Pulp or paper manufacturing facility				C	P
Quarry and stone mill; extractive use				N	I
Railway and motor freight depot or trucking terminal provided entrances are not less than fifty fee from any residential district				P	P
Railroad repair shops				N	P
Record shop and video store				N	N
Rental storage facility				P	P
Residential structures and related residential uses necessary for security and safety reasons in relation to the principal use.				A*	A*
Restaurant, café, tearoom, but not the drive through/in type				A*	N
Scrap yards				N	N
Service structures, public or private, designed and used to serve the uses in the surrounding area, such as electric power substations, telephone buildings, deep wells, elevated tanks and similar structures and uses.				C	C
Signs as regulated by this article				A	A
Shoe sales and repair				N	N
Sporting goods store				N	N
State licensed day care centers and nursery school facilities provided: (1) adequate off-street parking and loading is provided; (2) the facility meets Mn. Stat. requirements.				N	N
Theatres but not drive in theatres				N	N
Television/electronics sales/service, providing in B-1 gross square footage doesn't exceed 5,000 s.f.				N	N
Temporary buildings for construction purposes for a period not to exceed construction or nine months whichever is less				A	A
Tire sales: passenger vehicle – retail but not commercial vehicle tire sales or wholesale tire sales				N	N

District/Use				I-1	I-2
Tire sales: passenger vehicle – wholesale; commercial vehicle retail or wholesale				P	P
Travel trailers, motor homes and other recreational sales and service, providing outdoor sales areas are not more than twice the aggregate square footage of indoor sales areas				N	N
Upholstery service				N	N
Used and new car sales, providing outdoor sales areas are not more than twice the aggregate square footage of indoor sales areas				N	N
Warehousing and inside storage				P	P
Water softener repair, sales and service				P	P
Wholesale greenhouses				C	C
Wholesale offices and showrooms in conjunction with wholesale trade establishment				A**	A
Wholesale storage				P	P
Wholesale trade/service and storage of goods related to wholesale trade/service				P	P
*** Provided all accessory uses combined do not exceed 35% of the aggregate square footage of the structure.**					
**** Provided all accessory uses combined do not exceed 20% of the aggregate square footage of the structure.**					

CHAPTER 8

GENERAL REQUIREMENTS

SECTION:

10-8-1: Regulations
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10-8-5: Height Exemptions
10-8-6: Corner Lots; Setback Provisions
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10-8-8: Removal Of Topsoil
10-8-9 Protected Water Alterations
10-8-10: Dwelling Unit Restrictions
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10-8-13: Accessory Apartments
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10-8-17: Building Line Established By Development
10-8-18: Home Occupations
10-8-19: Antennas, Satellite Dish Antennas And Towers
10-8-20: Windmills
10-8-21: Building Relocation

10-8-1: REGULATIONS: The provisions of this Title shall be subject to such exemptions, additions or modifications as herein provided in this Chapter.

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. Pubic 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.

10-8-4: 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').

10-8-5: HEIGHT EXEMPTIONS: Height limitations as set forth in this Title shall not apply to church spires, cupolas, water towers, observation towers, flag poles, chimneys, smokestacks, radio and televisions towers, 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.

10-8-6: 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. 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.

10-8-7: 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.

10-8-8: 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.

10-8-9: 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.

2. The smallest amount of bare ground is exposed for as short a time as possible.

3. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.

4. Methods to prevent erosion and to trap sediment are employed that are consistent with the Minnesota Pollution Control Agency's (MPCA) standards.

5. Fill is stabilized to accepted engineering standards.

6. Fill or excavated material must not be placed in a manner that creates an unstable slope.

7. 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.

8. Fill or excavated material must not be placed in bluff impact zones.

9. 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.

10. 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.

11. 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.

10-8-10: 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.

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 Uniform Building Code.

2. Width; Minimum Ground Floor: A dwelling shall have a minimum width for the main portion of the structure of not less than twenty-four feet (24'), as measured across the narrowest portion. 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.

C. Manufactured Homes Outside Manufactured Home Parks: No single-family manufactured home shall be located outside of a manufactured home park (or an RR District) 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.

10-8-11: 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.

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 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.

3. Fences shall not be placed within ten (10) feet of the curb, and/or surface of any street, road or alley.

4. No fence shall be placed on or extend into public right-of-way.

5. No fence shall be allowed below the ordinary high water mark or within a wetland.

6. No fence shall be placed within a drainage easement within and adjacent to a pond, wetland, ditch, infiltration area, walking path and/or pipeline easement where a utility is located or obstruct a natural drainage way. Fences 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 principle 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

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.

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, shall be located in the rear yard.

B. Height: Accessory buildings shall not exceed twenty feet (20') in height, except the maximum height may be twenty-five feet (25') where the roof pitch matches the primary roof pitch of the principle structure.

C. Setbacks: Attached 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. Accessory buildings and structures shall not be located over any easement.

D. Accessory buildings and structures require a permit issued by the City.

E. Exterior: All accessory buildings shall have the same exterior material as, and be homogenous in design, to the principal structure.

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

10-8-13: 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 Zoning Administrator.

b. Application; Fee: Application for the permit shall be made on forms designated by the 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 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 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 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.

10-8-14: 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.

10-8-15: 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 on the street plan as such plan exists or is amended or adopted in the future.

10-8-16: 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.

10-8-17: 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.

10-8-18: 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.

C. Permitted Home Occupations Without 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;

2. Artists, sculptors, authors, composers;

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, sales representatives or manufacturer's representatives who utilize phone, mail or off premises customer contacts;

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.

1. Office facilities of physicians, dentists or other licensed medical practitioners;

2. Office facilities of lawyers, architects, engineers, realtors, insurance agents, brokers, contractors and members of similar professions who receive clients on premises;

3. Printing shops;

4. Barber or beauty shops;

5. Upholstering;

6. Carpentry work;

7. Repair or non-motorized bicycles, small electrical appliances, typewriters, cameras or other similar small items;

8. 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.

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

A. PURPOSE: The purpose of this ordinance is to accommodate the communication needs of residents and businesses while protecting public health, safety and general welfare of the community. The City finds that these regulations are necessary in order to:

1. Facilitate the provision of wireless communication services to residents and businesses;

2. Minimize adverse visual effects of towers through careful design and site standards;

3. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

4. Maximize the use of existing and approved towers and buildings to accommodate new wireless communication antennas in order to reduce the number of towers needed to serve the community.

5. To encourage clustering of communications towers in appropriate locations.

B. DEFINITIONS: The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

Antenna: Any structure or device used for the purpose of collecting or transmitting electrical magnetic waves, including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.

Commercial Wireless Telecommunication Services: Licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SSMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
Public Utility: Persons, corporations, or governments supplying gas, electric, transportation, water, sewer or land lying telephone service to the general public. For the purpose of this ordinance, commercial wireless communication service facilities shall not be considered public utility uses, and are defined separately.

Tower: Any ground or roof-mounted pole, spire, structure or a combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masks, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Multi-User Towers: A tower to which is attached the antennas of more than one commercial wireless telecommunications service provider or governmental entity.

Single-User Towers: A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate antennas of multiple users as required by this ordinance.

Amateur Radio Towers: A tower used exclusively for transmission and reception by an amateur radio operator, which is located on the same property as the radio, and does not exceed 40 feet in height.

Residential Television Towers: A tower used exclusively for the non-commercial reception of television signals, which is located on the same property as the television (s), and does not exceed 40 feet in height.

Exempted Dish: A satellite or microwave dish that is two meters or less in diameter and used for reception of signals exclusively for the occupants of the property on which it is located.

Accessory Utility Buildings: All utility buildings and structures accessory to a tower.

Building Mounted Antenna: A wireless communications antenna mounted on or attached to the roof or wall of an existing building.

Commercial Towers: A tower designed or used for commercial wireless telecommunications services, public radio transmission or commercial television transmission.

C. PERMITTED TOWERS: The construction and maintenance of an Amateur Radio Towers, Residential Television Tower or Exempted Dish is a permitted use within any zoning district.

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.

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 one half mile.

F. TOWER SETBACKS: All towers shall confirm 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 non-conforming 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.

CHAPTER 9

SITE (PLOT) PLAN

SECTION:

10-9-1: Site and Building Plan Review
10-9-2: Building Permit Requirements For Existing Buildings
10-9-3: Performance Standards

10-9-1: SITE AND BUILDING PLAN REVIEW:

A. General: All site and building plans shall require review and approval by the Planning and Building Departments.

B. Certificate of Survey: Applications and plans submitted for site and building review of new Single-Family Dwellings must include a Certificate of Survey which is signed and certified by a registered and currently licensed land surveyor and must include all information as required by the City.

C. Applications and Submittal Requirements: Applications for site and building plan review for multiple family residential, commercial, industrial or public/semi-public uses shall be filed with the Zoning Administrator and shall be accompanied by the appropriate fee and the following submittal information:

1. Proof of title and contract/purchase agreement and property owner signature on the application form when applicable.

2. Four (4) large scale copies and six (6) reduced (11”x17”) copies of detailed written materials, plans and specifications and one electronic copy in a format compatible with the City’s computer system.

3. Site Plan depicting the following:

a. Name of project or development.

b. Name and address of developer and/or owner.

c. Name and address of engineer/architect/designer.

d. Date of plan preparation and dates of any subsequent revisions.

e. Scale (engineering only) at not less than one (1) inch equals one hundred feet.

f. North point indication.

g. Existing boundaries with lot dimension and lot area.

h. Existing buildings, structures and improvements.

i. Easements of record.

j. Delineated wetland boundary, to include the OHWL of any lakes or DNR waters.

k. All encroachments.

l. Legal description.

m. All proposed improvements, including:

1. Required and proposed setbacks.

2. Location, setback and dimensions of all proposed buildings and structures.

3. Location of all adjacent buildings and structures within one hundred (100) feet of the exterior boundaries of the subject property.

4. Location, number, dimensions of all proposed parking stalls, loading areas, drive aisles, with curbing shown.

5. Location, width and setbacks of all proposed street accesses and driveways and existing accesses within 100 feet of the property.

6. Location, width and setbacks of all proposed sidewalks, walkways and trails.

7. Location and type of all proposed lighting, including fixture details.

8. Provisions for storage and disposal of waste, garbage and recyclables, including details for enclosing and screening exterior containers.

9. Calculations for impervious/pervious surfaces.

4. Grading Plan depicting the following:

a. Existing contours at two (2) foot intervals.

b. Proposed grade elevations at two (2) foot maximum intervals.

c. Drainage plan, including the configuration of drainage areas and calculations.

d. Spot elevations.

e. Surface water ponding and treatment areas.

f. Erosion control measures.

g. Wetland replacement plan (when applicable).

h. Soil borings.

i. Drainage calculations for 2, 10, and 100 year storm events.

j. Delineated wetland boundary, to include OHWL of any lakes or DNR waters.

k. Date of plan preparation and dates of any subsequent revisions.

5. Landscaping Plan depicting the following:

   a. Planting schedule including:

      1. Symbols
      2. Quantities
      3. Common and botanical names
      4. Sizes of plant materials
      5. Root specification (bare root, balled/burlapped, potted, etc)
      6. Special installation instructions

   b. Tree Preservation Plan: location, type and size of all significant trees to be removed or preserved.

   c. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).

   d. Typical sections with details for fences, tie walls, planter boxes, tot lots, picnic areas and the like.

   e. Typical sections with details of landscape islands, planter beds and foundation plantings with identification of materials to be used.

   f. Delineation of sodded, seeded and native planting areas with respective areas measured in square feet.

   g. Date of plan preparation and dates of subsequent revisions.

6. Photometric Lighting Plan, to include fixture details, cut sheets/drawings.

7. Architectural Plans.

   a. Date of plan preparation and dates of any subsequent revision.

   b. Architectural elevations, in color, of all principal and accessory buildings (type, and materials used in all exterior surfaces).

   c. Typical floor plan and room plan drawn to scale with a summary of square footage by use or activity.

8. Utility Plan.

   a. Location of hydrants, valves and manholes, if any.

   b. Location, sizing, and type of water and sewer system main and proposed service connections, hydrants, valves, and manholes; or,

c. Location and size of proposed primary and secondary on-site treatment systems, when allowed.

d. Storm sewer, catch basins, invert elevation, type of castings and type of materials.

e. Date of plan preparation and dates of any subsequent revisions.

9. Other plans and information as may be required by the Zoning Administrator which may include (but is not limited to) the following:

a. Location, type and size (area and height) of all signs to be erected upon the subject property.

b. Vicinity map showing the subject property in relation to nearby highways or major street intersections.

c. Sound source control plan

d. Fire protection plan.

e. Certificate of Survey

D. Review**:**

1. The Zoning Administrator shall forward copies of the application and site and building plans to the appropriate staff, consultants and governmental agencies for review and recommendation. The Planning Department shall perform a review and approve or deny the application. The Planning Department may also suggest such conditions as they deem necessary to the approval of the site and building plans.

2. The applicant may appeal any denial or decision by the Department to the Planning Commission and City Council according to Chapter 16 of this Title.

3. The Planning Department shall provide to the Planning Commission and City Council reports summarizing submitted site and building plan applications and outcomes regarding approval or denial as they occur.

E. Design Standards: Plans which fail to meet the following criteria shall not be approved.

1. The proposed development application must be consistent with the Sartell Comprehensive Plan, city policies and plans, including:

a. Land Use Plan
b. Utility (Sewer and Water) Plans
c. Local Water Management Plan
d. Capital Improvement Plan
e. Transportation Plan

2. The proposed development application conforms to this Title and other applicable City Codes.

3. The proposed development shall be served with adequate and safe water supply.

4. The proposed development shall be served with an adequate and safe sanitary sewer system.

10-9-2: BUILDING PERMIT REQUIREMENTS FOR EXISTING BUILDINGS:

A. Interior Modifications Of Existing Permitted Building: Construction which is limited to interior modifications of an existing permitted building that do not change the permitted use of the existing facility may proceed following application and approval of a building permit by the City Building Inspector.

B. Exterior Modifications Of Existing Buildings: Modifications to an existing permitted building may proceed following application and approval of a building permit by the City Building Inspector and Planning Department provided the modification results in less than a twenty-five percent (25%) increase in the building footprint.

C. Statement Of Specific Nature Or Use: Every applicant for a permit to build or alter an existing building pursuant to this Section 10-9-2 on any industrial property in the municipality shall be required to submit with the building permit application, a complete and accurate statement concerning the specific nature of the use to which the property is to be put. It shall be required by the governing body that any use established in an industrial district shall be so operated that the entire community and surrounding communities shall be protected from any nuisance brought about by an excess of smoke, noise, odors, vibrations or any other activity that might be termed detrimental to the public health, safety or general welfare of surrounding inhabitants.

CHAPTER 10

PARKING AND LOADING REQUIREMENTS

SECTION:

10-10-1:	Purpose And Intent
10-10-2:	Off-Street Parking
10-10-3:	General Regulations
10-10-4:	Required Parking Spaces
10-10-5:	Off-Street Loading

10-10-1: Purpose And Intent: The purpose and intent of this Chapter is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the intensity of utilization of the various parcels of land or structures. The intent of this Chapter is to establish general standards for off-street parking. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

10-10-2: OFF-STREET PARKING:

A. RESIDENTIAL PARKING:

1. Spaces for residential parking shall be on the same lot or immediately adjacent lot as the principal building.

2. Parking Pads: Parking pads are allowed in the residential districts subject to the following standards:

3. Parking pads shall be six feet (6') from the side yard lot line, except corner lot lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

4. Parking pads shall be easily accessible from an improved driveway. The driveway approach to the additional off street parking pad shall be concrete, asphalt, stone, brick pavers and porous pavers. Parking pads shall be surfaced with durable materials such as concrete, asphalt, gravel, stone, brick pavers and porous pavers. Gravel is not permitted for parking pads located within the front yard of a lot.

5. Total parking pad and driveway area shall not occupy more than 30 percent of the front yard or the rear yard for a driveway adjacent to an alleyway.

6. Parking pads shall not encroach onto utility and drainage easements.

7. Parking of licensed, operable passenger and recreational vehicles and trailers owned by those residing at the premises are allowed in driveways leading to garages and legal parking areas/pads providing said parking of vehicles complies with standards of this Title and other applicable sections of the City Code. Guests of the occupant of the premises may park a recreational vehicle on a driveway or legal parking pad on the premises for a period not exceeding seven (7) consecutive days.

8. No person shall construct a parking pad without first making application for and securing a parking pad permit from the City Zoning Administrator and said permit shall expire (180) days

after the day of issuance. All fees paid under a lapsed permit shall be forfeited to the city.

B. RECREATIONAL VEHICLES AND TRAILERS:

1. No more than two (2) recreational vehicles or trailers may be parked outside on your lot in a residential district and must be parked a minimum of ten (10) feet from the back of the curb or roadway. A boat, snowmobiles, ATV's, jet skis, and similar vehicles on a trailer shall be considered one recreational vehicle.

2. Up to one (1) recreational vehicle or trailer may be parked in a rear yard on grass or ground surface provided the following conditions are met:

   a. The recreational vehicle or trailer is not permanently affixed to the ground in a manner that would prevent its removal.

   b. The recreational vehicle or trailer is not partially dismantled or used for sale or parts.

   c. The recreational vehicle or trailer is registered to the property owner or occupant on which the recreational vehicle or trailer is stored.

   d. The trailer is a noncommercial utility trailer.

   e. The recreational vehicle or trailer shall not exceed 6 feet in length (as measured from the box size).

   f. The recreational vehicle or trailer shall not encroach onto drainage and utility easements.

   g. The recreational vehicle or trailer must be setback a minimum of ten feet (10') from the rear and side yard lot lines. Except corner lots on which the side yard on the intersecting street shall not be less than fifteen feet (15').

3. Recreational vehicles may be stored on any part of a lot for the sole purpose of loading or unloading for a period of up to twenty-four (24) hours.

4. Recreational vehicles and trailers shall not be utilized for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.

5. Recreational vehicles and trailers shall not be used as a living quarter while stored/parked on a residential property.

6. The total lot coverage of all recreational vehicles and trailers stored outside shall not exceed 10% of the lot area.

7. Trailers shall not exceed 12 feet in length (as measured from the box size) with the exception of boat trailers.

10-10-3: GENERAL REGULATIONS:

A. Size: A parking space, as referred to in this Title, shall be at least nine feet wide by twenty feet long (9'x 20'). In areas where the parking space may accommodate for the overhang of the front or rear bumper, such as the perimeter of the parking lot, the parking space may be a minimum of nine feet by 18 feet (9'x18').

B. Screening: Any off-street parking areas containing five (5) or more parking spaces must be screened from any adjacent residential use or district by proper landscaping

C. Surface: All off-street, parking and loading spaces, together with driveways, aisles and other circulation areas, shall be improved in such a way as to provide a durable, dust-free hard surface constructed of concrete, asphalt, stone, brick pavers and porous pavers. All high volume traffic areas shall have a hard surface.

D. Parking facilities may be used for the parking of licensed and operable passenger automobiles and trucks.

E. No vehicle may block a sidewalk or be parked within street right of way.

F. Parking or the storage of any vehicles is not allowed on grassy or landscaped areas except as specified for recreational vehicles and trailers in Section 10-10-2 of this Chapter.

G. Weight Restriction; Repairs: Off-street parking in residential districts shall be used only for parking of vehicles of under fourteen thousand (14,000) pounds gross weight. No commercial repairs will be permitted.

H. Drainage: All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

I. Maintenance: The owner of any parking or loading area shall maintain the area in good condition without holes and free of all dust, trash and other debris.

J. Lighting: If lighting is used, it shall be directed away from adjacent residential property.

K. Site (Plot) Plan: The application for any building permit shall be accompanied by a site (plot) plan, which in addition to other information, shall show the location of the off-street parking area provided for such building.

L. Entrance/Exit Width: No entrance to or exit from a parking area shall be more than twenty four feet (24') in width with the exception of commercial, industrial, and civic/institutional uses as approved by the city and under no circumstances will off-street parking areas be designed so that vehicles must back into the street or public way, with the exception of R-1, R-1A and R-2.

M. Distance from Residential District: No public or private garage in a business or industrial district for more than five (5) motor vehicles shall have an entrance or exit within thirty feet (30') of a residential district boundary line.

N. Curbing: Except for single-family, two-family, and townhomes, all off street parking shall have continuous concrete curbing around the exterior perimeter of the parking lot except for curb cuts for infiltration features designed to infiltrate storm water runoff from impervious surfaces. Following a review by city staff, curbing requirements may be waived if any of the following conditions are met:

1. The city engineer has determined sheet drainage over ground would improve storm water quality.
2. Where an adjacent future development phase excluding future parking would be built that would result in the removal of the curbing.
3. The parking lot will be porous pavement, along with the installation and maintenance of rain gardens or infiltration features.

O. Interior Plantings: Ten (10%) percent of the impervious, interior parking area (excluding the maneuvering areas) shall be landscaped islands, rain gardens or other green spaces for parking lots of at least twenty-five (25) parking spaces or more in addition to perimeter landscaping**.**

10-10-4: REQUIRED PARKING SPACES:

A. Day Care/Nursery School: One per six (6) children plus one space per employee on largest shift.

B. Dwellings (R-I, R-1A, R-2): Two (2) parking spaces per living unit plus two additional spaces per boarder or accessory apartment whether the spaces are covered or uncovered.

C. Multi-Family Dwellings (R-3, R-4): Two (2) covered or uncovered spaces per living unit.

D. Hotel/Motel: One space per guest room or suite plus one space per employee on largest shift plus additional spaces for accessory uses such as restaurants, bars, etc.

E. Churches: One space for every four (4) seats or one space for every five (5) feet of pew length.

F. Private Clubs, Community Centers, Libraries, Museums and Similar Places of Assemble: One space per five (5) seats patrons at maximum design capacity.

G. Theater, Auditorium, Stadium or Similar Places of Assemble: One space per four (4) seats.

H. Schools (Elementary, Jr. High, Middle) two (2) spaces per classroom.

I. High School: Two (2) spaces per classroom and one space per seven (7) students.

J. Bowling Alley: Five (5) spaces for each lane.

K. Retail Business: One (1) space for every two hundred and fifty feet (250) of net sales area.

L. Office Building: One (1) space per two hundred and fifty feet (250) net floor area.

M. Bank: One (1) space per two hundred fifty (250) square feet of gross floor area.

N. Convenience/Gas Store: One (1) space per 250 square feet of gross floor area.

O. Adult Daycare/State Licensed Residential Facility: Four (4) spaces, plus one (1) space for each three (3) beds for which accommodations are offered.

P. Hospital: Two (2) spaces per bed.

Q. Medical Office. One (1) space per two hundred and fifty feet (250) gross floor area.~~.~~

R. Industrial/Warehouse Uses: (1) per 1,000 square feet of floor area.

S. Sit Down Restaurant: One (1) space per four (4) seats plus one (I) space per two (2) employees.

T. Fast Food Restaurant: Two and a half (2.5) spaces per 1000 gross floor area plus one space per employee. May consider stacking space for drive through lanes at six (6) spaces per lane.

U. Bar/Tavern/Night Club; Two and half (2.5) spaces per 1000 gross floor area and one space per employee.

V. Shopping Center: Five (5) spaces per 1000 square feet of gross floor area.

W. Elderly/Senior Housing: Senior Cooperative Living:1.5 spaces per unit; Independent Living: 1.5 spaces per unit; Assisted Living: 0.3 spaces per unit; Memory and Special Care: 0.3 spaces per unit.

X. County Club: Twenty (20) spaces plus one (1) space per 500 square feet gross floor area.

Y. Health and Fitness Club: One (1) space per 350 square feet.

Z. Other Businesses: One (1) space per 250 square feet of gross floor area.

AA. Other Structures or Uses: For any and all uses or structures not specifically provided for in the foregoing, such parking space as the governing body shall determine to be necessary, considering all the parking generating factors involved.

BB. Mixed Uses: In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this Section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use except that the governing body may consider the joint use of a parking area (other than residential) where it is known that because of a time element, the parking facilities will not be needed by more than one of the uses thereof at one time.

10-10-5: OFF-STREET LOADING**:** On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trades, laundry, dry-cleaning establishments or other buildings which do not rely primarily on railroad transfer and where large amounts of goods are received or shipped, erected in any district after the effective date of the Ordinance codified in this Title, loading and unloading space shall be provided as follows:

A. General Business Districts: In general business districts two (2) off-street loading and unloading spaces may be provided for each store unit having a gross area of ten thousand (10,000) square feet. One additional space shall be provided for each additional fifteen thousand (15,000) square feet of floor space.

B. Neighborhood Business Districts: In neighborhood business districts, one off-street loading and unloading space may be provided for each store unit.

C. Industrial Districts: In industrial districts, the use of any building requiring loading or unloading of materials to and from trucks may require two (2) off-street loading spaces for the first ten thousand (10,000) square feet of floor space for each additional fifteen thousand (15,000) square feet of floor space.

D. Distance From Residential Uses and Districts: No required off-street loading space shall be less than one hundred feet (100') from any residential use or district boundary line.

E. Screening: All loading areas shall be screened with screening walls and landscaped from abutting and surrounding residential uses and districts. The screening walls must be constructed of permanent material and finish and in a color compatible with the principle structure.

CHAPTER 11

SIGNS

SECTION:

10-11-1: Findings
10-11-2: Purpose and Intent
10-11-3: Severability
10-11-4: Definitions
10-11-5: Permits
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10-11-8: Signs In Industrial Districts
10-11-9: Changeable Signs
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10-11-11: Nonconforming Signs
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10-11-13: Sports, Arts, and Other Performance Venues

10-11-1: FINDINGS. It is hereby determined that the regulation of the location, placement, size, shape, height, condition, presentation or/and illumination of signs is necessary to achieve the following objectives:

A. To establish standards which would permit businesses in the City a reasonable and equitable opportunity to identify and advertise themselves.

B. To preserve and protect the value of land, buildings and landscapes which specifically:

   1. are compatible with their surroundings;
   2. are appropriate for the activity or displaying the graphic;
   3. express the identity of individual activities and the community as a whole; and
   4. are legible in the circumstances in which they are seen.

C. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

D. The City's zoning regulations have, since as early as 1996, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community, or threaten the health, safety, or welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

E. To encourage businesses and residents to erect permanent signage that is designed as an integral component of the site and building design.

10-11-2: PURPOSE AND INTENT. It is not the purpose or intent of this Chapter to regulate the content displayed on any sign; nor is it the purpose or intent of this Chapter to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building or structure. The purpose and intent of this Chapter is to:

A. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare.

B. Maintain, enhance, and improve the aesthetic environment of the community by preventing visual clutter that is harmful to the appearance of the community.

C. Improve the visual appearance of the community while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.

D. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

E. Allow for a wide variety of sign types in commercial districts, and a more limited variety of signs in other districts subject to the standards set forth in this Chapter.

F. Prohibit signs whose location, size, type, illumination or other characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and public health, safety and welfare.

G. Provide for the enforcement of the provisions of this Chapter.

10-11-3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining sections of this Chapter. The City Council hereby declares that it would have adopted this Chapter in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

10-11-4: DEFINITIONS. The following words and terms, in addition to the words and terms identified in Chapter 2, Section 2, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Awning Sign: a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon Sign: a sign consisting of a bag made of lightweight material supported by helium or by hot or pressurized air, which is greater than twenty-four (24) inches in diameter.

Building Sign: any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

Cabinet Sign: any wall sign that is not of channel or individually mounted letter construction.

Canopy: a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy Sign: any sign that is part of or attached to a canopy. A canopy sign is not a marquee and is different from service area canopy signs.

Changeable Sign: notwithstanding Section 10-2-2, a permanent sign with the capability of content change by means of manual or remote input. Includes the following types:

a. Manually Activated: changeable sign whose message copy or content can be changed on a display surface.

b. Electrically Activated: changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display.

Commercial Speech: speech advertising a business, profession, commodity, service, or entertainment.

Electronic Message Sign or Electronic Display Screen: an electrically activated changeable sign whose variable message capability can be electronically programmed. This does not include signs which contain weather information, date or time, or fuel prices.

Elevation: the view of the side, front, or rear of a given structure.

Elevation Area: the area of all walls that face any lot line.

Erect: to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

Flag: any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing Sign: notwithstanding Section 10-2-2, a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

Garage Sale Sign: a temporary sign advertising a sale of goods by the owner of a private residence at a private residence.

Grade: the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Height of Sign: the height of a sign shall be computed as the vertical distance measure from the base of the sign at grade to the top of the highest attached component of the sign or sign structure.

Interior Sign: a sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

Legally Established Nonconforming Sign: any sign and its support structure lawfully erected prior to the effective date of this Chapter which fails to conform to the requirements of this Chapter. A sign which was erected in accordance with a variance granted prior to the adoption of this Chapter and which does not comply with this Chapter shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Marquee: any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee Sign: any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Non-Commercial Speech: any sign, display, device or other message permitted, but not required, under this Chapter or ordinances of the City may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit or to a commodity, service or property for sale or rent, and complies with all other requirements of this Chapter and other ordinances of the City.

Portable Sign: any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristics is based on the design of such a sign.

Property Owner: legal owner of property as officially recorded by Stearns or Benton County.

Pylon Sign: any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Rotating Sign: a sign or portion of a sign which turns about on an axis.

Shimmering Sign: a sign which reflects an oscillating, sometimes distorted visual image.

Sign: notwithstanding Section 10-2-2, any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign Face: the surface of a sign upon, against, or through which the message of the sign is exhibited.

Sign Structure: any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Stringer: a line of string, rope, cording, or an equivalent to which is attached a number of pennants.

Suspended Sign: any sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Visible: capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Wall: any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall Sign: any sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window Sign: any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

10-11-5: PERMITS.

A. Permit Required; Fees: Except as otherwise herein provided, it shall be unlawful for any person to erect, repair, alter, relocate or maintain within the City any “sign” as defined in this Chapter without first obtaining a permit from the Building Inspector and paying the fee required. Fees for sign permits shall be in the amount established from time to time by the governing body.

B. Application For Permit: Application for permits shall be made upon forms provided by the City and shall be accompanied by:

1. The name and address of the sign owner and sign erector;

2. A drawing to scale showing the design, location and construction of the sign;

3. Written consent of the owner or lessee of any site on which a sign is to be located; and

4. Such other pertinent information as the Building Inspector may require to ensure compliance with this Chapter.

5. The sign contractor must be licensed, bonded and have a Certificate of Insurance.

6. If the proposed sign is along a state trunk highway, the application shall be accompanied by proof that the applicant has obtained all necessary permits from the State of Minnesota.

C. Signs Exempt From Fee: The following signs shall be exempt only from a permit fee. The owner shall not be relieved from the responsibilities of following other regulations of erection and maintenance.

1. One on-premise unlighted or indirectly illuminated identification sign not exceeding two (2) square feet in area in residential zones and six (6) square feet in other zones. The identification sign may announce only the name and/or address of the occupants of the premises.

2. Signs located on the rolling stock of common carriers, or on motor vehicles or trailers bearing current license plates, which are traveling or lawfully parked upon public highways, or lawfully parked upon other premises for a period not exceeding four (4) hours, or for longer periods when the primary purpose of such parking is not the display of any sign, and where the number of vehicles bearing a sign or signs of any one advertiser does not exceed one plus one more for each twenty five thousand (25,000) square feet of area of the premises.

3. Signs which are located on the interior of a building or structure and are not visible from outside the building or public rights of way.

4. On-premises signs located inside an enclosed building and visible through a window or windows thereof where the area of such sign does not exceed twenty five percent (25%) of the area of the windows.

5. Signs indicating only the name and/or date of erection of a building, having an area not exceeding six (6) square feet, and made an integral part of the structure.

6. Public signs whose primary purpose is to communicate community events erected by, or on the order of, a duly constituted public office of City, County, State or Federal governments in pursuance of their public duties.

7. One on-premise institutional sign (bulletin board), not exceeding twenty four (24) square feet in surface area, for churches, schools, public or semi-public institutions. Any illumination shall be diffused or indirect and the sign shall be set back at least one-third (1/3) the distance of any required side yard or setback from the property line.

8. On-premise signs having an area of not more than six (6) square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of this property or traffic or parking thereon.

D. Enforcement; Abatement: All signs not in conformance with this Chapter shall be subject to removal by the City at the expense of the recorded land or sign owner. The City will send notice of violation to the owner. In all cases of violations of this Chapter which are unabated thirty (30) days after written notice to the record owner of the property on which the sign is located or the sign owner, the City may proceed to abate and remove the violation and, if deemed necessary, to have the cost thereof specially assessed against the parcel where the violation was located.

10-11-6: SIGNS IN RESIDENTIAL DISTRICTS.

A. Permitted On-Premises Signs: The following on-premises signs shall be permitted in residential districts:

1. One unlighted identification sign for each use other than residential not exceeding four (4) square feet in area.

2. One lighted or unlighted sign having a surface area not exceeding thirty-two (32) square feet and a height not exceeding eight (8) feet per vehicle entrance identifying each subdivision or housing development.

3. In R-3 and R-4 Districts, one unlighted sign per vehicle entrance identifying a dwelling unit complex. Such signs may indicate the name and address of the building and rental or management offices. Such signs shall have a surface area not exceeding twenty-four (24) square feet and a height not exceeding eight (8) feet.

4. In R-3 and R-4 Districts, one area identification sign for each multiple-residential complex consisting of three (3) or more structures. In R-3 Districts such signs shall have a surface area not exceeding seventy five (75) square feet. In R-4 Districts such signs shall have a surface area not exceeding one hundred (100) square feet. The height of the signs may not exceed eight (8) feet.

B. Permits Not Required: All signs not requiring a permit as specified in Section 10-11-5 of this Chapter are permitted.

C. Temporary Signs: All temporary signs as specified in Section 10-11-10 of this Chapter are permitted.

D. Restricted Area: In order to protect its scenic status, no signs, permanent or temporary, are permitted along the river side of the Great River Road, except unlighted identification signs for uses other than residential.

E. Setbacks: Setbacks for the in residential zones shall be as follows:

Front:	Twelve (12) feet
Side:	Six (6) feet
Side Corner:	Twelve (12) feet
Rear:	Six (6) feet

F. The following types of signs are not permitted in residential zoning districts:

1. Balloon signs;

2. Canopy signs;
3. Flashing signs;
4. Marquee signs;
5. Pylon signs; and
6. Shimmering signs.

10-11-7: SIGNS IN BUSINESS DISTRICTS.

A. Permitted On-Premises Signs: On-premises identification, business or area identification signs are permitted.. Nearby residents shall be protected from direct light if these signs are illuminated

B. Sign Area in B-1 Districts: In B-1 Districts, the business sign area in a lot shall not exceed the following:

1. Building wall signs shall not exceed eight percent (8 %) of building frontage area, or fifty (50) square feet, whichever is greater.

2. Freestanding signs shall not exceed fifty (50) square feet and a height of thirty-five (35) feet.

3. One area identification sign per shopping center may be erected without reducing the square footage allowance for businesses in the center. In B-1 Districts the sign may be one (1) square foot per lineal front footage of all buildings up to a maximum of one hundred (100) square feet.

4. Changeable signs for the purposes of displaying advertising sales or messages shall be permitted above and beyond above stated allowances at a maximum of twelve (12) square feet. This additional square footage may be used on the freestanding sign, wall sign or a combination of both as to not exceed a total of twelve (12) square feet. Changeable signs are subject to Section 11-10-9.

C. Sign Area In B-2,-B-3 and CDZ Commercial Districts: In B-2, B-3 and CDZ Commercial Districts, the sign area per lot shall not exceed the following:

1. Building wall signs shall not exceed fifteen percent (15%) of building frontage area or seventy-five (75) square feet, whichever is greater.

2. Freestanding signs may not exceed seventy-five (75) square feet and a height of thirty-five (35) feet.

3. One area identification sign per multi-tenant building may be erected without reducing the square footage allowance for businesses in the center. In B-2, B-3 and CDZ Commercial Districts the sign area may be two (2) square feet per lineal front footage of all buildings up to a maximum of two hundred (200) square feet.

4. Changeable signs for the purposes of displaying advertising sales or messages shall be permitted above and beyond above stated allowances at a maximum of thirty-two (32) square feet. This additional square footage may be used on the freestanding sign, wall sign or a combination of both as to not exceed a total of thirty-two (32) square feet. Changeable signs are subject to Section 11-10-9.

D. Setbacks: Setbacks for signage in the business zones shall not be located within recorded drainage and utility easements

E. The following types of signs are not permitted in any business zoning districts:

1. Balloon signs;
2. Shimmering signs; and
3. Stringers.

10-11-8: SIGNS IN INDUSTRIAL DISTRICTS

A. Permitted Signs: Where appropriate, any sign permitted in the residential or business district shall be permitted in the industrial district. Signs shall be under the same restrictions specified for those districts except as modified in this Section. Where any sign is illuminated, the illumination there from shall not produce illumination upon any residence in a residential zone beyond the foot-candle limitations imposed by the pertinent ordinances or regulations of the City.

B. Identification; Signs: Identification signs shall not exceed six (6) square feet. Building wall signs shall not exceed twenty percent (20%) of building frontage area. Freestanding, pylon or area identification signs may not exceed two hundred (200) square feet and a height of thirty-five (35) feet.

C. Sign Area: The total square footage of sign area for each lot shall not exceed five (5) square feet for each lineal foot of lot frontage.

D. Setbacks: Setbacks for signage in the industrial zones shall not be located within recorded drainage and utility easements.

E. Changeable signs for the purposes of displaying advertising sales or messages shall be permitted above and beyond above stated allowances at a maximum of thirty-two (32) square feet. This additional square footage may be used on the freestanding sign, wall sign or a combination of both as to not exceed a total of thirty-two (32) square feet.

10-11-9: CHANGEABLE SIGNS. All changeable signs are subject to the following:

A. Changeable signs may only be located in the B-1, B-2, B-3, CDZ (Commercial), or R-5 PUD Districts, subject to the size requirements set forth in Section 10-11-7.

B. Changeable signs may not be freestanding, but must be physically connected to a non-changeable on-premise sign.

C. Changeable signs may not exceed twenty (20) feet in height.

D. Every line of copy and graphics on a changeable sign must be at least seven (7) inches in height on a road with a speed limit of 25 to 34 miles per hour; nine (9) inches in height on a road with a speed limit of 35 to 44 miles per hour; twelve (12) inches in height on a road with a speed limit of 45 to 54 miles per hour; and fifteen (15) inches in height on a road with a speed limit of 55 miles per hour or higher.

E. The leading edge of a changeable sign must be a minimum distance of two hundred (200) feet from an abutting residential district boundary.

F. Except as otherwise provided in this Section, animation, streaming video, and images which move or give the appearance of movement are prohibited on all changeable signs.

G. A changeable sign must not exceed a maximum illumination of six thousand (6,000) nits during daylight hours, and a maximum illumination of five hundred (500) nits between dusk and dawn, as measured from the sign's face at maximum brightness. All electrically activated changeable

signs, electronic message signs and electronic display screens must have ambient light monitors which automatically adjust the brightness level of the sign based on ambient light conditions.

H. Audio speakers and components, along with any form of pyrotechnics, are prohibited in association with a changeable sign..Only one (1) on-premise electronic message sign or electronic display screen is permitted per zoning lot. A minimum of 50 feet from a traffic control device to a changeable sign shall be maintained. All other signs must have a minimum of 25 feet from a traffic control device.

J. Electronic message signs or electronic display screens must be separated from other electronic message signs, electronic display screens, electronic graphic displays or video displays by at least one hundred fifty (150) feet.

K. When located within two hundred (200) feet of a lot in a residential zone that is being used for residential purposes, all parts of an electronic message sign or electronic display screen must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on the residential lot.

L. Each message or image displayed on an electronic message sign or electronic display screen must be static or depicted for a minimum of ten (10) seconds.

M. Each text message displayed on an electronic message sign or electronic display screen must remain static for a reasonable amount of time for the average reader to read the message, as determined by the Zoning Administrator; however, based on sign area, text messages displayed on an electronic message sign or electronic display screen may scroll in order to accomplish the same result. No text message may blink, flash, or mimic strobe-lighting effects.

10-11-10: TEMPORARY SIGNS.

A. Permit Required; Temporary signs announcing a unique civic happening, action, purpose or action which appeals to a broad community interest are allowed in any district only by permit issued by the Zoning Administrator. This excludes garage, political signs, and real estate signs. A fee, set forth by ordinance, applies to a permit for temporary signs. Fundraisers, grand openings, closings, sales, would not be considered a unique happening, action purpose or action which appeals to a broad community interest.

B. Location; Placement: Temporary signs announcing a unique happening, action, purpose or occasion which appeals to a broad community interest shall be allowed to be erected for up to 15 days prior to the event. Properties can have a temporary sign which announces a unique civic happening, action, purpose or action which appeals to a broad community interest four times during any calendar year and only after an application has been approved for location and placement.

C. One Sign Per Parcel: There shall be no more than one temporary sign per parcel of property or business, whichever is less, permitted at any one time.

E. Anchors: Anchors for temporary signs shall be subject to approval by the Building Inspector and maintained to prevent displacement or tipping over during high winds.

F. Subdivision Development Signs; Fee: During the development of a, there shall be allowed two (2) signs in the subdivision, not to exceed sixty-four (64) square feet in surface area and not to exceed twelve (12) feet in height. The sign shall advertise the development and may name the subdivision, subdivision layout, developer, contractors, suppliers, brokers and financial institutions involved. A permit shall be obtained for the placement of such signs and a fee paid. Additional

signs having a surface area not exceeding four (4) square feet, and a height not exceeding six (6) feet, directing the public and/or identifying models within the subdivision are also permitted. Both types of signs shall be removed when seventy five percent (75%) of the lots are developed or within two (2) years, whichever shall occur first. Such signs shall not be illuminated.

G. Construction Signs: Each Contractor, engineer, architect, supplier, financial institution and any other new construction related signs shall be limited to four (4) square feet each for a total signage per property not to exceed 32 square feet and shall be removed four (4) weeks after sale or issuance of a certificate of occupancy of the land or building, whichever occurs first.

H. Real Estate Signs:

1. Real estate signs for residential property are not to exceed a total of nine (9) square feet in size.

2. Open House Signs: Real estate signs which state that a particular house will be open for inspection by the public for a limited number of hours on a specific day may not be placed within the right of way and must have the consent of the property owner prior to erecting the sign. The signs are limited to four (4) square feet. Open house signs may not be placed on sidewalks, trails or any place, which may be considered a nuisance or traffic hazard.

3. Real Estate Signs for commercial and industrial buildings are not to exceed a total of 12 square feet.

4. Real Estate Signs for commercial and industrial vacant ground are not to exceed a total of 32 square feet and must be removed once the property has received site plan approval.

I. Political Signs During Election Year: All non-commercial signs of any size may be posted in any number in accordance with and for the period authorized by Minnesota Statutes Section 211B.045. Such signs do not require a permit; however, they must comply with all other applicable temporary sign regulations contained in Section 10-11-10, this Chapter and the City Code, such as setbacks and structural integrity.

J. Garage Sale Signs: Signs advertising garage sales shall be limited to a maximum of three (3) days for each sale. There shall be no more than three (3) sales each calendar year for a household and signs shall not exceed (3) square feet in area. The signs may not be placed within the right of way of any street and the individual erecting the sign must have the property owner's consent prior to erecting the sign.

K. Revocation Of Permit: If the provisions listed in this Section are not met, the Zoning Administrator, by certified mail or written notice served upon the owner, lessee or person responsible for the sign, or the owner's agent, may revoke the permit and remove the sign at the expense of the owners, lessee or person responsible therefor.

L. Residential: Temporary Onsite Signs:
1. Permit is required at the beginning of each calendar year determining the number of temporary sign proposed to be erected within the City. The commercial product or service vendor is required to obtain the permit.
2. One sign identifying an onsite commercial or non-commercial project or purpose shall be permitted for each street frontage of the property.
3. Signs shall not exceed 5 square feet in size.
4. Signs shall not exceed 3.5 feet in height, including support members.
5. Temporary signs are valid for 15 consecutive days.
6. Temporary signs are only allowed one time during the calendar year.
7. Temporary signs may not be off-premise commercial signs.

8. Temporary signs may not be indirectly or directly illuminated.

M. Commercial Temporary Signs

1. Permit is required at the beginning of each calendar year determining the times in which a temporary sign is proposed to be erected on any given property. The business or property owner must obtain the permit. Minor modifications may be made to the permit through-out the year. Erecting a temporary sign outside the times and dates dictated by the permit may limit the abilities to gain permit approval in subsequent years.
2. Temporary signs are valid for 15 consecutive days. A total of three permits are allowed per property regardless of the number of businesses or tenants. If a property has a business with more than three tenants, up to three permits are allowed per year.
3. Only freestanding temporary sign are allowed and may not exceed 12 square feet in size or exceed 6 feet in height including support structures.
4. Signs must be made of a permanent rigid material. Signs of a nonpermanent nature such as plastic banners and poster boards made of cardboard, paper are not allowed.
5. Temporary signs attached to a building are not allowed.
6. No temporary sign shall contain off-premise commercial messages.
7. No sign shall have more than two (2) faces
8. No sign shall be lighted by attached external or individual internal lights either directly or indirectly.
9. The following temporary signs are prohibited:

a. Illuminated, animated, rotating, inflatable and flashing signs
b. Sign in which balloons, pinwheels, streamers or similar objects are attached.
c. Signs attached to other signs, landscaping materials, posts or utility poles.

N. Commercial Private Walkway Signs. Private Walkway signs are limited to those with B-1 and B-2 Commercial districts, or CDZ Commercial district standards, subject to the standards listed below. Walkway signs are not permanently affixed but are designed or capable of movement.

1. Signs shall be limited to two feet (2') in width and three and one-half feet (3.5') in height, including support members.
2. No sign shall have more than two (2) faces.
3. Signs shall not limit the normal pedestrian use of the walkway, and a minimum passable contiguous space of four (4') shall be maintained at all times.
4. One sign is permitted for each building, unless multiple businesses within one building allow separate business signs to be spaced no closer than thirty feet (30') from another walkway sign. Sign must be within 10 feet of the main entrance of the building.
5. A business or building with two (2) rights-of-way frontages may display a Walkway sign on either frontage, but not both.
6. All signs must be removed from the private walkway at the end of each business day.
7. No Walkway sign shall be lighted by attached external or individual internal lights.
8. Walkway signs may not portable changeable, copy, reader-board or trailer signs.
9. Walkway signs may not be within the public rights of way.

O. Farmers Market Signs: Signs advertising an organized community farmer's market with at least five (5) independent vendors may not be placed within the right-of-way of any street and the individual erecting the sign must have the property owner's consent prior to erecting the community farmer's market sign. Only one farmer's market sign, not exceeding 4 square feet, per property will be allowed. The sign may be erected and removed the same day as the event.

10-11-11: NONCONFORMING SIGNS.

A. Legally established nonconforming signs as defined in this Chapter, which do not conform to the requirements set forth as the result of this amended Chapter, shall become a legal nonconforming use and are subject to the following sections.

B. Restrictions: No nonconforming sign:

1. Shall be changed to another nonconforming sign;

2. Shall have any change made in the words, symbols used or the message displayed unless the sign is an institutional board, or substantially similar type of sign, specifically designed for periodic change of message;

3. Shall be structurally altered as to change the shape, size, type or design of the sign;

4. Shall be reestablished after the activity, business or usage to which it relates has been discontinued for thirty (30) days or longer; or

5. Shall be changed to enlarge or extend its nonconformity.

C. Variances: The City Council may permit variances from subsection (B) above or variances permitting the erection or maintenance of a nonconforming sign only upon the grounds established by law for the granting of zoning variances or upon a finding that a grant of a variance will reduce the degree of nonconformance of an existing sign or will result in the removal of one or more lawfully nonconforming signs and replacement by a sign or signs more in keeping with the spirit, purpose and provisions of this Chapter.

D. Maintenance: Normal maintenance of a legally established nonconforming sign is permitted, including necessary structural repairs, which do not intensify or extend the nonconforming status.

E. Damage To Sign: Whenever a legally established nonconforming sign has been damaged and the damage is fifty percent (50%) or more of its appraised, as estimated by the Building Inspector, the sign must be removed within thirty (30) days from the date of damage or destruction, and provided further, that completion is accomplished within three (3) months from the date of such damage or destruction.

If the restoration is not started within thirty (30) days from the date of damage or destruction, and diligently prosecuted to completion, the sign shall be removed.

F. Sign Not In Compliance: Temporary and portable signs that do not comply with the requirements of this Section shall be removed within twenty-four (24) hours of a verbal or written notice of the sign's nonconformity. (See Section 10-2-2 of this Title for definition of "temporary signs").

10-11-12: GENERAL REGULATIONS.

A. Hazards Prohibited: No sign shall be permitted that is a hazard to the public health, safety, convenience or welfare. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape.

B. Public Right Of Way, Easements: Signs shall not be permitted within the public right of way or easements except public traffic-control signs as determined by the City Engineer.

C. Clearance: Signs or marquees, which may extend beyond the building line, shall not be constructed to extend over the property line. Signs located within three (3) feet of an alley, driveway or parking area shall have a clearance of fourteen (14) feet above finished grade.

D. Interference With Traffic-Control Devices: No signs shall be erected or maintained as such a place or manner as to obscure or otherwise physically interfere with an official traffic-control device or railroad safety signal or sign, or to obstruct or physically interfere with the drivers' view

of approaching, merging or intersecting traffic. A minimum of 50 feet from a traffic control device to a changeable sign shall be maintained. All other signs must have a minimum of 25 feet from a traffic control device.

E. Distance Between Signs: Each sign shall be a minimum of one hundred (100) feet from another sign except as provided in Section 10-11-12(p).

F. Directional Signs: Directional signs shall be permitted in all districts, provided the total area of each sign shall not exceed twelve (12) feet per facing.

G. Obsolete Signs: It is unlawful to maintain for more than thirty (30) days from written notice, any sign which has become obsolete because of the discontinuance of the business, service or activity which it advertises, removal from the location to which it directs, or for any other reason.

H. Consent Of Owner/Occupant: It is unlawful to erect or maintain any sign on any property, public or private, without the consent of the owner or occupant thereof.

I. Maintenance: All permanent signs shall be maintained in good condition and the area around them kept free from debris, bushes, high weeds and from anything else which would be a nuisance.

1. All permanent signs shall be kept in good repair and, unless of galvanized or non-corroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary, consistent with good maintenance practices. All braces, bolts, clips, supporting frame and fastenings shall be free from deterioration, rot, or loosening. All signs shall be able to withstand safely at all times the wind load as prescribed in Minnesota State Building Code.

2. In any case of any sign not so maintained, the Zoning Administrator shall give thirty (30) days written notice to the owner or lessee thereof to so maintain the sign, or to remove the sign.

J. Off-Premises Signs Prohibited: All off-premises signs are strictly prohibited, except as allowed by Sections 10-11-9 and 10-11-10.

K. Agreements With Federal Government: The City or its agent, is authorized and required by this Title to enter into an agreement with the United States, or any of its agencies or departments, to the end that the objective stated in Title 23, United States Code, section 131, section 319, or any other applicable Federal statute to obtain nonconforming signs along the Great River Road within the City. However, the City, or its agent, shall not be required, nor allowed to expend funds for the acquisition of nonconforming signs or advertising devices under this Chapter until Federal Funds in the amount of seventy-five percent (75%) or more of this acquisition cost are made available to the City for the purpose of carrying out this Title. No sign nor advertising device legal under Laws 1971, chapter 883, shall be required to be removed or relocated until payment, as provided in Laws 1971 chapter 883, is tendered to the City.

L. Prohibited Commercial Vehicles: Nonconforming signs include commercial vehicles, which are parked in such a way where the primary purpose and function is to serve as a portable sign or billboard.

M. Signage Calculation. For purposes of calculating the appropriate square footage for multi-sided signs, which contain two sides (back to back), the total square footage shall be calculated on one side. The area of a v-shaped or multiple-sided sign shall be calculated by multiplying the height of the sign face by the width of the sign structure at its widest part.

N. Painted wall signs depicting commercial speech, including signs painted on the face of a structure, are prohibited. Non-commercial messages (except for graffiti and vandalism otherwise prohibited by ordinance) are exempt.

O. A sign may not be the principal use of a parcel of property or easement. For purposes of this paragraph, “parcel of property” means any property for which one property identification number has been issued by the county, or all contiguous property in common ownership.

P. Variance Provisions. No variance in the provisions or requirements of this ordinance shall be authorized unless the governing body, following a review by the Planning Commission, finds that substantially the following facts and conditions exist:

1. That there is undue hardship in the strict application of the provisions of this ordinance;

2. That there are uniquely exceptional circumstances or conditions applying to the land, structures, or building in question, that do not apply generally to other properties in this ordinance;

3. That the variance, if granted, will not alter the essential character and high standards of the ordinance; and

4. That the variance, if granted, will be in keeping with the spirit and the intent of this ordinance.

   If granting a variance, the governing body may impose conditions to ensure compliance to the purpose and intent of this ordinance. The procedure for variance requests in this district shall be the same as those set in the Zoning Ordinance, Section 23 Variance/Appeals.

Q. Community Identification Signs. Freestanding community identification signs are permitted in any zone, subject to sign approval by the Planning Commission and City Council, and must adhere to the following guidelines:

1. Design. Community identification signs shall be architecturally related to the community area in which they are located and shall be constructed with decorative materials that are compatible with the location and the community.

2. Each sign shall not exceed thirty-five (35) feet in height, nor exceed two hundred (200) square feet in sign face size. Community sign may contain up to 32 square feet of changeable signs.

3. Community identification signs shall be a minimum of one (1) mile from each other.

R. Lighting requirements for all signs in all districts.

1. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed onto the sign without causing glare. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from adjacent public right-of-ways or residential

2. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area.

3. The fixtures used to illuminate signs shall not be directed toward nearby residential properties.

4. Where any sign is illuminated, the illumination therefrom shall not produce illumination upon any residence in a residential zone beyond the foot-candle limitations imposed by the pertinent ordinances or regulations of the City.

10-11-13: SPORTS, ARTS, AND OTHER PERFORMANCE VENUES.

A. The owner or developer of a clearly defined regional public use or private sports venue, arena, arts venue or similar performance facility may apply for approval by the City Council of a sign package that may deviate from the number, size, and type of signs permitted in the underlying zoning district. This provision is intended to be used only where additional signs or signs of an unusual size or format are required because:

   1. There are a high number of residents and/or visitors to the site;

   2. There are a high percentage of residents and/or visitors who are likely unfamiliar with the area;

   3. The development is unique such that the degree to which normal sign requirements are applicable may not be appropriate; and

   4. The development is anticipated to have a significant impact on the local economy.

B. The provisions of this Section are not intended to apply to developments that consist primarily of businesses selling recreational or entertainment services and merchandise, or developments that are less than five) acres in size Signs permitted under this Section shall only be located on the site of the facility.

C. The application for sign approval shall include detailed drawings, maps, and text that clearly delineate the various types of signs proposed and the locations where each type of sign may be installed. For each type of sign, the application shall include the maximum sign size, sign construction details, colors, fonts, mounting method, and general sign content. Decorative banners mounted on internal light poles may be included in the proposed sign package provided that details are included on the anticipated content of the banners, the typical amount of time the banners will be in place, and the maximum banner size. The Planning Commission shall evaluate the appropriateness of the proposed sign package based on the following:

   1. The nature of the development and the probable informational needs of its visitors and residents;

   2. The degree to which the proposed signs will enhance the visitor and resident experience;

   3. The character and intensity of the surrounding land uses or anticipated land uses, and the degree to which the proposed signs and any associated lighting would be compatible with that character;

   4. The size and topography of the site;

   5. The durability and quantity of the materials being proposed;

   6. The probable legibility of the signs given their purpose and location; and

   7. The quality and creativity of the sign design; and the degree to which the design is integrated into the overall aesthetics of the development.

D. Sponsorship signs advertising a company, service or product in exchange for revenue used to reduce construction or operating costs may be approved by the City Council following a recommendation from the Planning Commission. The general character, location, and size of each type of sponsorship sign shall be included as part of the sign package application, along with any proposed restrictions regarding content, the number of sponsorship signs allowed, and the frequency of sign changes. The Planning Commission and the City Council shall evaluate the

sponsorship signs based on the criteria listed in subsection (C) above, on the degree to which the sponsorship signs are considered necessary for the economic viability of the development, and on the appropriateness of the number of sponsors and the number of signs per sponsor given the character and purpose of the development.

CHAPTER 12

LANDSCAPING

SECTION:

10-12-1: Statement Of Intent
10-12-2: Minimum Requirements
10-12-3: Performance Standards
10-12-4: Screening And Buffering
10-12-5: Parking Area Screening
10-12-6: Additional Screening
10-12-7: Compliance
10-12-8: Conflicts With Other Ordinances
10-12-9: Penalty

10-12-1: STATEMENT OF INTENT

A. Primary Purpose: A primary purpose of this Chapter is to eliminate such problems as excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structure and the lack of proper attention to site development and landscaping in the City.

B. Promote Harmony: Standards set forth in this Chapter will promote harmonious development in the City, increase the desirability of residences, encourage investment or occupation in the City, optimize use and value of land and improvements, increase the stability and value of the property, provide for visual relief and aesthetics, add to the conditions affecting the peace, health and welfare of the City and establish a proper relationship between the taxable value of property and cost of Municipal services.

C. Maintain Standards: The maintenance of certain standards is essential to ensure compatible relationships between land uses within a community. All uses, allowed as either permitted or conditional uses within the City's various zoning districts, shall conform to the following general provisions and performance standards.

10-12-2: MINIMUM REQUIREMENTS:

A. Commercial Districts: At least twenty-five percent (25%) of the land area shall be landscaped with grass, approved ground cover, shrubbery and trees.

B. Industrial Districts: At least twenty-five percent (25%) of the land area within industrial lots which are located around the perimeter of industrial areas and viewable from major arterial roadway corridors shall be landscaped with grass, approved ground cover, shrubbery and trees. At least fifteen percent (15%) of the land area within industrial lots located in the interior of industrial areas shall be landscaped.

C. Residential Districts: For R-3, R-4 and R-5 Districts, all exposed ground area surrounding the principal building and accessory buildings which are not driveways, sidewalks or patios shall be landscaped with grass, shrubs, trees or ornamental landscape material. In R-1 and R-1 A Districts, double frontage lots shall comply with the additional screening requirements in this Chapter.

D. Minimum Size Of Trees And Shrubs: The following minimum standards shall be required:

Overstory deciduous trees ……....1 ½ inch diameter
Ornamental trees ……1 ½ inch diameter
Coniferous trees ……..4 feet tall
Major shrub planting ……...2 ½ gallons

10-12-3: PERFORMANCE STANDARDS:

A. Landscape Plan: A landscape plan must be submitted with each project and such plan must be prepared by an experienced landscape person.

B. Application Of Minimum Standards; Exceptions: In order to achieve landscaping which is appropriate to scale with the site of a building and site, the minimum standards apply to all Districts except RR, R-1, R-1A and R-2. Also see 10-12-6 for additional requirements for multi-family developments.

1. Trees: One tree for every one thousand (1,000) square feet of total building floor area or one tree for every one hundred feet (100') of site perimeter, whichever is greater. A minimum of thirty percent (30%) of the trees required will be coniferous.

2. Ornamental Trees: One ornamental tree can be substituted for every six-tenths (6/10) overstory deciduous shade tree. In no case shall ornamental trees exceed fifty percent (50%) of the required number of trees.

3. Understory Shrubs: One understory shrub for every three hundred fifty (350) square feet of building or one shrub for every seventy five feet (75') of site perimeter, whichever is greater.

4. R-1 and R-1A Districts: Minimum standards set above apply to R-1 and R-1A Districts in these instances:

a. Double frontage lots.

b. Anything other than a single-family home.

C. Credit For Large Trees: The total number of required overstory trees may be reduced by one-half (1/2) tree for each new deciduous trees measuring four and one-half inches (4 ½") or more in diameter or each new coniferous tree measuring eighteen feet (18') or more in height. In no event, however, shall the reduction be greater than twenty five percent (25%) of the total number of trees required.

D. Credit For Existing Trees: The total number of required new overstory trees may be reduced by the retention of existing overstory trees; provided, that the following conditions are met:

1. Size And Species: Such trees fulfill the minimum requirements of this Chapter as to condition, size and species. City staff shall decide the amount of the credit for such exiting trees based upon their condition, location and distribution in the lot.

2. Protection During Development: Proper precautions to protect trees during development shall be indicated on grading plans submitted for plan review. These precautions shall be included in the landscape surety.

E. In all districts, the lot 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. Prior to any turf establishment, the portion of the lot to be established with turf must have a minimum of four (4) inches of black dirt

as a base as defined in MNDOT construction specifications, Section 3877-Topsoil Borrow. No permanent Certificates of Occupancy will be given unless these conditions are met.

F. Grass And Ground Cover:

1. Open Areas: All open areas of a site not occupied by building, parking, walkways, other permitted structures or storage shall be grass or approved ground cover. Ground cover shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within twelve (12) months after planting with proper erosion control during plant establishment period.

2. Undisturbed Areas: Exception to this is undisturbed areas containing natural vegetation, which can be maintained free of foreign and noxious materials.

G. Slopes And Berms:

1. Final slope grades steeper than three to one (3:1) will not be permitted without special approval or treatment such as terracing or retaining walls.

2. Earth berm screening parking lots another open areas shall not have slopes exceeding three to one (3:1). A minimum two-foot (2') berm is required.

H. Placement Of Plant Materials And Utilities:

1. All required screening or buffering shall be located on the lot occupied by the use, building, facility or structures to be screened. No screening or buffering shall be located on any public right of way or within eight feet (8') of the traveled portion of any street or highway.

2. All utilities are required to be underground. Plant materials shall be located to provide reasonable access to all utilities.

I. Maintenance: The property owner shall be responsible for replacement of any dead trees, shrubs, ground covers and sodding. If any plant materials are not maintained or replaced, the City shall maintain or replace said plant materials and assess the property for the costs thereof.

J. Sizing Of Plant Material And Methods Of Installation: All deciduous and coniferous trees shall be sized and planted in accordance with National Nurseryman Standards.

10-12-4: SCREENING AND BUFFERING:

A. Satisfying Requirements: Screening and buffering shall be satisfied through the use of screening fences, walls, earth berms and/or planting screens. If the topography, existing vegetation, permanent structures or other features create a barrier, which meets the screening requirements, they may be substituted.

B. Screening Fence Or Wall:

1. A fence or wall may be used for screening when plant materials are provided along the outside of the fence or wall for aesthetic appeal.

2. A screening fence, different from residential yard fence or wall shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. Such screens shall provide a minimum year-round opaqueness of eighty percent (80%) and be of sufficient height to achieve screening but not to exceed six feet (6') in height.

3. Screen fences and walls, which are in disrepair, shall be repaired.

C. Earth Berms:

1. An earth berm shall be allowed for screening when used in combination with plant material. A height minimum of twenty five percent (25%) of the required screen must be provided with plant material.

2. Earth berms shall be of sufficient height to achieve screening but shall not exceed three to one (3:1) slope.

D. Planting Screens:

1. A planting screen shall consist of healthy, fully hardy plant materials and shall be designed to provide a minimum year-round opaqueness of eighty percent (80%) at the time of maturity. The plant material shall be of sufficient height to achieve the required screening.

2. Composition of plant material for screening shall be composed of these minimum standards:

   a. Not less than thirty three percent (33%) coniferous;

   b. Not less than twenty five percent (25%) deciduous;

   c. Not less than thirty three percent (33%) shrubs;

   d. Not less than forty five percent (45%) of one species.

3. Planting screens shall be maintained in a neat and healthful condition. Plants, which have died, shall be promptly replaced.

10-12-5: PARKING AREA SCREENING**:** Any off-street parking area containing more than five (5) parking spaces from any adjoining residential zone or across the street from any adjoining residential zone, and any driveway to a parking area containing at least five (5) spaces within fifteen feet (15') of an adjoining residential zone shall be completely screened to a height of at least three and one-half feet (3 ½') above the parking grade. Such screening shall be accomplished through the use of earth berming and/or plant materials.

10-12-6: ADDITIONAL SCREENING:

A. Required: Double fronted residential buildings and lots adjacent to collector or arterial streets shall be screened in accordance with the provisions of this Chapter. A fifteen-foot (15') easement area for landscaping will be provided. Screening shall be accomplished by a combination of earth berming and planting. Other requirements may be imposed on a case-by-case basis. The required screening must be placed within the fifteen-foot (15') easement and designed by an experienced landscape person.

B. Light Encroachment: The light from automobile headlights and other sources shall be screened whenever it may be directed onto adjacent residential windows.

C. Construction Materials: In R-3, R-4 and R-5 Districts, all waste material, debris, refuse containers, garbage, fuel or materials not currently in use for construction shall be totally screened from the eye level view from public streets and adjacent properties.

D. Multi-Family Developments (CDZ Multiple Family, R-3, R-4 and R-5): When adjacent to a lower density residential use, all multifamily developments shall provide a landscaped area within the minimum 30-foot setback. The landscaped area shall provide an additional 20% in landscaping materials within the setback as a buffer between structures and the lower density residential property line. The additional landscaping materials located within the setback area shall be in addition to the number of required landscaping minimums.

10-12-7: COMPLIANCE:

A. Existing Uses To Comply; Exception: Existing uses shall comply with the screening requirements listed in this Section at the time alterations are made on the building or premises which increase the existing floor space of the building by twenty five percent (25%) or more. Compliance by existing uses shall not be required if the City determines either that because of the unique character of the existing use compliance is not needed to promote the welfare of the City or that compliance is not reasonably possible because of the existing development.

B. Joint Obligation: The obligation to establish new screening uses shall be joint when businesses abut multi-family uses and districts.

10-12-8: CONFLICTS WITH OTHER ORDINANCES: If any provision of this Chapter conflicts with any provision of any other City ordinance, the most restrictive ordinance shall be used.

10-12-9: PENALTY: Any person who violates, disobeys, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this Code for each offense. Each day that a violation continues to exist constitutes a separate offense.

CHAPTER 13

NONCONFORMING USES

SECTION:

10-13-1: Intent
10-13-2: Existing Uses Of Structures
10-13-3: Repairs And Maintenance
10-13-4: Nonconforming Structures
10-13-5: Nonconforming Uses Of Land
10-13-6: Abandonment
10-13-7: Uses By Conditional Use Permit
10-13-8: Construction Started Prior To Enactment
10-13-9: Unsafe Structures
10-13-10: Nonconforming Lots Of Record
10-13-11: Dwellings And Farm Property Exempt

10-13-1: INTENT**:** Within the districts established by this Title or amendments that may later be adopted, there may exist lots, structures and uses of land and structures which were lawful before this Title was passed or amended but which would be prohibited, regulated or restricted under the terms of this Title or future amendments. It is the intent of this Title to permit the nonconformities to continue until they are removed but not to encourage their survival.

10-13-2: EXISTING USES OF STRUCTURES**:** If a lawful use of a structure exists at the effective date of the Ordinance codified in this Title or the adoption of an amendment hereof which would not be allowed in the district under the terms of this Title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Structural Alteration: No existing structure devoted to a use other than farm residence or other farm buildings, residential R-1, R-1A, R-2 or R-3 but not permitted by this Title in the district in which it is located, shall be enlarge, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Extended Use: Any nonconforming use may be extended throughout any part of a building which is manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance codified in this Title, but no such use shall be extended to occupy any additional land outside such buildings.

C. Change To Another Nonconforming Use: If no structural alterations are made, any nonconforming use of a structure or structure on the premises may be changed to another nonconforming use providing that the governing body, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district of the nonconforming use. In permitting such a change, the governing body acting upon the recommendations of the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this Title.

D. Supersede By Permitted Use: When a nonconforming use is superseded by a permitted use, the nonconforming use may not thereafter be resumed.

G. Discontinued Use: When a nonconforming use is discontinued for twelve (12) consecutive months during any three (3) year period, such use shall not thereafter be resumed except in conformance with regulations of the district in which it is located.

G. Removal Or Destruction: Where nonconforming use status applies to a structure or structure and premises in combination, removal or destruction of the structures shall eliminate the nonconforming status of the land.

10-13-3: REPAIRS AND MAINTENANCE: On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten percent (10%) of the current replacement value of the buildings, provided that the cubic content of the building as it existed at the time of passage or amendment of this Title shall not be increased.

10-13-4: NONCONFORMING STRUCTURES: Where a lawful structure exists after the effective date of the adoption or amendment of the Ordinance codified in this Title that could not be built under the terms of this Title or by any reason of restrictions on area, lot coverage, height, yard or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Increased Nonconformity: No such structure may be enlarged or altered in a way, which increases its nonconformity.

B. Destruction: Should such structure be destroyed by fire, collapse, explosion or act of God to an extent of more than fifty percent (50%) of its market value as computed by the County tax officials, it shall not be reconstructed except in conformity with the provisions of this Title. If such structure is not destroyed by fifty percent (50%) and it will be rebuilt, such rebuilding shall be commenced within six (6) months after the damage is done.

C. Moving Structure: Should such structure be moved for any reason for any distance whatever, it shall thereafter conform with the regulations for the district in which it is located after it is moved.

10-13-5: NONCONFORMING USES OF LAND: On the effective date of adoption or amendment of the Ordinance codified in this Title, should lawful uses of land exist that are no longer permissible under the terms of this Title as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Increased Nonconformity: No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater square footage of land than was occupied as required for the effective operation of said use, at the effective date of adoption or amendment of the Ordinance codified in this Title.

B. Moving Use: No such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulation specified by this Title for the district in which such land is located.

C. Discontinued Use: If any such nonconforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulation specified by this Title for the district in which such land is located.

D. Marked Value Under Two Hundred Fifty Dollars: Any nonconforming use of land not involving a building or structure and any nonconforming use involving a building or structure with an adjusted market value at the date of enactment of the Ordinance codified in this Title of two hundred fifty dollars ($250.00) or less may be continued for a period of twelve (12) months after the enactment

of the Ordinance codified in this Title, whereupon such nonconforming use shall cease. The above regulation shall apply to sign boards and billboards which, if not brought into conformance, shall be moved from the site.

10-13-6: ABANDONDMENT: A nonconforming use of a building or premises which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replace by similar equipment with six (6) months.

10-13-7: USES BY CONDITIONAL USE PERMIT: Any use for which a conditional use permit has been issued as provided in this Title shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use in such district. Conditional (special) uses permitted prior to effective date of the Ordinance codified in this Title shall be deemed nonconforming.

10-13-8: CONSTRUCTION STARTED PRIOR TO ENACTMENT: To avoid undue hardship, nothing in this Title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date or adoption or amendment of the Ordinance codified in this Title and upon which actual building construction has been diligently carried on.

10-13-9: UNSAFE STRUCTURES: Nothing in this Title will prevent the temporary strengthening or restoring to a safe condition any portion of a building or structure declared unsafe.

10-13-10: NONCONFORMING LOTS OF RECORD: Lots within a subdivision or plat recorded prior to the enactment of the Ordinance codified in this Title, which are smaller in width or in area than the minimum as set forth in this Title and separately owned, may be utilized for a single-family dwelling if the area is at least five thousand (5,000) square feet.

10-13-11: DWELLINGS AND FARM PROPERTY EXEMPT: Any and all dwellings and also farm buildings shall be considered as conforming provided they are in place on the date of the adoption of the Ordinance codified in this Title. Such buildings shall not be considered as nonconforming and therefore shall not be subject to any of the restrictions imposed by this Chapter.

CHAPTER 14

CONDITIONAL USE PERMITS

SECTION:

10-14-1: Purpose; Intent
10-14-2: Application; Fee
10-14-3: Procedure
10-14-4: Findings
10-14-5: Compliance
10-14-6: Time Limit

10-14-1: PURPOSE; INTENT:

A. Purpose: The purpose of this Chapter is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

B. Additional Conditions: Conditional uses as shown in the zoning districts of this Title may be permitted in those districts where uses are deemed essential or desirable and are in harmony with the various elements and objectives of the Land Use Plan. In the exercise of its approval, the governing body may impose such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this Title.

10-14-2: APPLICATION; FEE: Application for conditional use permits shall be made to the Clerk-Treasurer together with the fee, as established by Council resolution. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Title, including but not limited to:

A. Description of site (legal description).

B. Site plan drawn at scale showing parcel and building dimensions.

C. Location of all buildings and their square footage.

D. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
E. Landscaping and screening plans.

F. Drainage plan.

G. Sanitary sewer and water plan with estimated use per day.

H. Soil type.

I. Any additional written or graphic data reasonably required by the Clerk-Treasurer or Planning Commission.

10-14-3: PROCEDURE:

A. Filing With Clerk-Treasurer: Application for conditional use permits shall be accepted by the Clerk-Treasurer upon the payment of the fee established by Council resolution.

B. Referral To Governing Body: All applications shall be referred by the Clerk-Treasurer to the governing body for consideration.

C. Referral To Planning Commission: The governing body may refer any applications to the Planning Commission for consideration and recommendation. Where referral is made, the Planning Commission shall report to the governing body within forty-five (45) days thereafter.

D. Public Hearing; Notice:

1. Public Hearing: The governing body shall, within sixty (60) days after receipt of the application by the Clerk-Treasurer and with or without a recommendation from the Planning Commission, consider the application at a public hearing following publication in accordance with State Law.

2. Notice Requirements:

a. Publication: Notice of the public hearing shall be published at least once in the official newspaper of the City.

b. Mailing To Property Owners: Notice of the public hearing shall be mailed to individual property owners within three hundred fifty feet (350') of the parcel included in the request no less than ten (10) days nor more than thirty (30) days prior to the date of said hearing.

c. Contents Of Notice: The notice shall describe the particular conditional use and shall contain a brief description thereof.

d. Certificate of Notice: Assessor tax records and street addresses shall be deemed sufficient for location or certification of ownership of said adjacent properties. Failure of a property owner to receive said notice shall not invalidate any such proceedings.

E. Adverse Effects: The governing body shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects. The governing body may impose any conditions deemed necessary to protect the public health, safety and welfare of the community.

F. Approval: Approval of a conditional use shall require passage by a majority vote of the membership of the governing body.

10-14-4: FINDINGS: No conditional use shall be approved unless the governing body shall find:

A. That the conditional use will not be injurious to the use and enjoyment of other property owners in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the immediate vicinity and is compatible with the existing neighborhood.

B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

F. That soil conditions are adequate to accommodate the proposed use.

G. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard, which may result from the proposed use.

H. That a demonstrated need exists for the proposed use.

I. That the proposed use is in compliance with the Land Use Plan adopted by the City.

10-14-5: COMPLIANCE:

A. Duration Of Permit: Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith, and the conditional use permit shall remain in effect only so long as the terms and conditions agreed upon are observed.

B. Revocation: The City Council shall revoke a conditional use permit when it determines that the terms and conditions of the permit as issued are no longer being complied with. A certified copy of an order of the City revoking a conditional use permit shall be filed with the County Recorder for record.

10-14-6: TIME LIMIT**:** A conditional use permit, when not used, shall expire after one hundred eighty (180) days following date of issuance unless written application for renewal or time extension is received and granted by the governing body prior to the expiration date.

CHAPTER 14.5

INTERIM USE PERMITS

SECTION:

10-14.5-1: Purpose; Intent
10-14.5-2: Application; Fee
10-14.5-3: Procedure
10-14.5-4: Findings
10-14.5-5: Termination
10-14.5-6 Compliance
10-14.5-7: Time Limit

10-14.5-1: PURPOSE; INTENT:

A. Purpose: The purpose of this Chapter is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety; to allow a use for a limited period of time that reasonably utilizes the property in the manner not permitted in the applicable zoning district; and/or to allow a use that is presently acceptable, but not permitted within the zoning district and, with anticipated development, may not be acceptable in the future.

B. Additional Conditions: Interim uses as shown in the zoning districts of this Title may be permitted in those districts where uses are deemed essential or desirable and are in harmony with the various elements and objectives of the Land Use Plan. In the exercise of its approval, the governing body may impose such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this Title.

10-14.5-2: APPLICATION; FEE: Application for Interim use permits shall be made to the City Administrator and/or his/her assigned as prescribed in Section 10-14-2 of this Title. The application shall be accompanies by a fee, as established by Council ordinance.

10-14.5-3: PROCEDURE: Interim Use Permits shall be processed in the manner identified in Section 10-14-3 of this Title (Conditional Uses).

10-14.5-4: FINDINGS: No Interim use shall be approved unless the governing body shall find:

A. That the Interim use will not be injurious to the use and enjoyment of other property owners in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the immediate vicinity and is compatible with the existing neighborhood.

B. That the establishment of the Interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

F. That soil conditions are adequate to accommodate the proposed use.

G. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard, which may result from the proposed use.

H. That a demonstrated need exists for the proposed use.

I. That the proposed use is in compliance with the Land Use Plan adopted by the City.

10-14.5-5: TERMINATION:

A. An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:

1. The date specified in the permit;

2. A violation of the conditions under which the permit was issued; or

3. A change in the City's zoning regulations, however, the City may provide a period of relief for up to a year if warranted.

B. No more than three interim use permits shall be granted to a single property at one time.

10-14.5-6: COMPLIANCE:

A. Duration Of Permit: Any use permitted under the terms of any Interim use permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith, and the Interim use permit shall remain in effect only so long as the terms and conditions agreed upon are observed and/or until the specified termination date/event occurs.

B. Revocation: The City Council shall revoke an Interim use permit when it determines that the terms and conditions of the permit as issued are no longer being complied with. A certified copy of an order of the City revoking the Interim use permit shall be filed with the County Recorder for recording.

10-14.5-7: TIME LIMIT: A Interim use permit, when not used, shall expire after one hundred eighty (180) days following date of issuance unless written application for renewal or time extension is received and granted by the governing body prior to the expiration date.

CHAPTER 15

AMENDMENTS AND REZONING

SECTION:

10-15-1: Rezoning By Petition
10-15-2: Rezoning By Initiative Of Governing Body
10-15-3: Final Action
10-15-4: Planning Commission Reference
10-15-5: Record Rezonings

10-15-1: REZONING BY PETITION:

A. Petition; Fee: The governing body shall, upon the petition of fifty percent (50%) or more of the property owners within three hundred fifty feet (350') of the boundary lines of the entire tract owned by the petitioner for rezoning, fix a date for public hearing. A petition, when filed with the Clerk-Treasurer, shall be accompanied by the fee established by Council resolution in order to defray the expenses incurred by advertising, public hearing, etc., in the handling of said petition. A request for rezoning signed by the petitioners only will not be considered as binding upon the governing body.

B. Public Hearing: The governing body shall hold at least one public hearing on any petition for rezoning after notice of the time and place of such hearing has been published in accordance with State law.

C. Notice Requirements:

1. Notice By Mail: Individual notices shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the hearing to all owners of property within three hundred fifty feet (350') of parcel included in the request.

2. Publication Of Notice: Such notice shall also be published in the official newspaper within the above time periods.

3. Contents Of Notice: The notice shall describe the particular amendment and shall contain a description thereof.

4. Certification Of Ownership: Assessor tax records and street addresses shall be deemed sufficient for location of certification of ownership of said adjacent properties.

D. Approval/Denial Of Petition: After the hearing on a petition, the governing body may by resolution grant or deny said as required by statute.

10-15-2: REZONING BY INTIATIVE OF GOVERNING BODY: The governing body may, by resolution on its own initiative, change boundaries of a district, or a use, height or area regulation of any district after a public hearing and upon a two-thirds (2/3) vote of all of its members. Notice of such hearing shall be given in the same manner as specified above.

10-15-3: FINAL ACTION: At the time of the hearing, the governing body may take final action upon the application or it may continue the hearing from time to time for further investigation and hearing.

The governing body may also request further information and report from the Planning Commission.

10-15-4: PLANNING COMMISSION REFERENCE: The governing body shall not rezone any land or area in any zoning district without having first referred it to the Planning Commission for recommendation. Any other proposed amendment to this Title shall be referred to the Planning Commission.

10-15-5: RECORDING REZONINGS: Any governing body resolution rezoning any area after the effective date of the Ordinance codified in this Title shall be recorded and inscribed upon the Official Zoning Map by the Clerk-Treasurer.

CHAPTER 16

VARIANCES AND APPEALS

SECTION:

10-16-1: Purpose
10-16-2: Board of Adjustment
10-16-3: Variances
10-16-4: Fees
10-16-5: Variance Procedure
10-16-6: Lapse of Variance
10-16-7: Appeal Procedure

10-16-1: PURPOSE: The variance process is intended to provide limited relief from the strict requirements of this Title in those cases where strict application of a particular requirement will create practical difficulties due to circumstances unique to the individual property under consideration. It is not intended that variances be granted to allow a use not permitted by the underlying zoning district, nor to merely remove inconveniences or financial burdens that the requirements of this Title may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. The zoning appeals process for review of decisions of the Zoning Administrator is intended to provide appropriate checks and balances on administrative authority.

10-16-2: BOARD OF ADJUSTMENT:

A. Established: The Board of Adjustment is hereby established as the City Council and vested with such authority as is hereinafter provided, and as provided by Minnesota Statutes section 462,357, subdivision 6.

B. Powers: The City Council shall have the following powers:

1. To grant variances, that is, to vary and modify the strict application of any of the regulations or provisions contained in this Title in cases in which there are practical difficulties in the way of such strict applications. No variance or modification of the uses permitted within a district shall be allowed, except as an official amendment to this Title.

2. To hear and determine appeals as to the exact boundaries of zoning districts.

3. To interpret this Title.

4. To hear and decided appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing this Title.

5. Any decision by the City Council shall be final; however, any person having an interest affected by such decision shall have the right to appeal to the District Court.

10-16-3: VARIANCES

A. Criteria: A variance shall only be permitted if all of the following facts and conditions exist:

1. That the variance, if granted, will be in harmony with the general purpose and intent of this Title.

2. That the variance, if granted, will be consistent with the comprehensive plan.

3. When the applicant establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. “Practical difficulties,” as used in connection with the granting of a variance means that:

    a. The property owner proposes to use the property in a reasonable manner not permitted in the zoning ordinance;
    b. The plight of the landowner is due circumstances unique to the property not created by the landowner; and
    c. The variance, if granted, will not alter the essential character of the locality**.**

B. Economic Consideration: Economic considerations alone do not constitute practical difficulties.

C. Earth Sheltered Construction: Variances shall be granted for “earth sheltered construction” as defined in Minnesota Statutes 216C.06, subdivision14 when in harmony with this Title.

D. Additional Conditions: If granting a variance, the Board of Adjustments may impose conditions to ensure compliance with this Title and to protect adjacent properties. The Board of Adjustment may not permit as a variance any use that is not permitted under this Title for the property in the district where the affected person’s land is located.

10-16-4: FEES: To defray administrative costs of processing requests for variances, a fee shall be paid by the applicant. Such fee shall be established by resolution of the City Council.

10-16-5: VARIANCE PROCEDURE:

A. Request for Variance: Request for a variance shall be filed with the Clerk-Treasurer and shall be accompanied by the required fee as set by Council resolution.

B. Information Required: The Clerk Treasurer or City Council may, at their option, require all or part of the following information prior to the public hearing on a variance request:

1. Description of site (legal description).

2. Site plan drawn at scale showing parcel and building dimensions.

3. Location of all buildings and their square footage.

4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.

5. Landscaping and screening plans.

6. Drainage plan.

7. Sanitary sewer and water plans with estimated use per day.

8. Soil type.

9. Any additional data reasonably required by the Board of Adjustment.

C. Public Hearing: The City Council upon receipt of a proper application for a variance shall set a time and place for a public hearing before the board on such application. At least ten (10) days in advance of any such hearing, notice of the time, place and purpose of the hearing shall be published in the official newspaper of the City.

D. Notice Requirements: Written notices for the public hearing on a variance shall be sent to all property owners or residents within three hundred fifty feet (350') of said property. The public hearings shall be given not more than thirty (30) days nor less than ten (10) days in advance by publishing a notice in the official newspaper of the area. The notice shall describe the particular variance and shall contain a description thereof. Assessor tax records and street addresses shall be deemed sufficient for location or certification of ownership of said adjacent properties. Failure of a property owner to receive said notice shall not invalidate any such proceedings.

E. Continued Hearing; Additional Hearings: The City Council may continue the hearing concerning the application for a variance or it may hold such additional hearings as it deems advisable. The City Council shall issue its order concerning the application of a variance within ten (10) days of the conclusion of the hearing relating to any given application.

F. Voting By City Council: A variance of this Title shall be by majority vote of the full City Council.

G. Written Order: A certified copy of the resolution of the City Council either granting or denying an application for a variance or appeal shall be filed with the records of the City Council. The order issued by the City Council shall be in writing, giving the reasons for the Council's decision and shall include a legal description of the property involved.

H. Appeal: All decisions by the City Council in granting or denying a variance or appeal shall be final except that any aggrieved person or persons, or any department, board or commission shall have the right to appeal, within thirty (30) days after receipt of notice of the Council's decision, to the District Court on questions of law and fact.

10-16-6: LAPSE OF VARIANCE: A variance permit, when not used, shall expire after ninety (90) days following the date of issuance unless written application for time extension is received and granted by the City Council prior to such expiration date.

10-16-7: Appeal Procedure: An appeal shall only be applicable to an administrative permit, order, requirement or interpretation of intent of provisions of this Ordinance. Opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

A. Appeal Procedures:

1. An appeal from an administrative action shall be filed by the property owner or their agent with the Zoning Administrator within ten (10) days after the making of the order, requirement, or interpretation being appealed.

2. The property owner or their agent shall file with the Zoning Administrator an application for appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council resolution. In cases where the application is judged to be incomplete, the Zoning Administrator shall notify the applicant, in writing, within ten (10) days of the date of submission.

3. An appeal stays all proceedings and the furtherance of the action being appealed unless it is certified to the City Council, after the notice of appeal is filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.

4. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate and shall provide general assistance in preparing a recommendation on the action to the City Council.

5. The City Council shall consider the application for appeal at a public meeting after a review and recommendation by the Planning Commission and consider testimony of the property owner and City staff.

6. Pursuant to Minnesota Statutes 15.99, the City Council shall make its decision in accordance with the timeline described for variances.

7. The Zoning Administrator shall serve a copy of the final order of the City Council upon the applicant by mail.

CHAPTER 17

SITE DESIGN STANDARDS

SECTION:

10-17 1: Purpose and Intent
10-17-3: Screening Requirements
10-17-4: Site Lighting
10-17-5: Site Signage
10-17-6: Site Drainage, Street and Utility Requirements
10-17-7: Site Parking Requirements
10-17-8: Site Landscaping Requirements

10-17-1: PURPOSE AND INTENT: It is the intent of this section to promote consistent and high standards of design and construction for the commercial, public, and industrial uses in the City. These standards are set forth in order to enhance the visual appearance of the commercial, public and industrial areas within the City. This section is to ensure the high quality of development, redevelopment, and compatibility with evolving architectural or planning themes that contribute to a community image of quality. Site plans will be required for any development other than a single family home in any zoning district. Each site plan where land use is business, residential (with the exception of single family units)or industrial in nature must conform to the following standards and demonstrated in each site plan application.

10-17-3: **SCREENING REQUIREMENTS:** The screening requirements contained in this section shall be satisfied in addition to other screening and landscaping requirements of the Sartell Zoning Code.

A. Rooftop and Perimeter Utilities Screening: All mechanical equipment located on the roof or around the perimeter of the building shall be screened as to not be seen by view on the property line by the following means and with materials that are comparable and compatible with that of the exterior building materials. If due to factors unique to the property or the project, it is physically impossible or impractical to screen these utilities, the City Council, may approve alternative solutions that render them aesthetically compatible with the principal structure.

    1. A raised parapet or other architectural feature that is an integral part of the building as a method of screening for rooftop mechanical equipment or to soften the rooftop view.

    2. Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or be constructed of a material and color compatible with other elements of the building.

B. Loading Dock and Garage Entrance Screening (Residential, Industrial and Commercial): Loading docks and garage entrances and exits shall be prohibited in the front yard. However, where allowed, they shall be screened to minimize visibility from any public street, from adjacent building structures front or side yard viewing point, and away from any residential uses through the following means.

    1. Planting screens shall consist of healthy, hardy plant materials at least 4 to 6 feet in height and an 80% opaqueness at the time of maturity. Berms shall be a minimum of 3 feet in height and shall have a maximum slope ratio of 3:1. See also Section 10, Chapter 12-4.

    2. Screen fences that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthful condition. Plantings that have died shall be promptly replaced.

C Waste Handling Screening: All waste, recycling and related handling equipment shall be stored and kept in a four sided enclosure constructed of a brick, stone, decorative concrete material or a

material compatible with the material of the principle structure. Any changes to trash handling once the building is constructed shall comply with City Codes, ordinances, standards and policies. (i.e. new tenants).

D. Outdoor Storage: No storage trailers allowed. All storage shall be screened, except for the following:

1. Merchandise being displayed for sale in accordance with the zoning districts requirements.

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

F. Parking Area/Lot Screening: All areas of land other than that occupied by building and improved surfaces (parking areas and driveways) shall be landscaped by a licensed landscape architect and follow the provisions set forth in Section 10, chapter 12 and Section 10, Chapter 10 of the Sartell Zoning Ordinance, in addition to the following requirements:

1. In addition to Section 10, Chapter 12, Subsection 5-6, Parking lots shall be screened from the public right-of-way. Screening shall consist of the berming that is 3 feet in height and shall have a maximum slope ratio of 3:1.

2. Landscape plans and screening plantings shall be completed within one year from the date of the certificate of occupancy. All plantings shall be maintained in a neat and healthful condition. All plantings that have died shall be promptly replaced.

G. Buffer Zone:

1. Abuts R-1, R-2 or R-3, CDZ or PUD residential District or use: Where a business development abuts upon Residential District or use, or is separated from such residential district or use only by an alley, there shall be a protective strip of not less than twenty-five feet (25') in width established as a buffer zone. This buffer zone shall contain no structures, shall not be used for parking, off-street loading or storage and shall be landscaped. The landscape treatment shall contain a compact evergreen hedge or fence, but such hedge or fence shall not extend with fifteen feet (15') of a street right of way. The planting or fence design must be approved by the Zoning Administrator as being in harmony with a residential neighborhood and providing sufficient screening of the commercial area. The hedge or fence shall not be less than four feet (4') and not more than six feet (6') in height.

2. Abuts R-4 District: Where a business development (B-1 or B-2) abuts an R-4 District, there shall be a buffer strip at least fifteen feet (15') wide screened in accordance with subsection G1 of this Section.

10-17-4: SITE LIGHTING:

A. In All Districts: Any lighting used to illuminate an off-street parking area, sign, structure, or other area shall be arranged so as to deflect light away from any adjoining property or from the public streets. Direct or sky-reflected glare, from high temperature processes such as combustion, shall not be directed into any adjoining property. All luminaries shall be full cut off style lens and shall be parallel with the pavement and ground, except for decorative fixtures and ground mounted lighting, which shall be permitted. Any light or combination of light shall not exceed 0.5 foot candles (meter reading) as measured at any property line.

B. Exemptions: The provisions of this section shall not apply to the following:

1. Temporary outdoor lighting used during customary holiday seasons.

2. Temporary outdoor lighting used for civic celebrations and promotions.

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

4. Outdoor recreational uses, such as, but not limited to, baseball fields, football fields, hockey rinks, and tennis courts. No outdoor recreation facility shall be illuminated from 11 PM to 7AM, unless it meets 10-17-4:A.

C. Lighting Plan: Except for single family dwellings, plans for required parking lot and security lighting shall be approved by Zoning Administrator prior to approvals for or the issuance of permits for the activities requiring compliance under subdivision of this section. The plans, at appropriate scale, shall be based on accurate, approved final site plans and shall include the following information:

1. Layout of proposed luminaries locations.

2. Photometric Plan.

3. Location and uses of adjacent properties.

4. Cut sheets that provide a description of the luminaries, including glare reduction/control devices, lamps, on-off cycle control devices and mounting devices.

5. Statement of proposed hours.

D. Inspection of Lighting: As part of the subdivision process, the City will conduct a post-installation inspection of lighting installations to ensure compliance with the ordinance requirements, and may require, at the City's discretion, any corrective action for any lighting installation that fails to meet ordinance –cited safety, and or security luminance criteria, or that produces unacceptable levels of light trespass, light pollution and/or glare.

10-17-5: SITE SIGNAGE: A signage plan must be submitted as part of the site plan review process, which provides diagrams, and proposed materials of the signage to be installed within the site. The Sign must conform to the requirements set forth in Section 10. Chapter 11 of the Sartell Zoning Ordinance.

10-17-6: See Subdivision Ordinance Title 11, Chapter 6 on Requirement Improvements

10-17-7: ADDITIONS AND ALTERATIONS: All subsequent additions and exterior alterations constructed after the erection of an original building or buildings shall be of the same materials as those used in the original building and shall be designed in a manner conforming to the original architectural concept and general appearance.

10-17-8: SITE PARKING REQUIREMENTS: The parking requirements contained in Section 10, Chapter 10 of the Sartell Zoning Ordinance shall be satisfied in each site plan.

10-17-9: LANDSCAPING REQUIREMENTS: The landscaping Requirements contained in Section 10, Chapter 12, of the Sartell Zoning Ordinance shall be satisfied in each site.

CHAPTER 18

WETLAND DISTRICT (WD)

SECTION:

10-18-1: Title
10-18-2: Intent; purpose
10-18-3: Designation of protected wetlands
10-18-4: Wetland delineation
10-18-5: Interpretation of wetland boundaries
10-18-6: Wetland buffer areas
10-18-7: Acceptable buffer strips
10-18-8: Unacceptable buffer strips
10-18-9: Permitted uses
10-18-10: Standards for delineated wetlands, Buffer Areas, and Neighboring Lands
10-18-11: Alteration of the Wetlands
10-18-12: Public Control of Wetlands
10-18-13: Wetland Buffer Markers

10-18-1: TITLE: This Title shall be known as the CITY OF SARTELL WETLANDS ORDINANCE and will be referred to herein as “this Title.”

10-18-2: INTENT; PURPOSE;

A. Purpose: The purpose of this section is to recognize, preserve and protect the environmental, aesthetic and hydrologic functions of the city's non public wetlands by regulating the use of wetlands and their adjacent properties. These functions include, but are not limited to, sediment control, pollution control, filtration, fish and wildlife habitat and aquifer recharge.

B. Intent: The intent of this section is to protect wetlands to the maximum extent possible while allowing a reasonable use of the property. This section adopts the regulations and standards of the Wetland Conservation Act of 1991 (WCA), Laws of Minnesota 1991, chapter 354, as amended, and the rules adopted pursuant to the WCA.

10-18-3: DESIGNATION OF PROTECTED WETLANDS: The wetlands protected and regulated by this Section are types 1,2,3,4,5,6,7, and 8 wetlands, as defined in circular 39, “Wetlands of the United States,” 1971 edition, United States Department of the Interior. Protected wetlands are further defined as follows:

Type 1: Seasonally Flooded Basins or Floodplains: Type 1 wetlands are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses. Vegetation varies greatly according to the season and duration of the flooding, and includes bottomland hardwoods, as well as herbaceous plants.

Type 2: Inland Fresh Meadow: Occurs along the shallow edges of lakes, marshes and floodplains, or in perched depressions. The soil is usually without standing water during much of the growing season, but is waterlogged within at least a few inches of the surface. Vegetation includes grasses, sedges, rushes and various herbaceous plants.

Type 3: Inland Shallow Fresh Marsh: Soil is usually water logged during the growing season, often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, cattails, arrowheads, smartweeds and other emergent aquatic vegetation.

Type 4: Inland Deep Fresh Marsh: Soil covered with six inches to three feet or more of water during growing season. Vegetation includes cattails, reeds, bulrushes and wild rice. Open water areas may contain pondweeds, naiads, coontail, water milfoils and other submergent aquatic vegetation.

Type 5: Inland Open Fresh Water: Water is usually less than 10 feet deep and is fringed by a border of emergent vegetation. Vegetation includes pondweeds, naiads, coontail, water milfoils and other submergent aquatic vegetation.

Type 6: Shrub Swamp: Occurs along sluggish streams or on floodplains. The soil is usually waterlogged during the growing season, and is often covered with as much as six inches of water. Vegetation includes alder, willow and dogwood.

Type 7: Wooded Swamp: Occurs along sluggish streams, on floodplains, on flat-perched depressions and in shallow lake basins. The soil is waterlogged to within a few inches of its surface during the growing season and is often covered with as much as one foot of water. Vegetation typical to this wetland includes tamarack, white cedar, black spruce, balsam fir, red maple and black ash.

Type 8: Bog: Occurs along sluggish streams, on flat-perched depressions and shallow lake basins. The soil is waterlogged and supports a spongy covering of mosses. Vegetation typical to this wetland type includes sphagnum moss, heath shrubs and sedges. Minnesota bogs contain leather leaf, Labrador tea, cranberries and pitcher plants. Scattered stunted black spruce and tamarack also are common features of bogs

10-18-4: WETLAND DELINEATION: A wetland delineation must be completed and approved by the City's designated official prior to the approval of the preliminary plat and/or under WCA rules. The property owner is responsible for the all costs, as designated in the fee schedule, in obtaining wetland delineation approval. However, property owners may have wetland delineations done for their properties on their own initiative. The approved delineation must be done by a qualified professional according to WCA rules and be acceptable to the Planning Director.

10-18-5: INTERPRETATION OF WETLAND BOUNDARIES: Whenever a wetland boundary is disputed or uncertain, the City Planning Director may require the submission of a registered survey of the property and field staking showing the city-designated wetland contour or a delineation of the wetland, and such other information as the director may require to resolve the dispute or uncertainty. No boundary change may be authorized on the basis of fill that was placed on the site after the city designated the area as part of the wetland. Persons aggrieved by a decision of the City Planning Director may appeal such decision in accordance with the provisions of the WCA rules.

10-18-6: WETLAND BUFFER AREAS:

A. This subsection establishes requirements for wetland buffer areas around delineated and protected wetlands. Buffer areas are necessary and beneficial to maintain the health of wetlands. Buffer areas protect the edge of wetlands from erosion while filtering sediment, chemicals and other nutrients from runoff that drains into wetlands. Buffer areas can improve the biological diversity and health of a wetland environment while reducing the adverse impacts of human activities.

B. Buffer areas regulated by this section are areas of vegetative cover that are upland of the wetland edge, and that occur in a natural condition or through restoration. Buffer areas consist of shrubbery and trees, an native grasses that are not mowed, fertilized or manicured in any manner.

C. Wetland buffer areas must be created or existing buffer areas must be maintained around all delineated wetlands in the following situations:

1. When wetlands are required to be replaced or restored;

2. When new development occurs. For purposes of this subsection, new development means:

   a. Any subdivision that creates a new lot that has no principal use on it;

   b. Construction of a principal use on an existing vacant parcel of land;

3. When redevelopment occurs. For purposes of this subsection redevelopment means the removal of the principal use of more than 50 percent of its market value and reconstruction on the same property. This requirement does not apply if construction is the result of more than 50 percent of the building being damaged by an involuntary force, such as fire, wind, or vandalism;

4. When the city requires a buffer as part of a variance, conditional use permit, or a site plan review; or

5. On any preserve wetland when grading or construction is proposed that requires a city permit and the proposed activity could potentially impact the quality of the wetland by increasing hard surface run off, altering existing drainage, or impacting an existing buffer.

D. Buffer area widths will be based on the wetland classification. The following are the required minimum buffer area widths:

Wetland Size	Width of Buffer Area From the Delineated Wetland Boundary
0-5 acres	10 feet
Greater than 5	20 feet

E. In cases of new development or redevelopment the city may require that vegetation in the wetland buffer be installed prior to the issuance of the certificate of occupancy. The city may waive this requirement in lieu of a cash escrow or letter of credit equal to 150 percent of the cost to install the required buffer.

F. The city may allow the disturbance of an existing buffer area during the course of construction activity. This disturbance must be kept to a minimum, soils must be decompacted to a level that will accommodate root growth, and the buffer area must be re-established as required by the city. The city will determine the amount of allowable disturbance. The city may require a cash escrow or letter of credit equal to 150 percent of the cost to re-establish the buffer to its original condition.

G. The city may require buffer area planting and maintenance when the city determines that there is inadequate vegetation in the buffer area to meet the intent of this section. The city may require a cash escrow or letter of credit equal to 150 percent of the estimated cost of the vegetation and installation. The escrow or letter of credit must be valid for up to two years and may be used by the city to replace any vegetation that dies.

H. The affected property owner or homeowner association that is responsible for the maintenance must:

1. Maintain and repair damage to buffer areas from such activities as mowing, cutting, grading or other prohibited activities, unless mowing is approved by the city as a buffer management strategy. Permission must be obtained from the city before implementing buffer management strategies, which may include mowing, burning, and the use of herbicides.

2. Be responsible for maintaining only the permitted vegetation in the buffer area and must remove all noxious weeds and invasive, non-native species such as European buckthorn;

3. Ensure that all soil surfaces in the buffer area are planted with the permitted vegetation and that there is no open soil surface that may result in erosion.

10-18-7: ACCEPTABLE BUFFER STRIPS:

A. Continuous dense layer of perennial grasses that have been uncultivated or unbroken for at least (10) consecutive years, or

B. Has an over story of trees and/or shrubs with a herbaceous layer that has been uncultivated or unbroken for at least ten (10) consecutive years and does not contain bare or disturbed soil that is greater then 10%, or

C. Contains a mixture of the plant communities described above, which have been uncultivated or unbroken for at least ten (10) consecutive years.

10-18-8: UNACCEPTABLE BUFFER STRIPS:

A. It has 30% or more of its vegetation composed of undesirable pant species (including, but not limited to reed canary grass, common buckthorn, purple loosestrife, leafy spurge, bull thistle, and other noxious weeds), or

B. Has bare or disturbed soil that is greater than 10% of the area, or

C. Contains Turf grass.

10-18-9: PERMITTED USES:

A. Within wetland buffer areas no land may be used except for one or more of the following uses:

1. Native vegetation provided that no change is made to the ground elevation;

2. Wildlife and nature preserves;

3. Pervious hiking, skiing and horseback riding trails. Pervious will mean an area where water is able to infiltrate into the ground;

4. Public and private flood control structures, ponding and drainage facilities and associated accessory appurtenances;

5. Environmental monitoring or control facilities, including those related to water quality and wildlife regulation;

6. Overhead utility poles and lines that are less then two feet in diameter, under-ground utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, mailboxes and other equipment that provides an essential public service;

7. Structures if the city determines that a particular structure will protect the wetland from existing conditions of erosion.

B. The following are permissible actions in the buffer area:

1. Maintenance of an existing public or private lawfully located road, structure, or facility, including, without limitation, drainage facilities, water conveyance structures, dams, fences or trails, and any facility used to provide transportation, electric, gas, water, telephone, telegraph, telecommunication, or other services;

2. Maintenance of an existing farm or stock pond, irrigation ditch, fence, or drainage system;

3. Weed control consistent with state and county laws; and

4. Continuation of existing agricultural practices such as cultivation and harvesting of hay or pasturing of livestock or change of agricultural practices which has no greater impact on wetland function.

5. Private and public recreational uses, including golf courses, impervious trails, picnic grounds and boat ramps;

10-18-10: STANDARDS FOR DELINEATED WETLANDS, BUFFER AREAS, AND NEIGHBORING LANDS: The following standards apply to all land adjoining a delineated wetland, wetland buffer areas, and to neighboring lands:

A. Protection of wetlands and wetland buffer areas.

1. Except as modified or regulated by the standards of this subsection, all requirements of the underlying zoning district apply.

2. No structures are allowed in the wetland buffer area.

3. Activities including, but not limited to, building, paving, mowing, cutting, filling, dumping, yard waste disposal or fertilizer application are prohibited in the buffer areas. Mowing may be permitted when approved by the city as a buffer management strategy. However, invasive non-native vegetation, such as European buckthorn and noxious weeds, may be removed.

4. Before grading or construction near a wetland overlay district or buffer area, the owner or contractor must place and maintain erosion control fencing on the upland side of the perimeter of the wetland overlay district or wetland buffer area, whichever is more restrictive, or as required by the city. This fencing must remain in place until all development activities that may

affect the wetland and the wetland buffer area have been finished and adequate vegetative cover has been established.

5. All structures must have a minimum basement floor elevation not less than two feet above the 100-year flood elevation.

6. All hard surface runoff must be treated in accordance with the requirements of the city and the appropriate watershed district. Treatment may include site retention, skimmers, weirs or sedimentation ponds of appropriate scale. Structures and ponds serving this purpose must be properly maintained and serviced by the property owner.

7. Discharge into the wetlands must occur at a rate no greater than allowed by the city engineer in accordance with the city's water resources management plan and the appropriate watershed district requirements.

8. Developers and property owners will be responsible for erecting markers at the wetland buffer line indicating the proposed uses and best management practices for the buffer and wetland.

B. Wetland Setbacks.

1. All buildings (principal and accessory), must be set back at least 20 feet from the outer wetland buffer line.

2. Play structures, uncovered porches, decks, patio slabs, open terraces, stairways, and walkway areas may extend up to 10 feet from the required buffer line setbacks.

3. Parking or driveway areas must be setback at least 10 feet from the outer wetland buffer line.

4. A setback from the buffer line is not required for overhead utility poles and lines that are less than two feet in diameter, underground utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, mailboxes, and other equipment that provides an essential public service.

5. A setback is not required for fences or retaining walls. However, they may not be located within the buffer area.

6. An existing structure, driveway or parking area meeting the required setback from a city-designated wetland boundary or buffer area is considered a legal nonconforming development if a later WCA delineation or implementation of a wetland buffer shows that the wetland or its buffer is closer than the required setback.

10-18-11: ALTERATION OF THE WETLANDS: No alteration of wetlands or a wetland buffer is allowed without a wetlands alteration permit, subject to the approval of the city council. Activities that constitute an alteration regulated by this section include:

A. Placement of any material, including, without limitation, any soil, sand, gravel, mineral, aggregate, organic material, or excessive amounts of water.;

B. Construction, installation, or placement of any obstruction or the erection of a building or structure;

C. Removal, excavation, or dredging of solid material of any kind, including, without limitation, any soil, sand, gravel, mineral, aggregate, or organic material;

D. Removal of any existing vegetation or any activity, which will cause any loss of vegetation in a wetland;

E. Alteration of the water level or water table by any means, including, without limitation, draining, ditching, trenching, impounding, or pumping; and

G. Disturbance of existing surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means, including, without limitation, grading and alteration of existing topography.

H. Alterations do not include wetland planting or the selective clearing or pruning of trees or vegetation that are dead, diseased, noxious weeds or similar hazards.

10-18-12: PUBLIC CONTROL OF WETLANDS:

A. The city council may require that the owner of any property affected by this ordinance must record wetland and buffer area easements or restrictive covenants within the property's chain of title. These easements or covenants must describe the boundaries of the wetland setback and buffer area and prohibit any building, paving, mowing (unless approved as a management strategy), cutting, filling, dumping, yard waste disposal or fertilizer application within the wetland and the buffer area. The owner or developer must record these easements or covenants with the final plat, with deeds from a lot division or, if no subdivision is involved, before the city issues a grading permit or building permit for an affected property. The applicant must submit evidence that the easement or covenant has been submitted to the county for recording.

B. If the city council does not require an easement or covenant, the city may record a notice of the wetland and buffer area requirements against the property. The property owner must still comply with the requirements of this section.

10-18-13: WETLAND BUFFER MARKERS: When new development or redevelopment results in residential, industrial or a business use, the developer must place markers at the upland boundary of the wetland buffer edge at least every 75 feet (or a minimum of one per lot).

A. The marker shall consist of a four-inch square treated post, installed to a height of four feet above grade and set at least 42 inches into the ground

B. Bolt or screw sign to post

C. One sign shall be placed per lot at the upslope edge of the required buffer strip for the wetland. Proposed locations of signs shall be shown on grading or site plan. In general the location of signs shall capture the portion of the buffer that extends the furthest upslope into the lot. The plan that shows the location of the sign shall be provided to the City Engineer for review and approval.

D. Artwork and verbiage shall face principal living (structure).

E. Source of sign is at the discretion of the project sponsor.

CHAPTER 19

COMPREHENSIVE DESIGN ZONE

SECTION:

10-19-1: Intent and Purpose
10-19-2: Comprehensive Design Zone Areas
10-19-3: Requirements
10-19-4: Definitions
10-19-5: Single Residential (SRD) Area Standards
10-19-6: Multiple Residential Dwelling (MRD) Area Standards
10-19-7: Commercial/Retail/Business (CRB) Area Standards
10-19-8: Corporate Office Park (COP) Area Standards
10-19-9: Shared Requirements
10-19-10: Building Structure Requirements
10-19-11: On-Site Requirements

10-19-1: INTENT AND PURPOSE: The purpose of this Comprehensive Design Zone is to provide exemplary standards of development for the grouping of land parcels for development as an integrated, coordinated unit. In order to better provide for community health, welfare and safety needs, greater flexibility of development is conditionally allowed than would be possible under strict application of fixed zoning ordinance. It is further intended to encourage one or more of the following:

A. Utilize a pre-planned land use, which is designed to encourage a plan for compatible adjacent uses, to protect and enhance land values and to achieve the highest aesthetical standards.

B. Development that preserves natural vegetation, topographic and geological features.

10-19-2: COMPREHENSIVE DESIGN ZONE AREAS:

SRD Area: Single Residential Dwelling Area
MRD Area: Multiple Residential Dwelling Area
CRB Area: Commercial/Retail Business Area
COP Area: Corporate Office Park Area

10-19-3: COMMON REQUIREMENTS:

Setback/Lot Coverage/Height/Lot Size Requirements
Landscape Requirements
Building Structure Requirements
On-site Requirements
Signage Requirements
Special Requirements

10-19-4: DEFINITIONS

BUILDINGS: Any structure providing shelter for the persons, animals or chattel of any kind. When separated by bearing walls without openings each portion so separated shall be considered as a separate building.

COMMERCIAL/RETAIL BUSINESS AREA: The CRB provides space for concentrated general business district, at locations where the interaction between such activities can be maximized with minimal infringement on residential neighborhoods.

CORPORATE OFFICE PARK: The COP provides space for minimally light industrial areas, however primarily targeted for office space and office buildings.

FRONTAGE: The width of a lot or building site measured on the line separating it from the public street or way. (For purposes of this ordinance, the front line of corner lots shall be considered to be the shortest street line.)

LIGHT INDUSTRIAL BUSINESS AREA: Space is provided for industrial activities involving a minimum degree of refuse by-products and air pollution and noise pollution and requiring a relatively low level of on-premise processing.

LOADING SPACE: A space, accessible from a street, alley, railroad or way, in a building or on a lot, for the use of trucks while loading and unloading merchandise or materials.

LOT: A parcel of land, abutting on or having access to a public street, being a lot designed in a recorded plat or a parcel occupied by a principal building upon the effective date of the Ordinance, or being a parcel of record of sufficient size to provide the yards required by this Ordinance.

MULTIPLE FAMILY RESIDENTIAL DISTRICT: By providing space for apartment buildings and other styles of multiple dwelling structures, the Multiple Family Residential District permits a variety of housing options while still promoting a neighborhood atmosphere.

PARKING SPACE: An area of not less than 180 square feet net, exclusive of access or maneuvering area, to be used exclusively as a temporary storage space for one (1) private motor vehicle.

SETBACKS, FRONT YARD: The minimum horizontal distance between the front line of a building and the property line, disregarding steps and eaves.

SHOPPING CENTER: A group of commercial establishments planned, developed, owned and managed as a unit related in location, size and type of shops the unit serves.

SINGLE RESIDENTIAL DWELLING AREA: The residential district provides space for low-density residential living with full provision of necessary urban service facilities. Nonresidential uses are limited to the minimum necessary for residential convenience and welfare.

TOWNHOUSES: A group of three or more single-family residences attached one to the other with common sidewalls. These dwellings may be one story or two story buildings but each unit shall be designed and constructed to house single families. The design, construction or use of two-story units to house more than one family shall not be permitted.

YARD: An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Ordinance.

YARD, FRONT: A yard extending along the full width of the front lot line that between the side lot lines and from the abutting front street right-of-way to the front of the building line depth.

YARD, REAR: That portion of the yard on the same lot with the principal building located between the rear lot line and extending the full width of the lot.

10-19-5: SINGLE RESIDENTIAL (SRD) AREA STANDARDS

A. SETBACK/LOT COVERAGE/HEIGHT/LOT SIZE REQUIREMENTS:

Front Yard Setback	30 feet
Side Yard Setback	10 feet
Rear Yard Setback	30 feet
Maximum Building Coverage	35%
Maximum Lot Coverage	45%
Height Limitation	35 feet
Minimum Lot Size	15,000 square feet
Minimum Lot Width At Setback Line	110 feet

10-19-6: MULTIPLE RESIDENTIAL DWELLING (MRD) AREA STANDARDS

A. SETBACK/LOT COVERAGE/HEIGHT/LOT SIZE REQUIREMENTS

1. TOWNHOUSE DISTRICT:

Front Yard Setback	30 feet
Maximum Side Yard Setback	10 feet
Rear Yard Setback	30 feet
Maximum Building Coverage	35%
Maximum Lot Coverage	45%
Height Limitation	35 feet
Minimum Lot Size	The minimum lot per dwelling unit shall be 6,000 square feet

2. MULTIPLE FAMILY RESIDENTIAL DISTRICT:

Front Yard Setback	30 feet
Maximum Lot Coverage	55%
Maximum Building Coverage	35%
Height Limitation	40 feet
Minimum Lot Size	Efficiency Unit – 2,000 square ft/unit 1 Bedroom: 2,500 square ft/unit 2 Bedroom: 3,000 square ft/unit 3 Bedroom: 3,500 square ft/unit

Side Yard Setback: The side yard setback shall be fifteen feet (15'). Except corner lots on which the side yard on the intersecting street shall be not less than thirty feet (30'). When abutting an R-1, R1A or R2, R5 (PUD), CDZ (single family residential), or any existing residential use, the side yard setbacks shall be a minimum of fifty (50) feet plus an additional ½ foot of setback for each one foot of building height over fifteen feet.

Rear Yard Setback: The rear yard setback in the R-3 Residence District shall be forty feet (40') When abutting an R-1, R-1A, R-2, R-5 (PUD), CDZ (residential) or any existing residential use, the rear yard setbacks shall be a minimum of fifty(50) feet plus an additional ½ foot of setback for each one foot of building height over fifteen feet.

Detached accessory structures and parking lots with more than 2 stalls shall be setback a minimum of ten (10) feet from those side and rear property lines adjacent to uses of a similar density (R-3, R-4 or R-5), commercial and industrial properties. Detached accessory structures shall be setback a minimum of thirty (30) feet from those side and rear property lines adjacent to lower density residential uses.

10-19-7: COMMERCIAL/RETAIL/ BUSINESS (CRB) AREA STANDARDS

A. SETBACK/LOT COVERAGE/HEIGHT/LOT SIZE REQUIREMENTS:

Front Yard Setback	30 feet
Side Yard Setback	15 feet
Rear Yard Setback	25 feet
Maximum Lot Coverage	75%
Height Limitation	Two stories or 36 feet
Minimum Lot Size	.75 acre

10-19-8: CORPORATE OFFICE PARK (COP) AREA STANDARDS

A. SETBACK/LOT COVERAGE/HEIGHT/LOT SIZE REQUIREMENTS:

Front Yard Setback	40 feet
Side Yard Setback	25 feet
Rear Yard Setback	30 feet
Maximum Lot Coverage	75%
Height Limitation	100 feet
Minimum Lot Size	3.0 acres

10-19-9: SHARED REQUIREMENTS:

A. LANDSCAPING REQUIREMENTS: All requirements are put forth in the City of Sartell Landscaping Ordinance #10-12. All open areas of any site, tract or parcel shall be upgraded to provide proper drainage, and except for areas used for parking, drives, and storage, shall be landscaped with trees, shrubs or planted ground cover. It shall be the owner's responsibility to see that this landscaping is maintained in an attractive and well kept condition. All vacant lots, tracts or parcels shall also be properly maintained.

10-19-10: BUILDING STRUCTURE REQUIREMENTS:

A. POLE BARNS: The construction of a pole barn shall be prohibited in this and all areas of the Comprehensive Design Zone. A pole barn is defined as a structure, the basic support and framework of which is provided by wooden poles inserted into the ground vertically similar to the telephone pole.

B. MATERIALS: RESIDENTIAL (SRD AND MRD AREAS) Materials are to be used as allowed by the uniform building codes in the governing body's ordinance.

C. MATERIALS: ALL OTHERS (CRB, COP AREAS) The exteriors of all buildings located in this area shall consist of brick, decorative precast concrete, decorative and/or colored concrete masonry units, stone or glass, or any combination thereof, or a decorative synthetic material approved by the city council; but not including such things as metal or standard smooth-faced concrete masonry units, or unfinished pan formed precast concrete. All other materials unless allowed by the following exceptions shall be prohibited:

D. CONDITIONALLY APPROVED MATERIALS (CRB, COP AREAS): Metal: Pre-finished architectural metal panes may be utilized for accent and/or architectural components of a building such as the entry or entry appendage, a required enclosure or screen (unless expressly

prohibited by section language) or architectural roofing as an intended designed accent or a mandatory component of a prototype national or regional building program. In no case, shall the extent of the prefinished metal area exceed 15% of the exposed wall area on any two visible sides of the building when viewed from any one viewing point.

10-19-11: ON-SITE REQUIREMENTS:

A. HAZARDS: Every operation shall be carried on with reasonable precautions against fire and explosion.

B. AIR POLLUTION: Any activity or operation shall conform with the City and State regulations relating to ambient air quality standards and air pollution control regulations.

C. NOISE: Noise shall be measured on any property line of the tract on which the operation is located. Noise emanating from land use shall be in compliance with and regulated by the state of Minnesota Pollution Control Agency standards, Minnesota NPC, as amended.

D. ODORS: The emission of odor by any use shall be in compliance with and regulated by the state of Minnesota Pollution Control Agency standards, Minnesota Regulation APC-1-15, as amended.

E. DUST AND OTHER PARTICULATED MATTER: The emission of dust, fly, ash or other particulate matter by any use shall be in compliance with and regulated by the state of Minnesota Pollution Control Agency standards, Minnesota Regulation APC-1-15, as amended.

F. SMOKE: The emission of smoke by any use shall be in compliance with and regulated by the state of Minnesota Pollution Control Agency standards, Minnesota Regulation APC-1-15, as amended.

G. GLARE: Any lighting used to illuminate off-street parking area, sign accent lighting for the main building structure, whether direct or reflected, shall be arranged so as to not be visible ~~form~~ **from** beyond the site or origin at any property line.

H. WASTE: All solid waste material, debris or other refuge shall be contained within an enclosure as specified under “enclosures” of this Ordinance. All liquid wastes containing organic or toxic materials shall be discharged in a manner described by the Minnesota Pollution Control Agency. Any temporary storage of any such materials shall be contained in an approved manner complying with the state and federal offices of Fire Marshall, PCA and agricultural department.

I. RADIATION AND ELECTRICAL EMISSION: All activities that emit radioactivity and/or electrical emissions shall be in strict compliance with the Minnesota Pollution Control Agency Act and Federal Communications Commission.

J. SCREENING AND ENCLOSURES (CRB, COP AREAS):

1. ROOFTOP ENCLOSURES: All rooftop units and/or mechanical rooftop extensions, which are visible from any viewing point outside the building lot, shall be enclosed or screened with a four wall structure utilizing the approved materials, so as to cause the object to be non-visible from any viewing point outside the building lot.

2. REFUSE ENCLOSURES: All refuse containers shall be kept in a four sided enclosure constructed of a brick, stone, decorative concrete material or a durable material compatible with material of structure at a minimum of five (5) feet high.

3. LOADING DOCK AND GARAGE ENTRANCE SCREENING: Loading docks and garage entrances and exits shall be screened to minimize visibility from any public street and/or any

adjacent building structures front or side yard viewing point, and away **from** SRD and MRD area.

4. OUTDOOR STORAGE SCREENING: No outdoor storage of products, non-movable equipment or inventory shall be allowed in this area. Any enclosed storage shall be of materials allowable under this Ordinance.

5. PARKING AREA SCREENING: RESIDENTIAL (SRD AREA ONLY): Any off-street parking area containing more than five (5) parking spaces from any adjoining residential zone or across the street from any adjoining residential zone, and any driveway to a parking area containing at least five (5) spaces within fifteen (15) feet of an adjoining residential zone shall be completely screened to a height of at least three and one half (3 ½) feet above the parking grade. Such screening shall be accomplished through the use of earth berming and/or plant materials.

6. PARKING AREA SCREENING: ALL OTHERS (MRD, CRB, COP AREAS): When a parking lot is located adjacent to a public right of way, a strip of landscaping shall shield views of parked cars to passing motorists and pedestrians.

7. Parking lots are required to have a curb and gutter and be paved, a six foot landscaped strip with a minimum three-foot grade drop from the right of way to the parking lot. One shade tree and five shrubs are required for every thirty-five linear feet.

CHAPTER 20

ENVIRONMENTAL ORDINANCE

EROSION AND SEDIMENT CONTROL ORDINANCE

SECTION:

10-20-1: Intent, Purpose
10-20-2: Statutory Authorization
10-20-3: Definitions
10-20-4: Required Land Disturbance Permit
10-20-5: Land Disturbance Permit Process and Data Requirements
10-20-6: Storm Water Pollution Prevention Plan
10-20-7: Stabilization Design
10-20-8: Pollution Prevention Management Measures
10-20-9: Special or Impaired Waters
10-20-10: Inspection and Maintenance
10-20-11: Final Stabilization
10-20-12: Enforcement

10-20-1: INTENT, PURPOSE**:** During the construction (roadway, utility and building) process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Sartell. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Sartell.

10-20-2: STATUTORY AUTHORIZATION: This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and 462: Minnesota Rules, Parts 6120.2500-6120.3900. Minnesota Rules Chapters 8410,8420 and 70510.0210

10-20-3: DEFINITIONS:

BEST MANAGEMENT PRACTICES (BMPS): Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

CERTIFIED CONTRACTOR: A person who has received training to inspect and maintain erosion and sediment control practices.

CLEARING: Any activity that removes ground cover and exposes topsoil material. Drainage way: Any channel that conveys surface runoff throughout the site.
Erosion Control: A measure that prevents soil particle exposure and detachment.

EROSION AND SEDIMENT CONTROL PLAN: Otherwise known as a storm water pollution prevention plan (SWPPP) which is a set of plans prepared by or under the direction of a licensed professional engineer or certified contractor indicating the specific measures and sequencing to be used to control the sediment and erosion on a development site during and after construction.

GRADING: Excavation or fill of material.

IMPAIRED OR SPECIAL WATERS: Waters identified as impaired under section 303 (d) of the federal Clean Water Act for phosphorus (nutrient eutrophication biological indicators), turbidity, dissolved oxygen or aquatic biota (fish bio-assessment, aquatic plant bio-assessment and aquatic macroinvertebrate bio-assessment).

PERIMETER CONTROL: A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

SEDIMENT CONTROL: Measures that prevent eroded sediment from leaving the site.

LAND DISTURBING: Any project or activity, including excavations, clearing and grading that directly or indirectly affects slopes, water bodies or the moving of ground cover.

LAND DISTURBANCE PERMIT: A permit issued by the City for the construction or alteration of ground cover improvement and structures for the control of erosion, runoff and grading.

NEW DEVELOPMENT: All construction activity that is not defined as redevelopment.

PRIMARY STRUCTURE: A structure in which a principal use of the lot on which the structure is located is conducted.

REDEVELOPMENT: Projects with more than 15 percent impervious surface prior to construction.

SITE: A parcel of land or a contiguous combination thereof, where grading work is preformed as a single unified operation.

STABILIZATION: The use of practices that prevent exposed soil from eroding. Otherwise known as Best Management Practices (BMP's)

START OF CONSTRUCTION: The first land disturbing activity associated with a development, including land preparation such as ground clearing (grubbing), grading, and filling. Installation of streets and walkways, excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

10-20-4: REQUIRED LAND DISTURBANCE PERMITS:

A. Residential, Commercial and Industrial Site Construction Plans. All persons wishing to start a land disturbance project on an existing lot of record (see Section 11, Chapter 3 of the Subdivision Code), for the purposes of the construction of a residential, commercial or industrial primary structure, shall submit a Land Disturbance Permit at the time of obtaining a building permit. See also Chapter 9, General Regulations on grading/drainage protection.

B. Roadway and Utility Installation Construction Plans. All persons wishing to start a land disturbance project on an existing lot of record (see Section 11, Chapter 3 of the Subdivision Code), for the purposes of the construction of any roadway or utilities, shall submit a Land Disturbance Permit to the City Engineer at the time of roadway and utility plan.

C. Any Persons wishing to disturb any land greater than one acre prior to the City approving a final plat and final grading plan for the property may submit an application for a conditional use permit.

D. The following activities are not required to obtain a Land Disturbance Permit:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

2. Existing nursery, as long as the activity does not exceed 43,560 square feet (one acre) and agricultural operations conducted as a permitted main or accessory use.

10-20-5: Land Disturbance Permit Process and Data Requirements

A. Residential, Commercial and Industrial Site Construction Plans. An application and applicable application fee for a land disturbance permit for each property, which has been platted, shall be filed with the Building Inspector on an approved form and accompanied documents.

B. Roadway and Utility Installation Construction Plans. An application for a land disturbance permit for property has been platted shall be filed with the City Engineer on an approved form and accompanied documents.

C. Each application shall bear the name(s) and address (es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by an application fee as set by the Ordinance, Storm Water Pollution Prevention Plan and outlined in section 10-20-5.

D. The City of Sartell's building department will review each residential, commercial and industrial land disturbance permit application for site construction (which shall include a site drawing of all structures and stabilization methods) to determine its conformance with the provisions of this regulation. The City of Sartell's engineering department will review each roadway and utility land disturbance permit application for site construction to determine its conformance with the provisions of this regulation. Most land disturbance permits for building site plans will be issued within the same time period as the building permit. Within 60 days of the receipt of a roadway and utility land disturbance permit application, unless extended to 120 days or waived by the applicant, the City of Sartell shall in writing:

1. Approve the permit applications;
2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
3. Disapprove the permit applications, indicating the reason(s) and procedure for submitting a revised application and/or submission.

E. Failure of the City of Sartell to act on an original or revised Land Disturbance Permit application within 60 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City of Sartell. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with the conditions established by the City of Sartell.

F. Unless otherwise exempted by this ordinance, projects that create ½ acre or more of new impervious surfaces and/or redeveloped OR 1 acre of land is disturbed shall include the following information upon permit submittal:

1. A Stormwater Pollution Prevention Plan that incorporates the drainage requirements of Section 11-6-7.

2. A Maintenance Agreement. The SWPPP shall be prepared to meet the requirements of both Section 10-20-6 and Section 11-6-7 of this ordinance, the Maintenance Agreement shall be prepared to meet the requirements of Section 11-6-15 of this ordinance. In lieu of preparation of providing permanent stormwater drainage improvements, minor land disturbing projects may install a rain garden or similar stormwater treatment practice, with approval from the City.

10-20-6: Storm Water Pollution Prevention Plan

A. The Storm Water Pollution Prevention Plan (Erosion and Sediment Control Plan) shall be consistent with the requirements as established and utilized by the Minnesota Pollution Control Agency and include the following:

1 A sequencing of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

2 All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Grading, erosion control practices, sediment control practices, and waterway crossing shall be designed to adequately prevent the transportation of sediment from the site to the satisfaction of the intent and purpose of this ordinance. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each session. At a minimum, the following shall be automatically implemented:

a. Silt fencing or other sediment control practices shall be installed on all down gradient perimeters prior to the release of a building permit.
b. Rock mixture (as specified by the City Engineer and as recommended by the Minnesota Pollution Control Agency (MPCA) in its publication Protecting Water Quality in Urban Areas) shall be placed at the entrance to prevent sediment tracking.

B. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 10-20-4 of this regulation, may be authorized by the City of Sartell by written authorization to the permitee, and shall include:

1. Major amendments of the land disturbance permit or storm water pollution prevention plan submitted to the City of Sartell. Major amendments include a change in structure location and drainage patterns.

10-20-7: Stabilization Design

A. Stabilization and use of Best Management Practices shall be in accordance with approved BMP's as recommended by the Minnesota Pollution Control Agency (MPCA) in its publication Protecting Water Quality in Urban Areas, or as amended and approved by the City by policy.

B. Erosion control requirements shall include the following:
1. Soil stabilization shall be completed within 7 days of clearing or inactivity in construction.

2. If seeding or another erosion control measure is used, it shall become established within three weeks or the City of Sartell may require the site to be reseeded or a no vegetative option employed.

3. Soil stockpiles must be stabilized or covered at the frequency as all other stabilization activities.

4. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion.

5. Techniques shall be employed to prevent the blowing of dust or sediment from the site to the maximum extent possible.

6. Technique that diverts upland runoff past disturbed slopes shall be employed to the maximum extent possible.

7. Other best management principals in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains such as rock construction entrances.

8. Removal of all debris, dirt and soil from impervious ground surfaces, including abutting public or private roadways and sideways, sediment basins, catch basins and in connection with the subject property,

10-20-8: POLLUTION PREVENTION MANAGEMENT MEASURES: The Permittee (s) shall implement the following pollution prevention management measures for the site:

A. Solid Waste: Collected sediment, asphalt and concrete millings, floating debris, paper, plastic, fabric, construction and demolition debris and other wastes must be disposed of properly and must comply with MPCA disposal requirements.
B. Hazardous Materials: Oil, gasoline, paint and any hazardous substances must be properly stored, including secondary containment to prevent spills, leaks or other discharge. Restricted access to storage areas must be provided to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA requirements.
C. External washing of trucks and other construction vehicles must be limited to a defined area of the site. Runoff must be contained and waste properly disposed of. No engine degreasing is allowed on site.
D. Portable toilets must be positioned so that they are secure and will not be tipped or knocked over. Sanitary waste must be disposed of properly in accordance with Minnesota R.ch. 7041.
E. Concrete and other washouts waste must have effective containment for all liquid and solid wastes generated by these operations related to the construction activity. The liquid and solid washout wastes must not contact the ground outside a proper containment area. Waste must be disposed of properly and in compliance with MPCA rules, and a sign must be installed adjacent to each washout facility.

10-20-9: SPECIAL OR IMPAIRED WATERS: Additional BMP's together with enhanced runoff controls are required for discharge from a site to special and impaired water as defined by Appendix A of the Minnesota Pollution Control Agency General Stormwater Permit for Construction Activity.

10-20-10: INSPECTION AND MAINTENANCE

A. The Developer shall pay for all costs incurred by the City for subdivision review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the Attorney, as well as other costs of similar nature.

B. The City Engineer and/or Building Inspector or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Storm Water Pollution Prevention Plan as approved. Plans for grading, stripping, excavating and filling work bearing shall be maintained at the site during the progress of the work.

C. The permittee or his/her agent shall make regular inspections of all control measures once every seven (7) days during active construction and within 24 hours after a rainfall event greater than .5 inches in 24 hours. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections

shall be documented in written form and available upon request to the City Engineer and/or Building Inspector.

D. All inspections and maintenance conducted during construction must be recorded in writing and must be retained with the SWPPP. Records of each inspection and maintenance activity shall include:

1. Date and time of inspection
2. Name of person (s) conducting the inspections
3. Findings of inspections, including recommendations for corrective actions.
4. Corrective actions taken (including dates, times, and the party completing the maintenance activities).
5. Date and amount of all rainfall events 0.5 inches or greater in 24-hours.
6. Documentation of changes made to SWPPP.

E. The City Engineer and/or the Building Inspector or designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity and compliance of the permit filed.

F. The Applicant shall notify the City a minimum of forty eight hours (48) notice prior to the following required City Inspections.

1. Initial Inspection – when all Erosion and Sediment Control BMP's are installed. This inspection must be completed before a building Permit can be issued.

2. Project Complete Inspection – when the project is complete including, but not limited to, final Grading, installation of all Stormwater Management Facilities and Final Stabilization measures are complete.

G. Parts of the construction site that have achieved final stabilization, but work continues on other parts of the site, inspections of the stabilized areas can be reduced to once a month. If work has been suspended due to frozen ground conditions, the required inspections and maintenance must take place as soon as runoff occurs or prior to resuming construction, which ever happens first.

H. All erosion and sediment BMP's shall be inspected to ensure integrity and effectiveness. All nonfunctional BMP's shall be replaced or supplemented with a functional BMP. The Permittee shall investigate and comply with the following inspection and maintenance requirements.

I . All silt fences must be repaired, replaced or supplemented when they become nonfunctional or the sediment reaches ½ of the height of the fence. These repairs shall be made within 24 hours of discovery or as soon as field conditions allow access.

J. Temporary and permanent sedimentation basins must be drained and the sediment removed when the depth of sediment collected in the basin reaches1/2 the storage volume. Drainage and removal must be completed with 72 hours of discovery, or as soon as field conditions all access.

K Surface waters, including drainage ditches and conveyance systems must be inspected for evidence of sediment being deposited by erosion. The Permittee shall remove all deltas and sediment deposited in surface waters, including drainage ways, catch basins, and other drainage systems, and re-stabilize the area where sediment removal results in exposed soil. The removal and stabilization shall take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints. The Permittee shall use all reasonable efforts to obtain access. If precluded, removal and stabilization shall take place within seven (7) calendar days of obtaining access. The Permittee is responsible for contacting all local, regional, state and federal authorities and receiving any applicable permits prior to conducting any work.

L Construction site vehicle exit locations shall be inspected for evidence of off-site sediment tracking onto paved surfaces. Tracked sediment shall be removed from all off-site paved surfaces within 24 hours of discovery or if applicable within a shorter time.

M The Permittee is responsible for the operation and maintenance of temporary and permanent water quality management BMP's as well as all erosion prevention and sediment control BMP's for the duration of the construction work at the site. The Permittee is responsible until another Permittee has assumed control over all areas of the site that have not been finally stabilized or the site has undergone final stabilization and a NOT has been submitted to the MPCA.

N If sediment escapes the construction site, off-site accumulations of sediment shall be removed in a manner and at a frequency sufficient to minimize off-site impacts (e.g. fugitive sediment in streets could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).

O All infiltration areas shall be inspected to ensure that no sediment from ongoing construction activities is reaching the infiltration area and these areas are protected from compaction due to construction equipment driving across the infiltration area.

10-20-11 FINAL STABILIZATION: The Permittee must ensure final stabilization of the project. Final stabilization can be achieved in one of the following ways:

A. All soil disturbing activities at the site have been completed and all soils will be stabilized by a uniform perennial vegetative cover with a density of at least 70 percent over the entire pervious surface area or other equivalent means necessary to prevent soil failure under erosive conditions and:

    1. All drainage ditches, constructed to drain water from the site after construction is complete must be stabilized to preclude erosion; and
    2. All temporary synthetic, and structural erosion prevention and sediment control BMP's (such as silt fence) must be removed as part of the site final stabilization; and
    3. The Permittee must clean out all sediment from conveyances and from temporary sedimentation basins that are to be used as permanent water quality management basins. Sediment must be stabilized to prevent it from washing back into the basin, conveyances or drainage ways, discharging off-site or to surface waters. The cleanout of permanent basins must be sufficient to return the basin to design capacity.

B. For residential construction only, final stabilization has been achieved when:

1. Temporary erosion protection and down gradient perimeter control for individual lots has been completed and the residence has been transferred to the homeowner.
2. The Permittee must distribute the MPCA “homeowner factsheet” to the homeowner so the homeowner is informed for the need, and benefits of final stabilization.

10-20-12: Enforcement

A. Compliance required. The applicant shall implement and comply with the land disturbance permit prior to and during any construction of land disturbing activity under the land-disturbing permit. All stabilization measures shall be implemented and maintained until all grading, excavation and construction work has ended.

B. Stop-Work Order: Revocation of Permit and Suspension of Construction In the event that any person holding a land disturbance permit pursuant to this ordinance violates the terms of the permit and in found non-compliant with the permit or implements site development construction practices in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City of Sartell may suspend construction and revoke the site development permit . The City shall serve upon the property manager, or other responsible persons written notice of the violation of the approved Land Disturbance Permit.

C. Violation and Penalties. No person shall construct, enlarge, alter, repair or maintain any grading, excavation, or fill or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed quality of a misdemeanor and each day during which any violation of any of the provisions of his ordinance is committed, continued, or permitted, shall constitute a separate offence. Upon conviction of any such violation, a fine to be determined by the City of Sartell for each offense shall punish such person, partnership or corporation. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

CHAPTER 21

ILLICIT DISCHARGE AND CONNECTION ORDINANCE

SECTION:

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10-21-1: PURPOSE AND INTENT: The purpose of this ordinance is provide for the health, safety, and general welfare of the citizens of Sartell through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user,

B. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system, and

C. To establish legal authority to carry out all inspection, surveillance, enforcement, and monitoring procedures necessary to ensure compliance with this ordinance.

10-21-2: DEFINITIONS:

ACCIDENTAL DISCHARGE: means a discharge prohibited by this ordinance and without planning or thought prior to occurrence.

AUTHORIZED ENFORCEMENT AGENCY: employees or designees of the City of Sartell designated to enforce this ordinance.

BEST MANAGEMENT PRACTICES (BMPs): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT: the Federal Water Pollution Control Act (33 U.S. C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY: Activities subject to the NDPES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT DISCHARGE: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

ILLICIT CONNECTIONS: An illicit connection is defined as either of the following:
Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge including sewage, process wastewater, and wash water to enter the storm drain system, including any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY: Activities subject to NDPES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A stormwater conveyance or unified stormwater conveyance system (including without limitation: roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural or man-made channels, or storm drains), that:

A. Is located within the corporate limits of Sartell, MN; and
B. Is owned or operated by the State, County, the City, or other public body; and
C. Discharges to Waters of the State and/or United States, excluding publicly owned treatment works, and lawful connections thereto, which in turn discharge into the Waters of the State and/or United States.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT: Any permit or requirement enforced pursuant to the clean water act as amended for the purposes of regulating storm water discharge.

NON-STORM WATER DISCHARGE: Any discharge to the storm drain system that is not composed entirely of storm water.

PERSON: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables, pesticides, herbicides; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

POLLUTION: Man-made or man-induced alteration of the chemical, physical, biological, thermal, and/or radiological integrity of water.

PREMISES: Any buildings, lot, parcel of land or portion or land whether improved or unimproved including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORM WATER: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges and/or Receiving Waters to the Maximum Extent Practicable.

WASTEWATER: any water or other liquid, other than uncontaminated storm water, discharged from a facility.

WATERCOURSES: any natural or engineered wetland, raingarden, river, lake, ditch.

WATERS OF THE STATE AND/OR UNITED STATES: All water bodies regulated by the State and/or United States including streams, lakes, ponds, wetlands, marshes, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations or water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Minnesota or any portion thereof, or which may be susceptible to use in interstate or foreign commerce.

10-21-3: APPLICABILITY: This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

10-21-4: RESPONSIBILITY FOR ADMINISTRATION: The City of Sartell shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

10-21-5: SEVERABILITY: The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance.

10-21-6: ULTIMATE RESPONSIBILITY: The standards set forth herein and promulgated pursuant to this ordinance are minimum standards: therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

10-21-7: DISCHARGE PROHIBITIONS: Prohibition of Illicit Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:

A. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if chlorinated – typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.
B. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
C. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
D. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illicit Connections.

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
C. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

10-21-8: SUSPENSION OF MS4 ACCESS:

A. Suspension due to Illicit Discharges in Emergency Situations: The City of Sartell may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State and/or United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State and/or United States, or to minimize danger to persons.

B. Suspension due to the Detection of Illicit Discharge: Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

   A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

10-21-9: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES: Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Sartell prior to the allowing of discharges to the MS4.

10-21-10: MONITORING OF DISCHARGES:

A. Applicability: This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities

1. The City of Sartell shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

2. Facility operators shall allow the City of Sartell ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

3. The City of Sartell shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

4. The City of Sartell has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Sartell and shall not be replaced. The costs of clearing such access shall be borne by the operator.

6. Unreasonable delays in allowing the City of Sartell access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

7. If the City of Sartell has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

10-21-11: REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES: The City of Sartell endorses the MPCA's requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the State and/or United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

10-21-12: WATERCOURSE PROTECTION: Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through or infiltrate within the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

10-21-13: NOTIFICATION OF SPILLS: Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the storm drain system, or water of the State and/or United States said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Director, City of Sartell within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

10-21-14: ENFORCEMENT:

A. Notice of Violation: Whenever the City of Sartell finds a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

    1. Monitoring, analyses, and reporting;
    2. Elimination of illicit connections or discharges;
    3. Abatement of pollution and hazards;
    4. Restoration of affected property;
    5. Payment of fine to cover administrative and remediation costs;
    6. Implementation of source control or treatment BMPs; and
    7. Other actions as deemed necessary by the City.

B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

10-21-15: INJUNCTIVE RELIEF: It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

10-21-16: COMPENSATORY ACTION: In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

10-21-17: VIOLATIONS DEEMED A PUBLIC NUISANCE: In addition to the enforcement of processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

10-21-18: CRIMINAL PROSECUTION: Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law. The enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

10-21-19: REMEDIES NOT EXCLUSIVE: The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

CHAPTER 22

ENVIRONMENTALLY SENSITIVE AREAS ORDINANCE

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10-22-1: TITLE

This Ordinance as amended from time to time shall be known as the "Environmentally Sensitive Areas Ordinance" of the City of Sartell, Minnesota, and shall be known, cited and referred to herein as "this Ordinance."

10-22-2: DEFINITIONS

Best Management Practices (BMP's) - Standard, well-defined methods for managing lands in compliance with federal, state and local regulations and/or recommendations regarding conservation of soil, water, plants, and animal habitats

Biodiversity -The variety of life forms that inhabit the earth. Biodiversity includes a) the number of different species of living things found in an area; b) the number of different ecosystems found in an area.

Buffers - Located within an impact zone. Buffers are areas of secondary protection established on a case-by-case basis for each environmentally sensitive area. The width of the buffer might, due to topography and species diversity, vary around the perimeter of each environmentally sensitive areas.

Clear Cutting- the substantial removal of trees or shrubs in a contiguous patch, strip, row, or block which is inconsistent with standard forest maintenance practices.

Cluster development - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Complex - Two or more environmentally sensitive areas adjacent to each other.

Concept Plan - A non-engineered plan for a property proposed for development. For properties containing an Environmentally Sensitive Area, the Concept Plan is more than a Sketch Plat since it must include enough detail to analyze the proposed development and its relation to the environmentally sensitive areas located on the property.

Corridors - Corridors are strips or blocks of land that form connections between two separated areas of similar habitat. These corridors allow plants and animals to disperse and travel from one "island" of

suitable habitat to another.

Ditch – Open channel of water to conduct the flow of water as per Minnesota Statutes 103E.005.

Environmentally Sensitive Areas: An area that contains native vegetation, natural features and/or natural resources. These include surface water (rivers, lakes, streams and ditches); shoreland and floodplain areas, especially riparian and wildlife corridors; wetlands, sensitive groundwater (wellhead) projection areas and sensitive geological features; state or federally listed (endangered, threatened or special concern) plant and animal species and their habitat; natural plant communities, including forests, woodlands and prairies, particularly those of high species diversity and other unique and sensitive features. ESAs contain natural communities, i.e., naturally-occurring associations of plants and animals whose existence and extent are determined by factors such as soil composition, hydrology, climate, solar conditions and a site's unique history. ESAs are sensitive in that further fragmentation, disturbance and development will adversely affect and may destroy the natural processes operating within them, as well as the composition, structure and function of the natural communities they contain.

Equitable Economic Return - Return to landowner guaranteed by the takings clauses of the Minnesota and United States Constitutions.

Forests - Trees with their crowns overlapping (generally forming 60 - 100% cover)

Groundwater - the water beneath the land surface that fills the spaces in rock and sediment

Impact zones - Zones assigned around the perimeter of environmentally sensitive areas. The Environment and Development Team review process shall be initiated whenever an activity that is regulated by this Ordinance is proposed to occur within an ESA or its impact zone. For purposes of this Ordinance impact zones shall extend the following distances outward from the ESA.

DNR Protected Waters, Riparian Corridors, Rock Outcrops and Native Prairies	100 feet
Natural Heritage Sites, Most Important Natural Resource Sites and all Wetlands	100 feet
More Important or Important Natural Resource Sites	50 feet

Native species/vegetation - A species that existed in an area prior to European settlement.

Native Prairie-A natural vegetative community primarily dominated by native grasses and herbaceous flowering plants with few or no trees, typically sustained by fire and/or grazing.

Natural community - A group of native plants and animals that interact with each other and their abiotic environment in ways not greatly altered by modern human activity or by introduced organisms. They are classified and described by considering vegetation, hydrology, landforms, soils, and natural disturbance regimes (such as wildfires, windstorms, normal flood cycles and normal infestation by native insects and microorganisms).

Natural Heritage Areas - Natural Heritage Areas, as designated in this Ordinance, are those environmentally sensitive areas that have been identified by the MN-DNR's Natural Heritage and Nongame Research Program and Minnesota County Biological Survey as having not only local, but state-wide significance. These areas are largely unaltered by modern human activity and have native vegetation distributed in naturally occurring patterns. Natural Heritage Areas are the few remaining examples of native vegetative communities present prior to European settlement. As such, they are of unusually high quality, may contain rare or endangered species, and represent remnants of Sartell's

history and heritage. Natural Heritage Areas are those areas of highest importance for protection.

Natural Resource Inventory-The systematic and scientific search and documentation of occurrences of natural resources and environmentally sensitive areas, which are then placed on one or more maps.

Natural Resource Areas - Natural Resource Areas, as designated in this ordinance, possess and/or protect important natural resources. These areas may contain rare species, important wildlife habitat and/or remnants of rare or uncommon natural communities. They may protect groundwater, rivers, lakes, streams and wetlands, or otherwise support natural resource functions. Natural Resource Areas are designated as most important, more important and important, based on the quality, rarity and interconnectedness of the resources.

> Most Important - Natural resource areas slightly disturbed by human activity; in a complex (adjacent to another environmentally sensitive area or areas); uncommon statewide; very rare or unique locally.
>
> More Important - Natural resource areas in a complex with moderate to severe human disturbance or not in a complex with only slight human disturbance. Although common statewide, many are experiencing widespread threats and are of poor quality while others are more secure.
>
> Important - Natural resource areas with moderate to severe human disturbances; not part of a complex.

Non-native Species – An organism (plant, animal, or fish species) introduced intentionally or accidentally from its native range into an area where the species did not previously exist.

Non-Woody upland vegetation/prairie - refers to an area of land with low topographic relief that principally supports grasses and herbs, with few trees.

Open space - An area that is intended to provide light and air and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, walkways, active and passive recreation areas, playgrounds, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Overburden - The loose soil, silt, sand, gravel, or other unconsolidated material overlying bedrock, either transported or formed in place.

Rare species site - A documented historic location of a species that is listed on federal or state lists for endangered, threatened and or species of special concern.

Riparian corridors - The complex assemblages of organisms and their environment existing adjacent to and near flowing water. Such corridors have two essential characteristics: 1) laterally flowing water that rises and falls at least once within a growing season; 2) a high degree of connectedness with other ecosystems. As such, riparian corridors act as natural buffers between the flowing water and adjacent land uses, i.e. agriculture, urban areas, etc.

Rock outcrop - Bare exposure of bedrock without soil cover and regardless of plant association. These outcrops may indicate presence of sensitive soils, sensitive hydrological features, sensitive geological features, and/or unique biotic communities.

Savannah-Natural plant communities with open woodlands in which large trees grow in park-like stands.The native vegetation is transitional between woodland and prairie. Oaks and native grasses are dominant.

Scientist - A person with a professional degree or training in one or more of the following areas: Natural History, Ecology, Geology, Hydrology, Wildlife Biology or Botany.

Sensitive geological features - Any geologic feature easily modified or destroyed by human activity. Examples include glacially polished bedrock, open fractures and residual clays. Sensitive geological features are areas included within designated Natural Heritage and Natural Resource Areas, and/or the Stearns County Geologic Atlas.

Sensitive hydrological areas - A surface or groundwater feature where minor human disturbances will change water movement, water level or water quality. Sensitive hydrological features are areas included within designated Natural Heritage and Natural Resource Areas, and/or the Stearns County Geologic Atlas.

Sensitive soils - Soils that have a low capacity to maintain or recover specific soil functions after relatively minor disturbances. Examples of disturbances may include low levels of wind and/or water erosion, soil reworking or topsoil removal and compaction from equipment, human or livestock traffic. Examples of soil function may include vegetation maintenance or establishment (including crop rotation) and nutrient, pathogen and chemical treatment. A list of sensitive soils would include those that have a disproportionately higher loss of function than those other soils with the same degree of disturbance. Examples of sensitive soils might include thin soils underlain by shallow bedrock or hydric soils

Sketch Plat - A sketch preparatory to the concept plan and preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the EDT.

Steep slopes - Slopes that are unstable enough so that downslope movement is likely. An unstable condition can occur because of a combination of steepness, material, hydrologic conditions, and human disturbance. Where specific information from County soil surveys is not available steep slopes are lands having slopes over 12% as measured over horizontal distances of 50 feet. “Bluffs” have slopes over 18%.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, tracts, or of contractual interest for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residential and nonresidential-zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instruments. Subdivision includes re-subdivision.

Sustainable Development – The development of land for various uses taking into consideration current ecosystem health and the implementation of best management practices and measures to enhance, protect, preserve and conserve existing fish and wildlife habitat and other habitat areas that are important for specific natural processes and functions. Best management practices may include but not be limited to rain gardens, wetland avoidance, minimizing wetland impacts, the implementation of narrower streets, utilizing pervious surfaces, installation of green roofs, etc.

Sustainability - Sustainability is a function of how natural and social resources are used over time to maintain a specific level of ecosystem health for future generations.

Watershed -entire physical area or basin drained by a distinct stream or riverine system, physically separated from other watersheds by ridgetop boundaries

Wildlife corridor (Eco-system connections) – Areas of shelterbelts, windbreaks, forests, woodlands, prairies or other natural areas that are interconnected and that provide habitat or specific ecosystem types for fish and wildlife species in urban, rural or other natural areas. Wildlife corridors in urban areas can be important for cover, food, brooding/breeding and general fish and wildlife habitat and movements. Such corridors can also be discrete linear or contiguous vegetated areas along rivers, river wetlands, and tributary streams (riparian corridors) and fence lines (hedge rows) or broad connected patches of vegetated land.

Wetlands – Wetlands means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this subpart, wetlands must:

(1) have a predominance of hydric soils;

(2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation (i.e., plants that tolerate seasonal or permanent saturated soil conditions) typically adapted for life in saturated soil conditions; and

(3) under normal circumstances, support a prevalence of hydrophytic vegetation.

Woodlands - Open stands of trees with crowns not usually touching (generally forming 25 - 60% cover).

10-22-3: PURPOSES: Ordinance Goals. The intent of this Ordinance is to pursue two equal goals:

Protect ESAs. To provide and encourage measures of protection to those properties identified as Environmentally Sensitive Areas (ESA).

Equitable return to landowner. To provide an opportunity for equitable economic return in consideration of protection and preservation of ESAs.

A. Comprehensive Plan Goals. This Ordinance creates a process through which the City can comply with the Comprehensive Plan's pledge to support orderly growth and development while protecting environmentally sensitive resources within the City of Sartell. The goals and objectives of the Comprehensive Plan furthered by this Ordinance include the need to:
    1. Protect, conserve and enhance natural resources and environmentally sensitive areas within the city and its planned growth areas for the community's long-term environmental and economic benefits.
    2. Recognize the Mississippi, Sauk, Watab and other rivers as major recreational, environmental, economic and aesthetic assets to the community.
    3. To conserve and improve ESAs.
    4. To protect, preserve and enhance the supply of clean water and clean air for the current and future generations of Sartell citizens and businesses.
    5. To restore and re-establish native vegetation.
    6. To establish a balance between the protection of natural resources and the urban use of the land.
    7. Provide for the orderly growth and development of the City including commercial, industrial and residential areas.
    8. Promote flexible site planning and allow for a mix of housing types.
    9. Encourage coordination between city, county, state and federal agencies concerned with natural resources
    10. Encourage cooperation through joint planning and development with neighboring communities to protect, preserve, and enhance our shared natural environment.
    11. Encourage early cooperative planning between landowners/developers, the City and individuals with scientific expertise in natural communities and resources.
B. State Planning Goals: This Ordinance is adopted in pursuance of the Community Based

Planning Act of 1997 (CBPA) Minnesota Statutes 4A.08, particularly the goals of economic development, conservation, land-use planning and sustainable development.

C. Goals for the Process Guiding Future Development: This Ordinance requires that all future development occurring in areas identified as environmentally sensitive be guided by a concern to protect, conserve and enhance those resources. To accomplish this goal, this Ordinance creates a process to aid, support and promote development that achieves these environmental goals. This process will:

1. Identify and prioritize environmentally sensitive areas;
2. Aid developers in the creation of their development plans;
3. Aid City staff, the Planning Commission and City Council in their assessment development plans in environmentally sensitive areas; and
4. Provide flexibility in the planning process when needed to balance environmental and economic goals.

E. Rationale for Protecting Environmentally Sensitive Areas: The City of Sartell has a right and responsibility to conserve, protect and enhance ESAs for the present and future health, safety, and general welfare of the population. The continued strength and well-being of our community and the health of our natural environment are interdependent. Sustainable development maintains the natural environment and enhances economic opportunity by contributing to Sartell's:

1. Health (e.g. wetlands that function to filter and purify water)
2. Safety (e.g. wetlands and riparian corridors contribute to flood control)
3. Historical Preservation (e.g. examples of the pre-settlement environment)
4. Wildlife Habitat and Natural Communities (e.g. indigenous plant or animal species)
5. Recreation (e.g. walking, birding, skiing)
6. Aesthetics and Quality of Life (e.g. beauty, solitude, and quiet amidst the noise of modern life)
7. Education (e.g. children have local access to learn about their natural surroundings and history)

10-22-4: DESIGNATING LAND AS AN ENVIRONMENTALLY SENSITIVE AREA ESA

A. Designation Criteria: Environmentally Sensitive Areas (ESAs) shall be areas within the City of Sartell that have one or more of the following characteristics (See Natural Resource Priority Matrix): Surface waters: Areas designated by the State of Minnesota as a public water, including rivers, lakes, streams, shorelands; or a public drainage ditch.

1. Floodplains: Areas designated as floodplain under the Sartell Floodplain Ordinance.
2. Sensitive groundwater area: Land within the designated wellhead protection area for the City of Sartell; or designated as sensitive to groundwater.
3. Stormwater management: Areas with stormwater management structures; or areas designated for stormwater management by the Sartell Stormwater Management Plan
4. Wetlands: Protected wetlands as defined by the Minnesota Wetland Conservation Act.
5. Sensitive Geological Features: Areas with rock outcrops identified by the Sartell Natural Resources Inventory. Areas with significant potential for soil erosion, including highly-erodible soils.
6. Forests and wooded areas: Forested or wooded areas designated by the Sartell Natural Resources Inventory.
7. System connections: Wildlife and riparian corridors, which create ecological connections.

8. Habitat: Areas designated by the Sartell Natural Resources Inventory as containing habitat of state or federal listed endangered or threatened species, or species of special concern; or areas identified in the Stearns County Biological Survey.

9. Non-woody upland vegetation/prairie: Non-woody upland areas identified by the Sartell Natural Resources Inventory as containing native vegetation.

B. Prioritization of ESAs: All ESAs meeting the designation criteria in subsection A. of this Section are important to the City of Sartell. In balancing land use planning goals, however, some ESAs are more important than other ESAs. A Natural Resources Priority Map, based on the characteristics below, may be adopted by resolution of the Sartell City Council. The priority of importance among ESAs shall be determined based on the presence of one or more of the following characteristics:

1. Degree of disturbance: Quality of the area as determined by the degree of human disturbance on the ecosystem. ESAs with less disturbance will receive a higher importance rating.

2. Rarity: Local and/or state rarity. ESAs that are relatively rare will receive a higher importance rating.

3. Biodiversity: Biodiversity of native species. ESAs with a greater percentage of native species will receive a higher importance rating.

4. Interconnectedness: Corridors and complexes that form interconnected and contiguous areas and which allow for movement of species from one Environmentally Sensitive Area to another. Interconnected ESAs will receive a higher importance rating.

5. Size: Each type of Environmentally Sensitive Area has its own size requirements that contribute to continued viability for that natural community. ESAs will be prioritized based on a minimum viability size. ESAs that are smaller than the size needed to be viable will receive a lower importance rating.

6. Ecological sensitivity: The ability of the natural community to tolerate development and/or recover from human disturbance. ESAs, or buffers around ESAs, will be rated based on tolerance for adjacent development; the lower the tolerance for adjacent development, the higher the rating.

C. Process for Designating ESAs: ESAs meeting the designation criteria in subsection A., and prioritized based on the characteristics in subsection B. shall be identified through one of the following processes:

1. Preliminary Designation: Preliminary determination of the location of ESAs will be made by the Planning Office and Engineering Department using the maps as denoted in Sections 10-22-4-C. ESAs as denoted on the maps in Sections10-22-4-C and their impact zones shall be the only areas regulated by this Ordinance; except that the land area regulated also applies to any land area that is added, and does not apply to a land area deleted, as an ESA under the land area amendment process as outlined in 10-22-10.

   a. Sartell Natural Resource Inventory

   b. Sartell Natural Resource Importance Map

   c. Stearns and Benton County Biological Survey

   d. Sartell Floodplain Map

   e. Sartell Wellhead Protection Area Map

   f. Soils Survey of Stearns County

   g. Sartell Zoning Map

2. Final Designation. Final determination of the specific boundaries of an ESA will be made by

qualified scientists through the Site Planning Process.

3. Additional Information may be Used in Review: The City and the Environment and Development Team may use other pertinent reference maps, reports and documents, etc. in their review of a property that contains an ESA such as the following:

   a. Aerial photos of the Sartell area.

   b. SCSU Earth Science Dept. work on Sensitive Geological and Hydrological areas.

   c. USGS topographic maps.

   d. Field notes of scientists who conducted the Sartell Natural Areas Inventory and Planning Framework.

   e. The USDA Soil Survey.

   f. The Minnesota Geological Survey Geologic Atlas.

   g. The U.S. Fish and Wildlife Service's National Wetlands Inventory.

   The use of other resources is only for reference and does not create new ESAs. The process for amending the designation of land as an ESA is described in subsection 4., immediately below.

4. Amendment of ESAs. An amendment to the designation criteria, prioritization criteria, or preliminary mapping for ESAs may occur through the amendment process described in Section 10-22-10 of this Ordinance.

10-22-5: GENERAL PROVISIONS: The following provisions are designated to encourage land and development planning which help insure that the function and value of sensitive areas are protected.

A. Regulated Activities: The following activities are subject to this Ordinance unless exempted under subsection B. of this Section.

   1. Subdivision of land.

   2. The following land alterations within the boundaries of ESA and its impact zone:

      a. Clear cutting;

      b. Removal of native vegetation;

      c. Fills and excavations;

      d. Grading;

      e. Modification of drainage patterns; or

      f. Other activity having a negative impact on the viability, function or survival of the environmentally sensitive areas.

   3. New roads, bridges, road expansion projects and/or public or private utilities above or below ground.

B. Exemptions: The following land areas and activities are exempt from the regulations of this Ordinance.

   1. Otherwise regulated: That portion of property regulated by any of the following ordinances and statutes:

      a. Sartell Flood Plain Management Ordinance;

      b. Sartell Wetland Ordinance;

      c. Minnesota Wetland Conservation Act;

d. Section 404 of the Clean Water Act, not including contiguous impact zones.

e. At the request of the owner/developer of property mentioned above in this subsection, the ESA portion of said property may be included in the site planning process.

f. NPDES Phase II Construction Site Permit Requirements

g. Sartell Erosion and Sediment Control Ordinance

h. Illicit Discharge and Connection Ordinance

2. Prior approvals:

a. Property that has received preliminary or final plat approval prior to the effective date of this Ordinance.

b. Building projects for which a valid building permit exists that was issued prior to the effective date of this Ordinance.

c. Public street, bridge, trail and utility construction projects that have been approved for construction prior to the effective date of this Ordinance.

3. Public projects: Public right-of-way dedication and improvement projects that are subject to the National Environmental Policy Act (NEPA) of 1969 and/or the Minnesota Environmental Review Program (MERP) and comply with the Comprehensive Plan.

4. Maintenance:

a. Customary dredging and channel maintenance of existing drainage facilities. This includes vegetative maintenance for access and stormwater/flood control purposes within and adjacent to drainageways.

b. Activities associated with the repair, maintenance, or replacement of pipeline and utility lines within existing utility rights-of-way.

c. Activities associated with the repair, maintenance or replacement of public highways, roads, trails and bridges within existing street rights-of-way.

d. Activities associated with the routine maintenance of existing public road, utility and pipeline rights-of-way (this exemption is for the maintenance, but not the expansion, of rights-of-way in which roads and utilities are located).

5. Emergency: Temporary emergency procedures necessary for the safety or protection of property and people.

6. Utility poles: Single utility poles required providing service to the local area.

7. Agriculture: Ongoing customary agricultural operations.

8. Unplatted property: Unplatted property that is two acres or less in size, in its entirety, that is occupied by a single family residential dwelling unit prior to the effective date of this ordinance.

C. Hierarchy of Protection and Development Guidelines. In developing and/or reviewing plans for a property that has an Environmentally Sensitive Area, City staff, Environment and Development Team, or approved governmental body shall take into account the following hierarchy of protection and development guidelines.

1. Hierarchy of Protection: The hierarchy of protection areas in subsections a through c below are listed in descending order from the highest to the lowest level of protection.

a. The preservation of rare species, riparian and wildlife corridors and complexes of the Environmentally Sensitive Areas will receive priority treatment in each category.

b. Natural Heritage Areas and Rare Species. The goal is that any development and alterations take place outside these areas.

c. Natural Resource Areas. In general, higher priority areas should receive more protection than lower priority areas in the site planning process

1. Most Important - The goal is to protect these areas and avoid any deterioration.

2. More Important - The goal is to conserve the quality of these areas while allowing minor encroachment or disturbance.

3. Important - The goal is that design, placement and construction techniques used in these areas will enhance the general function and value of the natural resource area.

2. Development Guidelines: The following guidelines are based on the hierarchy of protection in subsection 1., above, and shall be used in the site planning process to determine permitted site design and development activities.

a. Maximize the protection of the function and value of Environmentally Sensitive Areas.

b. Provide for an opportunity for equitable economic return for the development.

c. Maintain viable riparian and wildlife corridors, rare species, and connections between Environmentally Sensitive Areas.

d. Keep undeveloped Environmentally Sensitive Areas large enough to maximize sustainability and minimize fragmentation.

e. Maintain a buffer adequate to the health and viability of the Environmentally Sensitive Area.

f. Minimize adverse construction impacts on the Environmentally Sensitive Areas.

10-22-6: ENVIRONMENT AND DEVELOPMENT TEAM: An Environment and Development Team (EDT) shall be established to review each development proposal governed by this Ordinance. The following provisions govern the formation of the EDT.

A. Composition of the Environment and Development Team: The Environment and Development Team for each development proposal consists of the following:

1. The owner/developer.
2. One other person designated by the owner/developer.
3. Staff representative of each: Planning Office and Engineering Department
4. Two volunteers with scientific expertise in natural resources.

B. Appointment and Qualifications of Scientific Members: The two volunteer scientific experts in subsection A. 4., of this section, shall be appointed using the following process:

1. Planning Commission recommendation: The Planning Commission, with assistance from the Planning Director, shall develop and recommend to the City Council a list of volunteers with training and experience in one or more of the following areas:

a. Natural history,

b. Ecology,

c. Geology,

d. Hydrology,

e. Wildlife biology,

f. Botany, or

g. Other scientific areas related to natural resource issues in Sartell.

2. Residency not required. Residency in the City of Sartell is not required for volunteer scientific members.

3. City Council approved list: After receiving the recommended list from the Planning Commission, the City Council shall appoint a group of volunteers, any of which may be appointed to an EDT.
4. Selection by Planning Director. The Planning Director shall select two persons from the City Council approved list who have expertise appropriate to the natural resources on the proposed project to serve as members of the Environment and Development Team for that specific proposal.

10-22-7: SITE PLANNING PROCESS: This Section establishes a site planning process that shall be followed in reviewing development proposals governed by this Ordinance.

A. Intent of the Site Planning Process: The intent of the site planning process is to protect, conserve and enhance Environmentally Sensitive Areas and to provide for an opportunity for equitable economic return in consideration of protection and preservation of ESAs. Allowing flexibility in the development design is crucial and a sketch drawing will be developed by the EDT for the specific property under consideration. The historical differences in development and use of land, based on the underlying zoning (i.e., agricultural, commercial, industrial, or residential), will be considered in the process. Furthermore, it is the intent of this Ordinance to discourage or deny requests for rezoning purely for the purpose of evading compliance with the goals, standards and requirements of this Ordinance.

B. Activation of EDT: If the Planning Office determines that a proposed development will occur on an Environmentally Sensitive Area or its impact zone, then the Planning Office will activate the Environment and Development Team. Section 10-22-6 establishes the membership of the EDT. EDT members will be notified of activation by the Planning Office. Notification will include a tentative review schedule.

C. Information to EDT: The Planning Office will provide to the Environment and Development Team all material pertinent to the proposal as it becomes available, preferably before the initial EDT meeting is convened. The following information will be provided by the Planning Office or the owner/developer for the initial meeting with the EDT and will be used in the development of the Concept Plan and Natural Resource Management Plan.
   1. ESA Ordinance and other relevant ordinances
   2. Sartell Natural Resources Inventory
   3. Current ESA map
   4. Aerial Photograph of the property (with ½ mile radius of the property).
   5. Any preliminary sketch plans
   6. Existing features, including:
      a. A contour map based at least upon topographical maps published by the U.S. Geological Survey.
      b. The location of elements such as wetlands, watercourses, intermittent streams and 100-year flood plains, and existing or proposed rights-of-way and easements.
      c. The sketched location of features such as woodlands, tree lines, prairies, wildlife habitat, open and/or active fields or non-woody vegetation/prairies , watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails.

D. On-site Visit: On-site visits by the EDT together are highly recommended to familiarize EDT members with the property prior to the initial meeting of the EDT. In the event a site visit is not conducted, the reason why not will be part of the public record.

E. Verification of an ESA:
   1. Refinement of ESA boundaries: Based on a site visit, scientific members of the EDT will help determine more accurately the boundaries of the ESA, connections of the natural

communities present on and adjacent to the property, and the quality and significance of the identified environmentally sensitive area. The Planning Office will assist in mapping the refined ESA boundaries. The EDT shall verify the potential habitat sites for actual habitat sites during the refinement process.

2. Additional expertise: In the event that EDT volunteer scientific members do not have required expertise, the City of Sartell in collaboration with the owner/developer may hire one or more experts to assist in the site planning process. The need for such experts shall be identified by the Planning Office as early as possible in the process. The cost of such experts shall be paid by the owner/developer.

3. ESA findings report: The scientists will report their findings, including inconsistencies in the NRI and/or significant alterations to the property prior to the proposed development, to all the members of the EDT. The ESA findings report should include recommendations for rectifying inconsistencies.

F. EDT Meetings:

1. Initial meeting: The Planning Office will convene the initial meeting of the Environment and Development Team. The ESA findings report shall be presented and reviewed. The EDT members will work together sharing perspectives on how development might proceed on the property to accommodate development and stewardship of the ESA. Staff and scientific members will work in an advisory capacity to the owner/developer regarding the development of a Concept Plan and Natural Resource Management Plan. The EDT may discuss various tools and incentives for protection (see Section 10-22-8).

2. Additional meetings: Additional meetings of the EDT may be scheduled by the Planning Office as necessary to complete the requirements of this Ordinance.

G. Concept Plan and Natural Resource Management Plan: During the development of the Concept Plan and the Natural Resource Management Plan, the owner/developer will work with City staff and EDT members to meet the goals and requirements of this Ordinance. Additional meetings of the EDT may expedite the development of the plans.

1. Concept Plan requirements: A Concept Plan is a non-engineered plan for a property proposed for development. The Concept Plan will provide information in sufficient detail to analyze the proposed development and its relation to the Environmentally Sensitive Areas located on the property. This plan must be completed prior to any development or alteration to the property.

2. Natural Resource Management Plan requirements: A Natural Resource Management Plan is a plan meeting the requirements of this Ordinance to help protect the composition, structure and function of the natural communities and wildlife habitat within the Environmentally Sensitive Areas to be protected within the project and any adjacent buffer areas.

   a. The Natural Resource Management plan outlines specific management and protection measures and how they will be accomplished for the Environmentally Sensitive Area and any buffer areas.

   b. The Natural Resource Management Plan outlines by whom and how implementation takes place.

3. EDT review: Upon completion, the owner/developer shall submit the Concept Plan and the Natural Resource Management Plan to the Planning Office. The Planning Office shall provide copies of the documents to the EDT members and convene a meeting of the EDT to review the plans.

H. Additional Review Requirements for Development Proposals Not Involving Platting: A development proposal with an ESA that does not involve platting or an Environmental Planned Unit Development (EPUD) shall follow the requirements of subsections A. through F of this Section, except that the Planning Director will make the final decision on the Concept Plan and

Natural Resource Management Plan. Planning Commission and City Council review is not required.

I. Additional Review Requirements for Development Proposals Involving Platting: In addition to the requirements of subsection J of this Section, a development proposal with an ESA that requires a subdivision plat, but does not require a rezoning or is part of an Environmental Planned Unit Development, shall meet the following:

1. Preliminary plat: The developer/owner shall prepare the preliminary plat in accordance with the Concept Plan and the Natural Resource Management Plan and submit them to the Planning Office. The Planning Office shall provide the preliminary plat to the EDT team members.

2. ESA findings report: The scientists shall assess the conformance of the preliminary plat with the Concept Plan and the Natural Resources Management Plan. The report shall be submitted to the Planning Office, which will provide the report to EDT members.

3. EDT recommendation: The EDT will review the ESA findings report on the preliminary plat and make a recommendation to the Planning Commission and the Park Commission if a dedicated park is proposed. The EDT recommendation shall indicate if the preliminary plat and plans meet the requirements of this Ordinance. If a consensus recommendation of the EDT is not reached, any members of the EDT will be given the opportunity to report their findings to the Planning Commission in writing and/or at the meeting of the Planning Commission at which the majority recommendation is presented.

4. Planning Commission public hearing and recommendation on the preliminary plat: After receipt of the EDT recommendation, the Planning Commission shall hold a public hearing on the proposed preliminary plat and Natural Resource Management Plan. EDT members may attend the public hearing and may be called upon to answer questions from the public. After the public hearing, the Planning Commission shall make a recommendation on the proposed preliminary plat and natural resource management plan to the City Council. Such recommendation shall include findings on conformance of the proposed preliminary plat to the provisions of this Ordinance.

5. City Council public hearing and final action on the preliminary plat: After receipt of the Planning Commission recommendation, the City Council shall hold a public hearing on the proposed preliminary plat and Natural Resource Management Plan and make a final decision. The final decision shall include findings and shall indicate reasons for any deviation from the Planning Commission recommendation.

6. Planning Commission Recommendation on the Final plat: The developer shall submit a final plat in accordance with the preliminary plat to the Planning Commission for review. The Planning Commission shall make a recommendation on the final plat to the City Council.

7. City Council final plat action: After receipt of the Planning Commission recommendation on the final plat and EPUD, the City Council shall make a final decision on the proposed final plat and Natural Resource Management Plan. The Natural Resource Management Plan shall be part of final plat approval and shall be included in the development agreement and/or the deed.

8. Continuing requirement: All activities on the property during and after development shall follow the Final Plat and Natural Resource Management Plan.

J. Additional Review Requirements for Development Proposals Involving an Environmental Planned Unit Development (EPUD): In addition to the requirements of subsections A. through I of this Section, a development proposal with an ESA that is part of an Environmental Planned Unit Development (EPUD), shall meet the following:

1. Purpose: The purpose of the Environmental Planned Unit Development (EPUD) is to offer an alternative to residential, commercial, industrial and agricultural zones, as outlined in the Zoning Ordinance, for development of parcels containing Environmentally Sensitive Areas

(ESAs) and/or their impact zones as designated in this Ordinance. The EPUD is similar to a PUD except that it pertains only to parcels regulated under this Ordinance, and it follows the planning and review process as outlined in this Ordinance.

2. Criteria for allowing EPUDs: Deviation from the definitive and precise requirements of the single purpose zones is to be conditionally allowed as an EPUD if the particular areas to be developed can offer greater value to the community and better meet the community's health, welfare and safety requirements and the goals of this Ordinance.

3. Multiple uses allowed. The EPUD may be multi-purpose in nature so that it may contain several classifications for residential use as well as a combination of uses, which could include appropriate commercial and/or industrial uses as long as it is consistent with the comprehensive plan.

4. EPUD review process: The development process for EPUDs shall include the process outlined in subsections A. through I of this Section and the following.

    a. Rezoning request: The owner/developer requests EPUD zoning.

    b. Preliminary plat and EPUD: The owner/developer shall prepare a preliminary plat and EPUD in accordance with the Concept Plan and the Natural Resource Management Plan and submits it to the Planning Office. The Planning Office shall provide the preliminary plat and EPUD to the EDT team members to be considered in the EDT recommendation to the Planning Commission.

    c. ESA findings report: The scientists shall assess the conformance of the preliminary plat and EPUD with the Concept Plan and the Natural Resources Management Plan. The report shall be submitted to the Planning Office, which will provide the report to EDT members.

    d. EDT recommendation: The EDT will review the ESA findings report on the preliminary plat and EPUD and make a recommendation to the Planning Commission and the Park Commission if a dedicated park is proposed.

    e. Planning Commission public hearing and recommendation: After receipt of the EDT recommendation, the Planning Commission shall hold a public hearing on the preliminary plat, EPUD and Natural Resource Management Plan. EDT members may attend the public hearing and may be called upon to answer questions from the public. After the public hearing, the Planning Commission shall make a recommendation on the proposed EPUD, preliminary plat and natural resource management plan to the City Council. Such recommendation shall include findings on conformance of the proposed development to the provisions of this Ordinance.

    f. City Council public hearing and decision: After receipt of the Planning Commission recommendation on the preliminary plat, EPUD and Natural Resource Management Plan, the City Council shall hold a public hearing. After the public hearing, the City Council shall make a decision on the proposed development, EPUD and Natural Resource Management Plan. The decision shall include findings and shall indicate reasons for any deviation from the Planning Commission recommendation. Conditions of the approval shall be included in the EPUD.

5. Planning Commission Recommendation on the Final plat and EPUD: The developer shall submit a final plat in accordance with the preliminary plat to the Planning Commission for review. The Planning Commission shall make a recommendation on the final plat to the City Council.

6. City Council final plat and EPUD action: After receipt of the Planning Commission recommendation on the final plat and EPUD, the City Council shall make a final decision on the proposed final plat, EPUD and Natural Resource Management Plan. The Natural Resource Management Plan shall be part of final plat approval and shall be included in the development agreement and/or the deed.

7. Continuing requirement: All activities on the property during and after development shall follow the Final Plat and Natural Resource Management Plan.

10-22-8: MINNIMUM STANDARDS

A. Setbacks from public water ways shall comply with MN DNR Rules.

10-22-9: INCENTIVES: To provide for an opportunity for equitable economic return in consideration of protection and preservation of Environmentally Sensitive Areas covered by this Ordinance, incentives may be offered including, but not limited to (but subject to applicable local, state and federal laws) the following:

A. Deviations from subdivision and zoning regulations, such as allowing narrower public right-of-way, reduced sidewalk requirements reduced street widths, reduced setback requirements,
B. Acceptance of donation of ESAs in lieu of park dedication
C. Preservation of an ESA through conservation easement or Natural Resource Management Plan in lieu of park dedication,
D. Assessment on storm drain to exclude the square footage that is in the protected area,
E. Allowance for wetlands. If incentives are given for a wetland on property that has other ESAs, development should occur outside said other ESAs.
F. Allowance of increased density and smaller lot size, .
G. Clustering of development outside the ESA
H. Variance from lot coverage regulations and Sartell's wetland regulations (consistent with existing laws and protective of the ecological function of the wetland),
I. Waiver of application fees,
J. Land swaps.
K. Land acquisitions of ESAs.
L. Low Impact Development (See Minnesota Stormwater Manual)
M. In commercial and industrial districts, additional incentives include, but are not limited to, the following:
    1. Reduction of the required area for paved parking
    2. Waiver of standard height restrictions.
    3. Variance from standard setback requirements
    4. Variance from landscaping requirements
    5. Use of unpaved, dust free parking surfaces
N. Incentives that increase impact pressures on other ESAs should be avoided.
O. Environmental Planned Unit Development
P. Perpetual Conservation Easement
Q. Locally-Enacted Preservation Overlay Zone
R. Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR)

10-22-10: ADMINISTRATIVE REGULATIONS

A. Administration: The Planning Director shall administer and enforce this Ordinance.

B. Permit Requirements: A building permit shall not be issued or any alterations to the property allowed unless it is in conformity with this Ordinance.

C. Appeals: The City Council shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Planning Director in the enforcement or administration of this Ordinance. The procedure for appeals shall follow the procedures as denoted in 10-16-1 of the Sartell Zoning Ordinance.

D. Variances: The City Council shall hear and decide request for variance from the literal provisions of this Ordinance in instances where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. The procedure for variances shall follow the procedures as denoted in 10-16-4 of the Sartell Zoning Ordinance.

10-22-11: AMENDMENTS TO THE ENVIRONMENTALLY SENSITIVE AREAS ORDINANCE: Subject to the procedure as prescribed in the Zoning Ordinance, Title 10, Section 15, Amendments and Rezonings, the Council may on its own motion, or at the request of the Planning Commission or on the petition or appeal of the affected property owner(s):

A. Remove land that has been designated on the maps if it is found that an error was made in that said property fails to meet the criteria as outlined in 10-22-4 of this Ordinance.

B. Add land to the maps if it is found that said land meets the criteria as outlined in 10-22-4 of this Ordinance to be classified as an environmentally sensitive area.

C. Change any of the regulations or requirements of this Ordinance by amendment to this Ordinance.

D. In the event that any land not previously inventoried is annexed to the City after the effective date of this Ordinance, said land shall be inventoried as soon as feasible for inclusion on the Environmentally Sensitive Areas Maps, said inventory period not to exceed 9 months.

E. For purposes of a petition to change this Ordinance, map, etc., the word "owner" shall be deemed to include any person having a freehold interest or a contractual interest, which may become a freehold interest.

10-22-12: VIOLATIONS: Upon a determination that probable cause exists to indicate a violation of any of the provisions of this Ordinance has been committed or shall exist, the owner or lessee of the building or premises, or the owner or lessee of any part of the building or premises constituting the violation shall be served by certified mail, return receipt requested, with the appropriate written order to remove the violation, and if necessary, to restore the site to its status prior to the existence of the violation. If the violation continues to exist ten (10) days from receipt of such written order, the owner or lessee shall be guilty of a misdemeanor. After conviction for a violation becomes final, the continued violation of such provision shall constitute a separate offense for each day such violation shall continue to exist.

10-22-13: INTERPRETATION: In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity and general welfare. It is not the intent of this Ordinance to interfere with or abrogate or annul any easement, covenant, or other agreement between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of building or premises, the provisions of this Ordinance shall govern.

10-22-14: SEVERABILITY: Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.