

GENERAL PROVISIONS

§ 1007.040 PURPOSE.

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

§ 1007.041 NON-CONFORMING USES AND STRUCTURES.

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

(2) *Provisions.*

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

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

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

(c) Notwithstanding paragraph (a), the City shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain

areas to the extent necessary to maintain eligibility in the National Flood Insurance Program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway.

§ 1007.042 GENERAL PARCEL, LOT AND YARD PROVISIONS.

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

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

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

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

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

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

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

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

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

(2) *Unsewered Lots.*

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

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

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

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

The following conditions shall apply to any lot created hereunder:

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

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

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

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

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

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

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

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

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

(3) *Minimum Lot Area Requirements.*

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

(b) *Buildable Area.*

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

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

(4) *Building Placement and Multiple Structures.*

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

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

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

(5) *Yards, and Setbacks.*

(a) *Setbacks.*

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

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

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

to yard grades that result in elevations that impede vision within fifteen (15) feet of any intersecting street right-of-way lines.

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

1. *All Yards.*

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

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

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

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

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

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

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

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

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

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

(c) *Zero Lot Line Subdivision.*

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

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

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

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

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

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

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

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

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

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§ 1007.043 GENERAL BUILDING AND USE PROVISIONS.

(1) *Dwelling Unit Restriction.* No cellar, garage, tent, travel trailer, motor home, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit.

(2) *Building Type and Construction.*

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

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

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

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

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

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

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

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

2. *Unit Construction.*

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

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

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

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

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

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

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

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

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

5. **Garages.**

a. Each dwelling unit shall include, at a minimum, a double garage.

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

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

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

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

6. **Utilities.**

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

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

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

(c) *Multiple Family Apartments Construction Standards:*

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) *Quasi-Public Structures.*

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

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

- a. A permanent identification tag or marking is affixed to each structure.
- b. The City is notified as to the location and date of placement of the structure.
- c. The City is notified of any change of structure ownership, removal or modification.

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

(f) *Completion of Exterior Improvements.*

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

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

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

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

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

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

(3) *Height.*

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

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

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

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

1. Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the zoning district in which the structure is located.
2. The site is capable of accommodating the increased structure size.
3. The potential increased intensity and size of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
4. Public utilities and services are adequate.
5. For each additional story over the district limitation or for each additional ten (10) feet above the maximum allowed per district, front and side yard setback requirements shall be increased by ten (10) percent.
6. The construction does not limit solar access to abutting and/or neighboring properties. A shadow study shall be required illustrating shadow encroachment on adjoining properties.
7. The provisions of §1007.016 of this Ordinance are considered and satisfactorily met.

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

(4) *Accessory Buildings and Structures.*

(a) *General Provisions.*

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

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

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

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

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

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

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

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

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

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

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

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

1. A building permit shall be required for all private residential sport courts.
2. An application for a building permit or a conditional use permit shall include a site plan showing the following along with all required information:
 - a. The size, shape, pavement and sub-pavement materials.
 - b. The location of the court.
 - c. The location of the house, garage, fencing, septic systems and any other structural improvements on the lot.
 - d. The location of structures on all adjacent lots.
 - e. A grading plan showing all revised drainage patterns and finished elevations at the four corners of the court.
 - f. Landscaping and turf protection around the court.
 - g. Location of existing and proposed wiring and lighting facilities.
3. Sport courts shall not be located closer than ten (10) feet to any side and rear lot line. Sport courts shall not be located within any required front yard or side yard abutting a street.
4. Sport courts shall not be located over under-ground utility lines of any type, nor shall any court be located within any private or public utility, walkway, drainage or other easement.

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

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

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

(c) *Swimming Pools.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. They are located in a zoning district which makes a specific allowance for such use; and
2. They are located upon the lot on which the produce is grown.
3. They are erected at least sixty (60) feet back from the nearest edge of the roadway surface; and
4. Adequate parking space is provided off the road right-of-way and safe vehicular access and movements are assured.

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

1. The keeping of animals is allowed in accordance with the provisions of Chapter 503.
2. If all Animal Shelters on a property do not exceed a total of 64 square feet in area, then they shall not be counted towards the maximum number and size of accessory buildings.
3. Animal shelters are limited to a maximum of 60 inches in overall height. If a shelter exceeds 60 inches in height, it is not allowed the exception to accessory building number and size in paragraph 2.

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

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

- requirement.
- a. No maximum combination of accessory building(s) and garage(s) size
 - b. Metal buildings and pole barns acceptable.
 - c. Fabric or vinyl canopy structures acceptable.
 - d. No maximum height requirement.
 - e. One (1) attached garage not to exceed one thousand two hundred (1,200) square feet or equal to the size of the house foundation, whichever is greater.

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

- greater of:
- a. The combination of accessory building(s) and garage(s) shall not exceed the greater of:
 - i. Ten thousand (10,000) square feet, or
 - ii. 1.85% of the lot area, not to exceed fifteen thousand (15,000) square feet.
 - b. Total allowable accessory building space shall be limited to the following:
 - i. One (1) attached garage and
 - ii. Three (3) detached accessory structures.
 - c. Metal buildings and pole barns acceptable.
 - d. Fabric or vinyl canopy structures acceptable.
 - e. One (1) attached garage not to exceed one thousand two hundred (1,200) square feet or equal to the size of the house foundation, whichever is greater.
 - f. Building height shall not exceed base district requirement.

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

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

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

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

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

g. Roof and exterior color and material compatible with home (except manufactured tool shed).

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

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

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

2. Building setbacks shall not exceed base district requirement.
3. Building height shall be limited to twelve (12) feet maximum except when intended for storage of buses per §1007.043 (2)(b)2. of this Ordinance.
4. Metal buildings and pole barns are prohibited.
5. Roof and exterior color and material shall be compatible with the principal structure.
6. Accessory buildings on commercial/industrial sites shall be limited to typical accessory storage uses, no auxiliary commercial/ industrial use shall be allowed within an accessory storage building.
7. Site and building plan review shall not be required for accessory building construction as an accessory building that meets the requirements listed herein shall be considered a minor project for the purposes of §1007.019 (1) of this Ordinance.
8. Accessory buildings shall not be located within an easement.
9. If the principal building is expanded to cover more of the lot, the accessory building shall be removed if the intended need no longer exists.
10. Building permits shall be required as regulated by the State Building Code.

(5) *Refuse and Recyclable Material.*

(a) *Removal.* Passenger automobiles and trucks not currently licensed by the state, or which are because of mechanical deficiency incapable of movement under their own power, parked or stored outside for a period in excess of thirty (30) days, and all materials stored outside

in violation of City Code provisions are considered refuse or junk and shall be disposed of within thirty (30) days of notification by the City.

(b) *Location and Screening.*

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

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

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

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

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

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

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

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

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

(6) *Outdoor Lighting.*

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

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

1. This section does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
2. This section does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
3. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings or structures.
4. Emergency lighting by police, fire, and rescue authorities.

(c) *Non-Conforming Uses.*

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

a. Any lighting used to illuminate an off-street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from flood lights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the right-of-way line of said street. Any light or combination of lights which cast light on residential property shall not exceed four-tenths (0.4) foot candles (meter reading) as measured from said property.

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

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

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

(f) *Performance Standards.*

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

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

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

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

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

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

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

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

e. *Location.*

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

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

f. *Hours.*

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

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

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

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

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

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

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

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

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

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

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

(7) *Smoke.* The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.

(8) *Dust and Other Particulated Matter.* The emission of dust, fly ash or other particulated matter by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.

(9) *Odors.* The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 7005, as amended.

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

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

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

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

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

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

(16) *Exterior Storage.*

(a) *Rural and Residential Zoning Districts.*

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

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

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

1. *Exterior Storage.* Exterior storage shall be governed by the respective zoning district in which such use is located.
2. *Screening.* All exterior storage shall be screened so as not to be visible from adjoining properties and public streets except for the following:
 - a. Merchandise being displayed for sale in accordance with zoning district requirements.
 - b. Materials and equipment currently being used for construction on the premises.
3. Within an industrial zoning district, the exterior storage of semi-trailers accessory to the principal use may be allowed by conditional use permit according to §1007.120 and §1007.121. Semi-trailers connected to semi-tractors queuing for loading or unloading shall be considered truck parking and be exempt from the outdoor storage conditional use permit.

(c) *All Zoning Districts.*

1. Excepting temporary construction trailers and facilities operated by public service agencies (i.e., bookmobile, bloodmobiles, etc.) as allowed by the City Council, no

recreational vehicle may be used for office, business, industrial manufacturing, testing, or storage of items in conjunction with a business, commercial or industrial enterprise.

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

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

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

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

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

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

DAMAGE. Action or inaction which does not follow good arboriculture practices. Damage may include damage inflicted upon roots by machinery, changing the natural grade above the root system or around the trunk, destruction of the natural shape or any action which causes infection, infestation or decay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

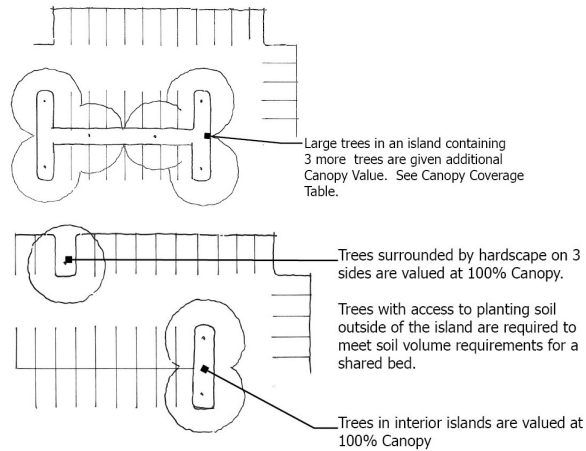
$$\text{Vehicular Hardscape (Square Feet)} \times \text{Canopy Cover Percent} = \text{Required Minimum Canopy Cover (Square Feet)}$$

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

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

Assigned Canopy Cover Value

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



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

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

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

Foundation Landscape Standards

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

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

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

4. The required plant materials shall be planted in the foundation landscape zone adjacent to the building face where the requirement applies. The City may allow flexible planting locations where service areas or other constraints make the standards difficult to meet.

5. Existing trees may be used to fulfill the Foundation Landscape Standards as described in §1007.043 (17)(h).

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

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

7. The design of landscaping for ground areas under the building roof overhang must take into account the potential effects of runoff from the roof edge.

8. Trees planted within 30' of the building shall be considered within the foundation landscape zone

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

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

Open Areas Landscape Standards		
Per 2000 SF*	Trees and Shrubs	
		1 large

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

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

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

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

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

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

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

(f) *Buffer and Screen Standards:* The purpose of this requirement is to separate and buffer different land use types, screen roads and parking, and screen utility and loading areas.

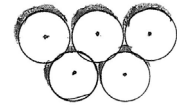
The location of buffers and screens are listed below, while the width of the buffer yard can be found in the respective zoning districts. Buffers and screens shall meet the following standards.

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

Landscape Screen Location, Height and Materials

Location	Required Screen Height	Required Screen Materials
Between a parking lot and public right of way or sidewalk	30 inches	<ul style="list-style-type: none"> • Year round continuous planting screen in accordance with paragraph (f)2. Or • A combination of berm and year round continuous screen in accordance with paragraph (f)2.
Between residential uses and arterial or collector road	6 feet	<ul style="list-style-type: none"> • Year round continuous planting screen in accordance with (f)2. Or • Wall or fence and plantings shall provide shrub cover for 50% of the wall or fence on the exterior side Or • A combination of berm and year round continuous screen in accordance with paragraph (f)2.
Between any development and adjacent, less intense, residential land uses (this includes across a street from residential) but not on the side of a use considered to be the front (as determined by the Zoning Administrator)		
Between loading/service area and public view		
Outdoor Storage Yards	8 feet	<ul style="list-style-type: none"> • A wall or fence of permanent materials and planting shall provide shrub cover for 50% of the wall or fence on the exterior side. At its discretion, the City Council may approve a modification or waiver from these standards where the affected property line adjoins another industrial property.

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



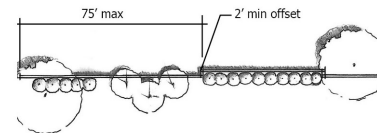
3. A wall or fence intended to provide a continuous year round screen shall block visibility completely.

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

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

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

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



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

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

(g) *Boulevard Tree Standards:*

1. Boulevard Trees shall be required in all new residential subdivisions.
2. Boulevard trees are required at the rate of one tree per lot frontage for single family and two family lots. Townhome and Multi-family properties shall provide boulevard trees at a rate of 1 tree per 70 linear feet of road frontage where property fronts any public road.
3. Boulevard trees shall be planted within 14 feet of the curb line or as otherwise determined by the City Forester.

4. Existing trees may be used to fulfill boulevard tree standards at the City's discretion.

5. The City may, at its discretion, purchase and install the required boulevard trees. In such case the City shall collect a standard fee per tree. Said fee shall be established by the City Council and based on the estimated market rate cost to purchase and install trees within the development site.

(h) *Sod and Ground Cover.* All areas not otherwise improved in accordance with the approved site plans shall have a minimum depth of four (4) inches of topsoil and be sodded including boulevard areas. Exceptions to these criteria may be approved by the Zoning Administrator as follows:

1. Seed may be provided in lieu of sod in any of the following cases:

a. Where the seed is applied to future expansion areas as shown on the approved plans.

b. Where the seed is applied adjacent to natural areas or wetlands. Seed mixture shall be approved by the City.

c. For single-family and two-family residential properties, proper erosion control measures shall be implemented and maintained until vegetation is established. Sod may be required in areas subject to erosion as determined by the Building Official or City Engineer.

2. Undisturbed areas containing existing viable natural vegetation which can be maintained free of foreign and noxious plant materials.

3. Areas designated as open space or future expansion areas properly planted and maintained with native grasses or wild flowers indigenous to Minnesota. Seed mixture shall be approved by the City.

4. Use of mulch materials such as bark, wood chips and decorative rock in support of shrubs and foundation plantings.

5. Natural Prairie Restoration Areas. Native grasses and wild flowers indigenous to Minnesota, planted and maintained on any occupied lot or parcel of land, setback a minimum of 20 feet from the front property line and/or side property line abutting a public street, as part of a garden or landscape treatment.

(i) *General Landscaping Standards:*

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

Existing Tree Value

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

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

12. Commercial, industrial multi-family, public/semi-public and institutional uses shall install irrigation systems to ensure survivability of landscape materials.

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

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

Tree Preservation and Mitigation Standards

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

2. Trees used for mitigation may also fulfill the Open Areas Landscape Standards at the discretion of the City.

3. Trees with thirty percent (30%) of the roots damaged are considered to be removed and must be mitigated for at the applicable rates.

4. Undesirable trees are not subject to the Tree Preservation and Mitigation Standards.

5. On existing lots with existing buildings where no building or development activity that requires a permit or approval from the City is occurring, the removal of trees is not subject to tree preservation and mitigation standards.

6. Replacement trees shall be planted on site.

7. The applicant may request to pay a fee per tree in lieu of some or all of the trees required for mitigation. At the City's discretion, the City may accept the fee for planting trees within the general area of the development project. The City shall maintain a standard fee per tree based on the estimated market rate cost to purchase and install trees.

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

(l) *Tree Survey:*

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

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

3. The tree survey shall provide the following information:

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

i. tree species

ii. size

iii. location

iv. drip line

v. tree condition

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

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

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

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

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

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

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

(m) *Tree Preservation Plan:*

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

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

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

4. A tree plan shall identify:

a. The basic use area.

b. The disturbance area.

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

- d. The combined root protection zone of all stands of trees designated for preservation, whichever is applicable.
 - e. Location and type of tree protection fence.
 - f. Staging areas.
 - g. Temporary construction access routes when temporary site access is necessary within root protection zone of any tree or tree stand designated for preservation.
 - i. Temporary access shall be routed in a manner that is least disruptive to the tree or tree stand per the approval of the City Forester.
 - ii. Temporary access roads shall not exceed twenty-five (25) feet in width and shall be delineated by snow fencing or safety fencing.
 - iii. An eight (8) inch deep cover of wood chip mulch shall be placed over the temporary access road to cushion the root protection zones from compaction.
 - h. Concrete washout areas.
 - i. Existing and proposed grading.
 - j. The plan shall show directional felling and trenching to separate root systems prior to bulldozing trees or stumps if necessary to avoid damage to adjacent trees.
 - k. Coordination of utility planning so that utilities are installed in a manner that protects trees intended to be saved.
 - i. Trees to be preserved shall be tagged in the field and keyed to the tree preservation plan. The City may inspect the trees to verify compliance with the preservation plan at any time during construction.
 - ii. If a natural resource management plan has been approved for the site, the tree preservation plan shall be in accordance with said plan.
 - iii. See City Code Chapter 1011, Stormwater and Erosion and Sediment Control, for other construction related requirements.
5. The following shall occur prior to soil disturbance:
- a. The tree preservation plan shall be approved by the City.
 - b. Fencing and all tree protection measures shall be installed and inspected by the City.

- c. Erosion control measures shall be installed and inspected by the City.
- d. All required financial securities have been submitted.
- e. Any required development agreement has been approved.

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

1. Tree protection fencing shall be installed and maintained 5' out from the identified drip line of the trees (Root Protection Zone) prior to soil disturbance. Fencing shall be a minimum of 4' high and of a highly visible material, such as snow fence or polyethylene laminar safety netting, and must be standing throughout the construction process. Cut roots with clean, pruning cuts at the fence line prior to fence installation to avoid later tearing of the roots. Signage shall be installed to instruct workers to stay out of the Root Protection Zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. No fence or wall shall obstruct natural drainage.

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

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

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

(d) *Construction and Maintenance.*

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

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

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

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

5. Solid walls and retaining walls (such as masonry construction) in excess of forty-two (42) inches in height shall be prohibited. When utilized, tiered retaining walls shall be separated by a horizontal landing not less than three (3) feet in width.

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

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

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

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

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

4. Residential Fences or Walls Height Exceptions.

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

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

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

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

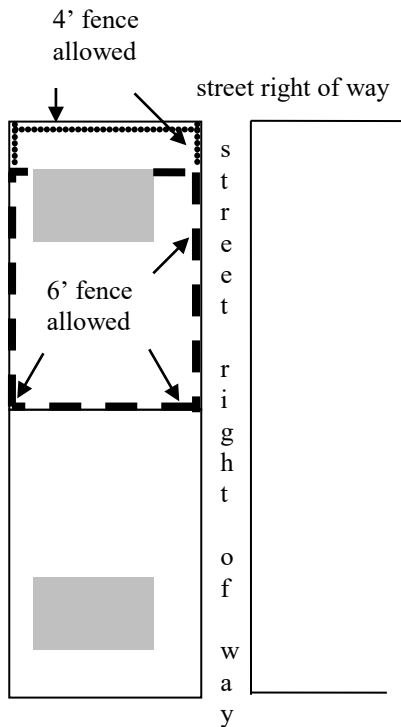


Diagram 6.b.

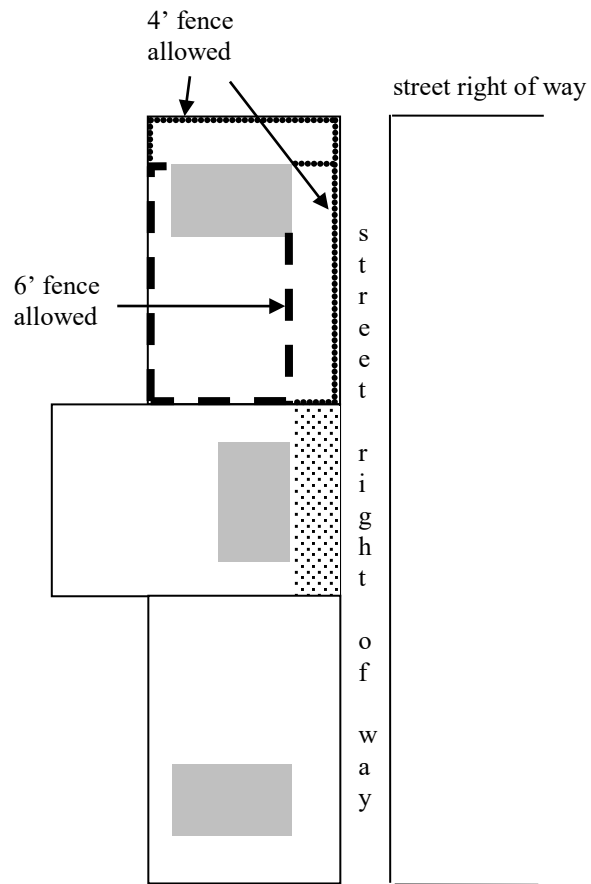
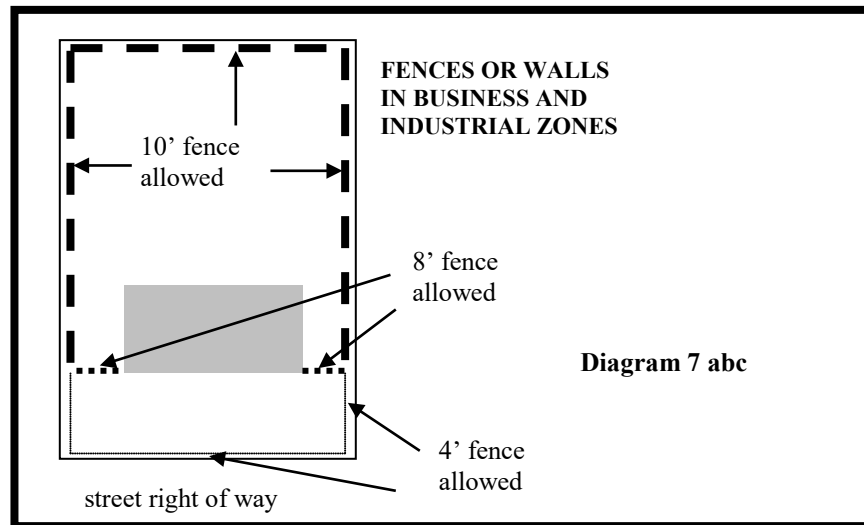


Diagram 6.c.

(g) *Commercial and Industrial District Fences or Walls.* (See Diagram 7 abc)

1. A fence or wall not exceeding four (4) feet in height may be erected in any yard.
2. A fence or wall not exceeding eight (8) feet in height may be erected parallel to the front lot line from a front corner of a principal building to a side lot line that is not adjacent to a street.
3. A fence or wall not exceeding ten (10) feet in height may be erected on a rear lot line or on a side lot line that is not adjacent to a street from a point where the front facade of a principal building would intersect with a side lot line extending to the rear property line.
4. Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot shall not be fenced or walled to a height of more than four (4) feet.



5. Within commercial and industrial and public/semi-public zoning districts, barbed wire may be attached to the tops of fences or walls with the following conditions:
 - a. Fences or walls must be a minimum of eight (8) feet in height exclusive of the security arm.
 - b. The security arm must be angled in such a manner that it extends only over the property of the permit holder.
 - c. Wire security fencing shall not be permitted within the required front yard or along a property line abutting a residential use.

(h) *Public and Semi-Public District Fences or Walls.* Fences or walls in the public and semi-public districts may be erected in any yard to a height of eight (8) feet. Barbed wire fences

used for security purposes may be permitted in the public and semi-public zoning district per §1007.043 (18)(g)5. of this Ordinance.

§1007.044 OFF-STREET PARKING

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

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

(3) *General Provisions.*

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

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

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

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

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

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

(g) *Calculating Space.*

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

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

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

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

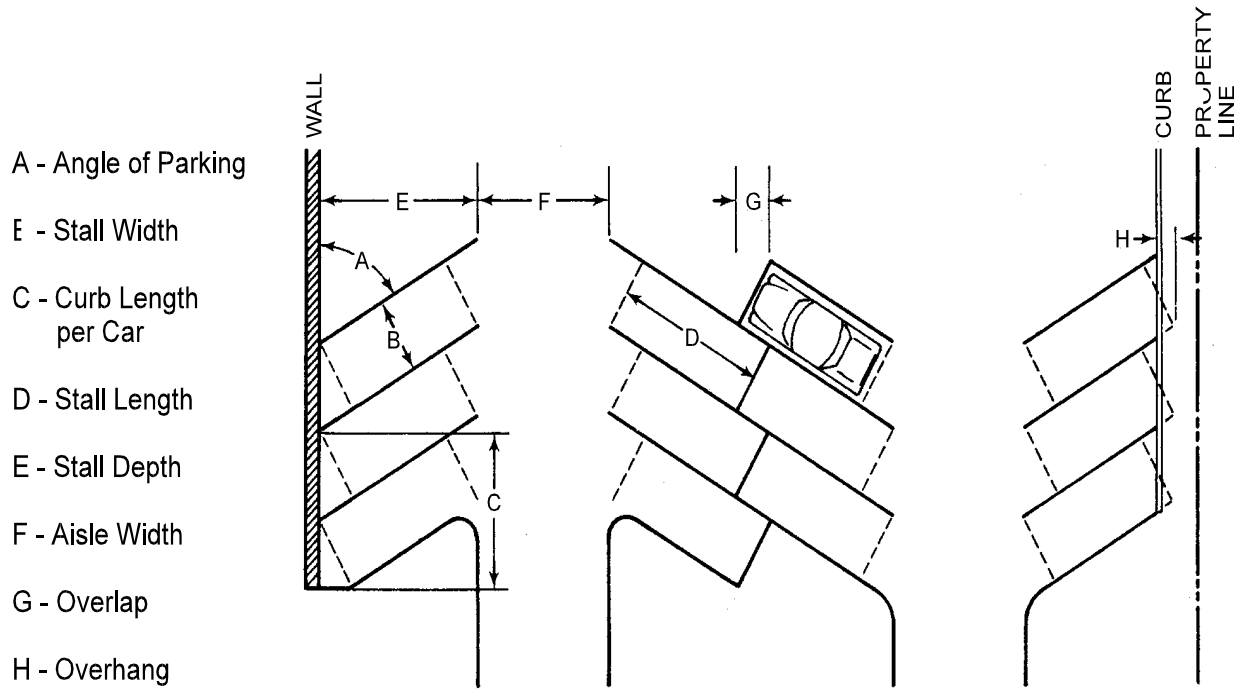
4. Except as provided for under joint parking and shopping centers, should a structure contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required.

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

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

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

Angle of Parking	Stall Width	Curb Length Per Car	Stall Length	Stall Depth Wall to Aisle	Stall Depth Interlock to Aisle	Aisle One Way	Width Two Way
90°	9' 0"	9' 0"	18' 0"	18' 0"	18' 0"	24' 0"	24' 0"
75°	9' 0"	9' 6"	18' 0"	20' 8"	19' 10"	21' 6"	23' 0"
60°	9' 0"	10' 5"	18' 0"	21' 0"	19' 10"	18' 0"	2' 0"
45°	9' 0"	12' 9"	18' 0"	19' 10"	17' 10"	15' 0"	2' 0"
0°	9' 0"	22' 0"	22' 0"	9' 0"	9' 0"	12' 0"	4' 0"



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

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

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

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

6. *Curb Cut/Driveway Access Location.*

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

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

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

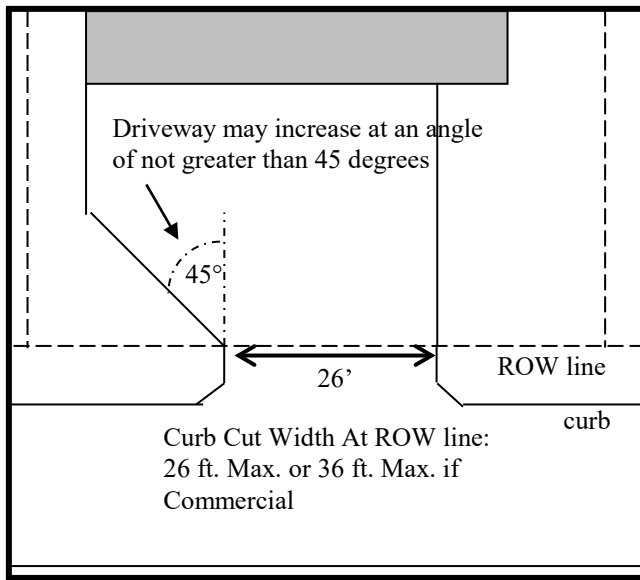
iii. Driveways onto arterials and major collectors shall be prohibited where alternative street access is available. For existing lots of record, where alternative access is not available, direct access onto arterial and major collectors may be permitted, provided a site plan is submitted for review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

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

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

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

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



8. *Emergency Vehicle Access.*

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

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

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

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

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

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

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

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

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

14. *Parking Lot Landscaping.*

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

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

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

15. *Cart Storage.* Retail commercial uses that have customer service carts shall be required to provide ample space for the storage of carts within off-street parking areas, subject to

the approval of the Zoning Administrator. The need and specific amount of required cart storage space shall be determined as part of site plan review. When required, cart storage areas shall not occupy required off-street parking space, shall be clearly delineated, and shall include facilities for cart confinement.

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

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

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

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

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

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

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

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

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

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

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

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

(g) In the case of single family dwellings which lie upon lots smaller than one (1) acre, two family, townhouse and quadraminium dwellings, parking shall be prohibited in any portion of the front yard except designated driveways leading directly into a garage or one (1) open, surfaced space located on the side of a driveway, away from the principal use. Said extra space shall be surfaced in a manner consistent with §1007.044 (3)(h)9. of this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

(k) *Day Care Facilities.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) *Traffic Control.*

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

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

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

Direct residential lot access to collector and arterial streets shall be prohibited wherever alternative local street access is available.

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

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

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

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

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

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

Street Classification	Minimum setback from curb/pavement line
Major Arterial	30 feet
Minor Arterial	30 feet
Collector	20 feet
Local	15 feet

3. No vehicle shall be parked in a manner that blocks a city or county park or trail.
4. The vehicles are not connected to any water or sewage disposal system on the residential property where the same is so parked or stored.
5. A recreational vehicle or trailer shall not be utilized for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.
6. No Recreational Vehicle may be used as a living quarters while stored/parked on a residential property.

(c) Motor Vehicles exceeding a gross weight rating of 11,075 pounds.

1. No motor vehicle (except those meeting the definition of a Recreational Vehicle) exceeding a gross weight rating of eleven thousand seventy-five (11,075) pounds shall be parked or stored, indoors or outdoors, in a residential zoning district or on a lot of less than two and one-half (2 ½) acres in a rural zoning district, except when loading, unloading, or rendering a service unless an administrative permit that complies with the following requirements is obtained from the Community Development Department.
 - a. The vehicle shall not be parked or stored for more than seventy-two (72) hours within a seven (7) day period excluding legal holidays.
 - b. The vehicle shall be parked or stored behind the front of the dwelling.
 - c. No more than one permit shall be granted per residence.
 - d. Neither the truck engine nor any other motorized component shall be left running while the vehicle is parked or stored.
 - e. There shall be a minimum of one hundred fifty (150) feet from the vehicle to the nearest lot line.
 - f. The vehicle and trailer shall remain connected.

g. All parking permits shall be reviewed and renewed on 1 July of each year at a fee established by the City Council. If at any time the conditions or requirements of permit approval are violated, the permit may be revoked.

2. On lots 2 ½ acres to 10 acres in rural zoning districts, no more than two (2) commercial motor vehicle exceeding a gross weight rating of eleven thousand seventy-five (11,075) pounds shall be parked or stored, indoors or outdoors. Vehicles parked or stored shall meet the following requirements:

a. Neither the truck engine nor any other motorized component shall be left running while the vehicle is parked or stored.

b. There shall be a minimum of one hundred fifty (150) feet from the vehicle to the nearest lot line.

c. The vehicle and trailer shall remain connected.

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§1007.045 OFF-STREET LOADING.

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

(2) *Location.* All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall not be located less than fifty (50) feet from the intersection of two (2) street rights-of-way nor less than fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.

(3) *Size.* Loading berths shall be of a size determined by the City as necessary to accommodate anticipated truck and service vehicles.

(4) *Access.* Each required loading berth shall be located with appropriate means of vehicular access to a street or public alley in a manner which will least interfere with traffic and allow on-site maneuvering.

(5) *Surfacing.* All loading berths and access ways shall be surfaced with a bituminous or concrete or other material approved by the City Engineer.

(6) *Accessory Use.* Any space allocated as a loading berth or maneuvering areas so as to comply with the terms of this Ordinance shall not be used for the storage of goods, inoperable vehicles or to be included as a part of the space requirements necessary to meet the off-street parking requirements.

(7) *Loading Berth Required.* In connection with any structure which is to be erected or substantially altered, any which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space.

(8) *Noise.* Where noise from loading or unloading activity is determined to be an audible nuisance in a residential district per §1007.043 (10), the City Council may limit the hours of operation.

(9) *Screening.* Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses in compliance with §1007.043 (17) of this Ordinance.

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§1007.046 RELOCATED STRUCTURES.

(1) Before any house or other structure is moved onto a vacant lot, an administrative permit must be obtained in accordance with §1007.019 of this Ordinance. The Community Development Department shall conduct a site plan review and determine whether the structure will be compatible with other development in the area, and conform to all City codes and ordinances. The Community Development Department may withhold issuance of an administrative permit if it determines that the structure does not meet the performance standards of this Ordinance

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§1007.047 HOME OCCUPATION PERMITS.

(1) *Purpose.* The purpose of this section is to provide a means by which home occupations can be conducted as an accessory use to a residential dwelling unit, as a use that is clearly incidental and secondary to a residential use on the same premises, without jeopardizing the health, safety and general welfare of the surrounding neighborhood or the inhabitants of the home occupation site, and without jeopardizing the residential character of the neighborhood.

(2) *Application.* Subject to the non-conforming use provision of this section, all occupations conducted in the home shall comply with the provisions of this section, with the exception of the following:

(a) Permitted agricultural/farm related uses in the R and R-X Districts (and when found to be in conformance with all other provisions of this Ordinance) need not meet the provisions of this subdivision.

(b) The limited seasonal sale of products grown solely on the site by the residents of the homestead shall be exempt from the provisions of this subdivision.

(c) Daycare when licensed by the state and/or county

(d) Any other use listed as a Permitted, Conditional, or Interim use within the corresponding zoning district.

(e) Any use allowed by an existing Conditional or Interim Use Permit.

(3) *Procedure.*

(a) Home Occupation Level A does not require an application, review, or permit so long as the business complies with the general provisions listed in subsection (6) below, and the requirements of the Home Occupation Level A listed in subsection (7) below.

(b) Home Occupation Level B requires the following procedure:

1. Application for a Home Occupation Level B shall be filed by the property owner or designated agent on forms to be provided by the City, and shall be accompanied by:

a. A non-refundable fee as established by City Council ordinance; and

b. Site and Building Plans as necessary to prove compliance with the general provisions of subsection (6) below, and the requirements of the Home Occupation Level B listed in subsection (8) below.

2. The Zoning Administrator shall review the application and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances,

and applicable performance standards set forth in the Ordinance. The Zoning Administrator shall notify the applicant, in writing, of any incomplete application within fifteen (15) business days of the date of submission.

(c) Home Occupation Level C requires obtaining a Conditional Use Permit. The procedure for a Conditional Use Permit is described in §1007.016.

(4) *Violations.* After two (2) founded nuisances, or code violation complaints have been made and verified with written notices to the home occupation, a public hearing may be called to consider additional conditions, limitations, or revocation of the home occupation within sixty (60) days of the last complaint. Home Occupation Level C, which requires a Conditional Use Permit, shall be subject to the Revocation clause included in §1007.016.

(5) *Expiration.*

(a) Upon issuance, a Home Occupation Level B permit shall continue to be valid unless one or all of the following occur:

1. The business owner relocates to another residential address; permits are not transferable to another person or property.
2. The type of businesses occurring on the site changes significantly.
3. If the permit is revoked by the City per section (4) above.

(b) A Home Occupation Level C, approved as part of a Conditional Use Permit application, shall comply with §1007.016 of the ordinance.

(6) *Requirements - General Provisions.* All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

(a) *General Provisions.*

1. The home occupation shall be operated by an occupant of the dwelling.
2. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, and shall not change the residential character thereof.
3. All home occupations must comply with all provisions of the City Nuisance Ordinance and shall result in no incompatibility or disturbance to the surrounding residential uses.
4. No home occupation shall require internal or external alterations or involve construction features not customarily found in residential dwellings except where required to comply with local and state fire and police recommendations.

5. The home occupation shall meet all applicable fire and building codes, and applicable permits must be obtained prior to any construction activities.

6. No exterior evidence of the presence of the home occupation on the premises, except any signage allowed by the sign code and any vehicles allowed by §1007.044 (11).

7. Personal vehicles not exceeding a gross weight rating of eleven thousand seventy-five (11,075) pounds used in the home occupation may be parked on the site.

8. Any vehicle with a gross weight rating in excess of eleven thousand seventy-five (11,075) pounds is subject to §1007.044 (11) of this Ordinance.

9. The number of on-site parking spaces shall not be reduced to less than two.

10. In no case shall the permitted home occupation cause to create the need for an additional driveway access to the property.

11. When applicable, all state licensing requirements are satisfactorily met.

12. The applicant shall demonstrate, in a manner found acceptable to the City Engineer that such use is within the capabilities of the property's sewage treatment system or the city's utility system.

13. There shall be no use or outdoor storage of any toxic chemicals or hazardous materials of any type or in any amount not normally found in a residential structure.

14. No motor vehicle repair, paint or body work; commercial preparation of food for service on the premise; business related to or involving explosives, ammunition or weapons; or ambulance or related emergency services shall be permitted as a Home Occupation.

(7) *Requirements – Home Occupation Level A.* All residential dwelling units are eligible for a Home Occupation Level A. In addition to the general provisions outlined in subsection (6) above, businesses must also comply with the following provisions specific to the Home Occupation Level A.

(a) *Requirements.*

1. Permitted home occupation shall be confined to the private dwelling unit, and shall not be conducted in any accessory structure on the premise, including an attached garage.

2. No customers or employees who do not reside at the dwelling may be permitted on the property.

3. If the home occupation will require a delivery service, such as UPS, no more than ten delivery/pickup trips per week shall be permitted.
4. The home occupation may not occupy more than 10% of the structure.
5. All off-street parking generated by the home occupation shall be confined to the driveway.
6. The operation of any wholesale or retail business is prohibited, unless it is conducted entirely by mail or by occasional home invitation.

(8) *Requirements – Home Occupation Level B.* All residential dwelling units are eligible for a Home Occupation Level B. In addition to the general provisions outlined in subsection (6) above, businesses must also comply with the following provisions specific to the Home Occupation Level B.

(a) *Requirements.*

1. Permitted home occupation may be conducted in an accessory structure provided that the use can comply with life safety requirements.
2. A limit of two customers or employees who do not reside at the dwelling may be permitted on the property at one time.
3. Areas accessible to customers or employees shall comply with all applicable life safety codes.
4. Vehicle trips generated by the business shall not exceed 20 in any twenty four hour period.
5. If the home occupation will require a delivery service, such as UPS, no more than ten delivery/pickup trips per week shall be permitted.
6. If the home occupation is to occupy more than 10% of the dwelling, additional building and fire code issues may need to be addressed.
7. All off-street parking generated by the home occupation shall be provided on a hard surface in or adjacent to the driveway.
8. Personal Service Businesses shall be limited to allow the servicing a single customer at a time.
9. Between the hours of 7 PM and 7 AM no customers or employees who do not reside on the site may be at the site and no business operations occurring outside of the main

dwelling are permitted. For the purpose of this section, an attached garage does not count as part of the main dwelling.

10. The operation of any wholesale or retail business is prohibited, unless:

- a. It is conducted entirely by mail or occasional home invitation;
- b. It is exclusively the sale of products produced on-site; or
- c. It is clearly incidental to a service provided on the site.

(9) *Requirements – Home Occupation Level C.* All properties developed with a dwelling, that are either over 1 acre in size; or zoned Rural, Rural Business Reserve, or Rural Executive; or front on an arterial roadway are eligible to apply for a Conditional Use Permit to allow a Home Occupation Level C. In addition to the general provisions outlined in subsection (6) above, businesses must also comply with the following provisions specific to the Home Occupation Level C.

(a) *Requirements.*

1. Permitted home occupation may be conducted in an accessory structure provided that the use can comply with life safety requirements.
2. A limit of five customers or employees who do not reside at the dwelling may be permitted on the property at one time.
3. Areas accessible to customers or employees shall comply with all applicable life safety codes.
4. Vehicle trips generated by the business shall not exceed 40 in any twenty four hour period.
5. If the home occupation will require a delivery service, such as UPS, no more than fifteen delivery/pickup trips per week shall be permitted.
6. If the home occupation is to occupy more than 10% of the dwelling, additional building and fire code issues may need to be addressed.
7. All off-street parking generated by the home occupation shall be provided on a hard surface in or adjacent to the driveway.
8. Personal Service Businesses shall be limited to allow the servicing of only two customers at a time.

9. Between the hours of 9 PM and 7 AM no customers or employees who do not reside on the site may be at the site and no business operations occurring outside of the main dwelling are permitted. For the purpose of this section, an attached garage does not count as part of the main dwelling.

10. The limited operation of any wholesale or retail business is allowed.

(10) *Additional Limitations and/or Restrictions.*

(a) So as to maintain compatibility with the residential character of the neighborhood and to protect the health, safety and general welfare of the public, the City may impose additional limitations or requirements as it deems necessary.

(b) The City may impose the posting of a security in order to insure compliance with any condition imposed.

(11) *Inspection.* The City of Lino Lakes hereby reserves the right, upon approval of any home occupation permit or Conditional Use Permit for a Home Occupation Level C, to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this section or any conditions additionally imposed.

(12) *Penalty.* Violation of the home occupation performance standards shall be subject to the enforcement and penalty provisions of §1007.023 of this Ordinance.

§1007.048 ACCESSORY APARTMENTS.

(1) *Purpose.* The purpose of this section is to provide standards for the establishment and use of home accessory apartments in owner occupied single family homes.

(2) *Application.* Subject to the non-conforming use provisions of this Ordinance, all home accessory apartments as defined in §1007.001. Definitions established after the effective date of this Ordinance shall comply with the provisions of this section.

(3) *Procedures and Permits.* All home accessory apartments shall require an accessory apartment permit. Applicants for such a permit shall be made on forms provided by the City which shall include the following:

(a) Legal description of the property location and proof of ownership.

(b) Plans, drawn to scale, indicating existing and proposed floor plans and access to both the principal unit and the accessory unit.

(c) Site plan depicting parking availability.

(4) *Requirements.* All home accessory apartments shall comply with the following requirements:

(a) The accessory apartment shall be clearly a subordinate part of the single family dwelling. In no case shall the accessory apartment be more than forty (40) percent of the building's total floor area, not to exceed nine hundred sixty (960) square feet nor have more than two (2) bedrooms. Common area shared by the principal dwelling and accessory apartment shall be considered part of the principal dwelling and shall not be included in the calculation of accessory apartment floor area.

(b) The principal unit shall have at least nine hundred sixty (960) square feet of living space remaining after creation of the accessory apartment exclusive of garage area. Accessory apartments shall have at least five hundred (500) square feet of living space. Living space for the accessory apartment shall include a kitchen or cooking facilities, a bathroom and a living room.

(c) A separate exterior entrance may be permitted. Any exterior alterations or expansion shall be constructed of similar size, color, and type of materials as the principal single family unit provided that no unenclosed ramps or stairways are utilized to access either the primary or accessory unit. Only one (1) exterior stairway may be located on the side or rear of the dwelling.

(d) The principal unit and accessory apartment shall share an internal doorway connection between the units.

(e) Both the principal unit and accessory apartment shall share a single utility hookup.

(f) All parking standards of §1007.044 shall be met.

(g) The accessory apartment and principal unit shall meet the applicable standards and requirements of the Lino Lakes Zoning Code, Building Code, Anoka County Health Codes and Fire Codes.

(h) The house shall be owner-occupied at the time of application and the building and property shall remain in single ownership and title and shall only have one mailing address.

(i) A maximum of one (1) accessory apartment permit shall be issued per detached single family home.

(j) No separate driveway or curb cut shall be permitted for the accessory apartment unit.

(5) *Revocation.* The City Council may revoke an accessory apartment permit if the permittee fails to comply with the conditions attached to the issuance of the permit or otherwise fails to comply with the provisions of this section. Prior to revocation, the City Council shall conduct a hearing preceded by ten (10) days mail notice to the permittee.

§1007.049 DRAINAGE.

(1) No land shall be developed or altered and no use shall be permitted that results in surface water runoff causing unreasonable flooding, erosion or deposit of minerals on said land, adjacent properties or water bodies. Such runoff shall be properly channeled into a storm drain, a natural water course or drainageway, a ponding area or other public facility.

(2) For all construction, erosion control measures must be in place prior to the beginning of site work, e.g., grading, stripping, or construction.

(a) The City may withhold inspections or suspend work on a site that does not have an approved grading plan or in-place erosion control measures.

(b) The City may require financial security to insure placement of erosion control measures.

(3) The owner or contractor of any natural drainage improvement or alteration may be required by the City Engineer to obtain recommendations from the Minnesota Department of Natural Resources, the Soil Conservation District, U.S. Army Corps of Engineers, affected watershed district(s), and/or City Engineer.

(4) On any slope in excess of eight (8) percent where, in the opinion of the City Engineer, the natural drainage pattern may be disturbed or altered, the City Engineer may require the applicant to submit both a grading plan and soil conservation plan prior to applying for a building permit.

(5) All agricultural, residential, commercial, and industrial developments shall be in accordance with applicable recommendations of the City's local water management plan as may be amended.

(6) As part of a building permit application in which new structures or building footprint expansion of existing structures are proposed, a site survey showing proposed grading, drainage and building pad elevation(s) must be submitted to the City along with a certification by a registered land surveyor or engineer that they are consistent with the grading and drainage plan approved with the final plat or site plan.

(7) Prior to issuance of an occupancy permit, the person or entity who developed, graded and constructed improvements upon the property for which the occupancy permit is requested, must submit certification by a registered land surveyor or engineer that the final grading, drainage and building pad elevations are consistent with the approved grading and drainage plan approved with the subdivision or site plan, or if no such City approved drainage and grading plan for the entire subdivision exists, that such person or entity represents that the grading, drainage and building pad elevations are consistent with the requirements of §1007.050 (1) through §1007.050 (5).

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§1007.050 EARTH MOVING AND LAND RECLAMATION.

(1) *Exclusions.* This article shall not apply to:

(a) The excavation, removal, storage, or placement of rock, sand, dirt, gravel, clay, or other like material for any construction for which a building permit has been issued, site plan approval or a development contract signed.

(b) Such excavation, removal, storage, or placement of rock, sand, dirt, gravel, clay, or other like material as may be required by the state, county, or city authorities within their acquired rights-of-way and easements in connection with the construction or maintenance of roads and highways and utilities. "Rights-of-way" as used herein shall not include isolated parcels used exclusively for borrow pits.

(2) *Permit Required.* Earth removal, land reclamation, material storage, or filling, shall be permitted in all zoning districts, on any lot or parcel except that it shall be unlawful for any person to remove, store, excavate, or place as fill any rock, sand, dirt, gravel, clay, or other like material within the City, in excess of one hundred (100) cubic yards per acre without first having applied for and having obtained a permit from the City. When five thousand (5,000) or more cubic yards of material is to be removed or deposited on any lot or parcel, a conditional use permit shall be required. The inclusion of an earth removal and land reclamation permit process in this Ordinance does not automatically imply an applicant's entitlement to issuance of a permit. The City may refuse to issue a permit if in the opinion of the City, the application is not in the best interests of the City.

(3) *Application.*

(a) The application for the permit shall be made in writing to the City Engineer in such form as the City Engineer may designate, and shall include such information as may be required by the City Engineer and shall contain among other things a map or plat of the proposed excavation, or fill area showing the confines or limits thereof together with the existing elevations and proposed finished elevations based on sea level readings. The plan shall also include all wetlands, drainageways, tree inventory and preservation plan, erosion control measures, final restoration improvements, and other features as required by the City.

(b) Each application shall be filed with the City Engineer.

(c) Each application for permit shall be accompanied by a fee, the amount of which shall be determined by City Council resolution.

(4) *Conditions.* The City Engineer or City Council, as a prerequisite to the granting of a permit, may require the applicant or the owner of the premises to incorporate and attach any conditions or restrictions that it deems necessary for the preservation of health, welfare, and safety of the citizens:

(a) Properly fence any pit or excavation, and barricade entrances to prevent the general public from depositing garbage or refuse.

(b) Slope the banks, and otherwise guard and keep any pit or excavation in such condition as not to be dangerous because of sliding or caving banks.

(c) Properly drain, fill, or level off any pit or excavation so as to make the same safe and healthful as the permitting authority may determine.

(d) Limit the depth of such excavation to an elevation no lower than the minimum floor elevation for building construction as established by the City Engineer, so as not to diminish development potential of the parcel.

(e) Limit any fill material to clean fill, defined as rock, sand, gravel, clay, or other like and similar non-decomposable material. Concrete, asphalt, metal, wood, and other debris shall be prohibited.

(f) Require that all decomposable material, or other unsuitable foundation material, be removed from an area before deposition of fill begins.

(g) Prepare a site plan showing existing and proposed grade elevations and effect of storm water drainage on adjacent areas.

(h) Specify a time when the excavation or land reclamation project shall be completed.

(i) Place a minimum of four (4) inches of top soil over the completed project and establish appropriate ground cover within sixty (60) days of completion, or in a time period consistent with the City's stormwater management and pollution prevention plan.

(j) Reimburse the City for the cost of periodic inspections by the City for the purpose of determining that the terms under which the permit has been issued are being complied with.

(k) Implement the tree preservation plan.

(l) In addition to a conditional use permit, the City Engineer may determine that permits in excess of twenty-five thousand (25,000) cubic yards require the applicant to conduct a neighborhood meeting and to notify affected property owners within one-quarter (1/4) mile.

(m) Post a form of security and sum as the permitted authority may require, running to the City, conditioned to pay the City the cost and expense of repairing or cleaning any highways, streets, or other public ways within the City made necessary by the special burden resulting from transporting thereon by the applicant material to or from the site, the amount of such cost to be determined by the Council; and conditioned further to comply with all the requirements of this Ordinance and the particular permit, and to save the City free and harmless from all suits or

claims for damages resulting from the negligent excavation, removal, storage, or filling of rock, sand, dirt, gravel, clay, or other like material within the City.

- (n) Other conditions deemed appropriate to the application by the permitting authority.

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§1007.051 FARMING OPERATIONS.

All farms in existence upon the effective date of this ordinance and all farms which are brought into the city by annexation shall be a permitted use. All dwelling units and structures for processing of farm goods shall require a building permit and conform to all requirements of the Building Code. The City Council may require any new farm operation to secure a conditional use permit in the event of the following:

(1) The farm is adjacent to or within four hundred (400) feet of any dwelling unit and may be detrimental to living conditions by emitting noise, odors, vibrations, hazards to safety, and the like.

(2) The farming operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade and further that such operations may tend to become permanent industrial type operation that cannot be terminated as can a normal farming operation.

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§1007.0052 ADULT USES.

(1) *General.* Adult uses as defined in the City Code shall be subject to the following provisions:

(a) Activities classified as obscene as defined by Minnesota Statute 617.241 are not permitted and are prohibited.

(b) Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.

(c) Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also used to dispense or consume alcoholic beverages.

(d) An adult use which does not qualify as an accessory use shall be classified as an adult use-principal.

(2) *Adult Uses - Principal.*

(a) Adult use-principal shall be located at least three hundred (300) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located to the property line of:

1. Residentially zoned property
2. A licensed day care center
3. A public or private educational facility classified as a pre-school, elementary, junior high or senior high
4. A public library
5. A public park
6. Another adult use-principal
7. An on-sale liquor establishment

(b) Adult use-principal activities, as defined by this Ordinance, shall be classified as one use. No two adult uses-principal shall be located in the same building or upon the same property and each use shall be subject to §1007.052 (2)(a).

(c) Adult use-principal shall, in addition to other sign requirements established by City Code, adhere to the following signing regulations:

1. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted.
2. Shall not contain material classified as advertising.
3. Shall comply with the requirements of size and number for the district in which they are located.

(3) *Adult Uses - Accessory.*

(a) Adult use-accessory shall:

1. Comprise no more than ten (10) percent of the floor area of the establishment in which it is located.
2. Comprise no more than twenty (20) percent of the gross receipts of the entire business operation.
3. Not involve or include any activity except the sale or rental of merchandise.

(b) Adult use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:

1. *Movie Rentals.* Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operator.

2. *Magazines.* Publications classified or qualifying as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

3. *Other Use.* Adult uses-accessory not specifically cited shall comply with the intent of this section subject to the approval of the Zoning Administrator.

(c) Adult use-accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

(d) Adult use-accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

§ 1007.053 ANTENNAS.

(1) *Purpose and Intent.* The purpose of this section is to establish predictable and balanced regulations for the siting and screening of wireless communications equipment in order to accommodate the growth of wireless communication systems within the City of Lino Lakes while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare. The provisions of the section are intended to maximize the use of existing towers, structures, and buildings to accommodate new wireless telecommunication antennas in order to minimize the number of towers needed to serve the community.

(2) *General Standards.* The following standards shall apply to all personal wireless service telephone, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish and short-wave radio transmitting and receiving antenna.

(a) All obsolete and unused antennas and towers shall be removed within twelve (12) months of cessation of operation at the site by the antenna or tower owner, unless an exemption is granted by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associate facilities when they are abandoned, unused or become hazardous shall be submitted to the City.

(b) All antennas and towers shall be in compliance with all State Building and Electrical Code requirements and as applicable shall require related permits. Applications to erect new antennas and/or towers shall be accompanied by any required federal, state, or local agency licenses.

(c) Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications and as may be necessary, as determined by the City Engineer, shall be verified and approved by a professional engineer.

(d) When applicable, written authorization for antenna and/or tower erection shall be provided by the property owner.

(e) No advertising message shall be affixed to the antenna and/or tower structure.

(f) Antennas and/or towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety.

(g) If a new tower of seventy-five (75) feet or greater in height is to be constructed, it shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and antennas for at least one (1) additional use, including but not limited to other personal wireless service communication companies, local police, fire and ambulance companies. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(h) Towers shall be painted a non-contrasting color consistent with the surrounding area such as blue, gray, brown, or silver or have a galvanized finish to reduce visual impact, unless otherwise required by a governmental agency.

(i) All antennas and towers shall be reasonably posted and secured to protect against trespass, including appropriate measures to prevent unauthorized persons from climbing any tower.

(j) Towers shall comply with all applicable Federal Aviation Administration (FAA) regulations.

(k) Amateur radio towers shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

(l) Except as may be applicable in case where a conditional use permit is required, antennas and support structures for federally licensed amateur radio stations and used in the amateur radio service shall be exempt from the following: §1007.053 (2)(c); §1007.053 (2)(h); §1007.053 (4); and §1007.053 (5).

(3) *Certification, Inspection and Maintenance.*

(a) All towers, antenna support structures, and related equipment or structures shall be kept and maintained in good condition, order, and repair so as not to menace or endanger the life or property of any person.

(b) All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the State Building Code and federal and state law.

(c) The City shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the State Building Code and all other construction standards provided by the City's Code, federal and state law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses related to such inspecting by the City shall be borne by the owner.

(4) *Tower Design.* Where allowed, wireless communication towers shall be of a monopole design unless the City Council determines that an alternative design requested by the applicant would better blend into the surrounding environment.

(5) *Co-Location Requirement.* An application for a new tower shall not be approved unless the applicant demonstrates that the antennas cannot be accompanied on an existing or approved tower, building, or structure within a two (2) mile search radius of the proposed tower due to one or more of the following reasons:

(a) The planned equipment would exceed the structural capacity of the existing or approved tower, building, or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified engineer and interference cannot be prevented at a reasonable cost.

(c) Other unforeseen reasons that make it unfeasible to locate the antennas upon an existing or approved tower or structure.

(d) Existing or approved towers, buildings, or other structures do not exist in the search area, or do not meet the needs of the user. Documentation shall be provided at the time of application clearly demonstrating why existing structures do not meet the needs to the users.

(e) The applicant shall demonstrate that a good faith effort to co-locate on existing towers or structures was made, but an agreement could not be reached.

(6) *Accessory Antennas.* The following standards shall apply to all accessory antennas including radio and television receiving antennas, satellite dishes, TVROs three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers.

(a) Accessory antennas shall not be erected in any required yard (except a rear yard) or within public or private utility and drainage easements, and shall be set back a minimum of five (5) feet from all lot lines.

(b) Guy wires or guy wire anchors shall not be erected within public or private utility and drainage easements, and shall be set back a minimum of one (1) foot from all lot lines.

(c) Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district, except support structures and antennas used in the amateur radio service may extend a maximum of two (2) times the normal height restriction for the affected zoning district.

(d) The installation of more than one (1) accessory structure and support structure per property shall require the approval of a conditional use permit.

(7) *Personal Wireless Service Antennas.*

(a) *Rural, Residential and Business District Standards.*

1. *Antennas Located Upon an Existing Tower or Structure.* Personal wireless service antennas as a permitted secondary use may be located upon existing towers or structures shall require the processing of an administrative permit and shall comply with the following standards:

a. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable accessory building setback requirements, and shall be screened from view by landscaping where appropriate.

b. An administrative permit is issued by the Zoning Administrator, subject to the following conditions:

i. Antennas mounted on buildings or structures shall not extend more than fifteen (15) feet above the structural height of the building or structure to which they are attached.

ii. Wall or facade mounted antennas may not extend more than five (5) feet above the cornice line and shall be constructed of a material or color which matches the exterior of the building.

c. In no case shall a personal wireless service antenna be located upon or affixed to a detached single family residential dwelling.

2. *New Towers.* The erection of new personal wireless service antenna towers within Rural, Residential and Business Zoning Districts of the City is prohibited.

(b) Industrial District Standards.

1. *Antennas Located Upon an Existing Structure or Existing Tower.* Personal wireless service telephone antennas as a permitted secondary use may be located upon an existing structure or co-located on an existing tower shall require the processing of an administrative permit and shall comply with the following standards:

a. An administrative permit is issued by the Zoning Administrator.

b. Antennas mounted on buildings or structures shall not extend more than fifteen (15) feet above the structural height of the building or structure to which they are attached.

c. Wall or facade mounted antennas may not extend more than five (5) feet above the cornice line and must be constructed of a material or color which matches the exterior of the building.

2. *New Towers.* New towers as a permitted secondary use shall require approval of an administrative permit and shall comply with the following standards:

a. The applicant shall demonstrate to the satisfaction of the City that location of the antennas as proposed is necessary to provide adequate portable personal wireless service telephone coverage and capacity to areas which cannot be adequately served by locating the antennas on an existing tower or support structure.

b. If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that:

i. Towers with a maximum capacity to support two (2) antennas shall not exceed one hundred forty (140) feet in height. Towers with a minimum capacity to support three (3) antennas shall not exceed one hundred sixty (160) feet in height.

ii. The setback of the tower from the nearest property line is not less than the height of the antenna. Exceptions to such setback may be granted in such cases when a qualified structural engineer specifies in writing that any failure of the pole will occur within a lesser distance under all foreseeable circumstances. The setback shall not be reduced in cases where the subject site abuts a residential zoning district. The setback requirements shall not be reduced below the minimum accessory building setback requirements of the base zoning district or the failure area of the tower, whichever is greater.

c. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable necessary building setback requirements, and shall be screened from view by landscaping where appropriate.

d. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure, as well as no climb security measures shall be provided on the tower or support structure.

3. *Temporary Mobile Towers.* Personal wireless service antennas located upon a temporary mobile tower as a permitted secondary use may be used on an interim basis until a permanent site is constructed shall require the approval of an administrative permit and shall comply with the following standards:

a. Temporary mobile towers are exempt from co-location and permanent tower structure design standards provided for in the following sections: §1007.053 (2)(h); §1007.053 (2)(i); §1007.053 (4); and §1007.053 (5).

b. The termination date of the permit shall not exceed one hundred twenty (120) days. Temporary mobile towers located on a site longer than one hundred twenty (120) days

shall require the processing of an interim use permit subject to the standards contained in §1007.017 of this Ordinance.

- c. Guyed towers are prohibited.
- d. Mobile units shall have a minimum tower design wind load of eighty (80) miles per hour, or be set back from all structures a distance equal to the height of the tower.
- e. All towers shall be protected against unauthorized climbing.
- f. The height of the tower shall not exceed one hundred (100) feet.

(c) Public/Semi-Public District Standards.

1. *Antennas Located Upon an Existing Tower or Structure.* Personal wireless service antennas as a permitted accessory use may be located upon public structures or existing towers shall require the processing of an administrative permit and shall comply with the following standards:

a. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable accessory building setback requirements, and shall be screened from view by landscaping where appropriate.

b. An administrative permit is issued by the Zoning Administrator, subject to the following conditions:

i. Antennas mounted on buildings or structures shall not extend more than fifteen (15) feet above the structural height of the building or structure to which they are attached.

ii. Wall or facade mounted antennas may not extend more than five (5) feet above the cornice line and shall be constructed of a material or color which matches the exterior of the building.

2. *New Towers.* New towers as a permitted secondary use shall require approval of an administrative permit and shall comply with the following standards:

a. The applicant shall demonstrate to the satisfaction of the City that location of the antennas as proposed is necessary to provide adequate portable personal wireless service telephone coverage and capacity to areas which cannot be adequately served by locating the antennas on an existing tower or support structure.

b. If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that:

i. Towers with a maximum capacity to support two (2) antennas shall not exceed one hundred forty (140) feet in height. Towers with a minimum capacity to support three (3) antennas shall not exceed one hundred sixty (160) feet in height.

ii. The setback of the tower from the nearest property line is not less than the height of the antenna. Exceptions to such setback may be granted in such cases when a qualified structural engineer specifies in writing that any failure of the pole will occur within a lesser distance under all foreseeable circumstances. The setback shall not be reduced in cases where the subject site abuts a residential zoning district. The setback requirements shall not be reduced below the minimum accessory building setback requirements of the base zoning district or the failure area of the tower, whichever is greater.

c. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable necessary building setback requirements, and shall be screened from view by landscaping where appropriate.

d. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure, as well as no climb security measures shall be provided on the tower or support structure.

(8) *Commercial and Public Radio and Television Transmitting Antennas, and Public Utility Microwave Antennas.* Commercial and public radio and television transmitting and public utility microwave antennas shall comply with the following standards:

(a) Such antenna shall be considered an allowed conditional use within all rural and industrial districts of the City and shall be subject to the regulations and requirements of §1007.016 of this Ordinance.

(b) The antennas, transmitting towers, or array of towers shall be located on a continuous parcel having a dimension equal to the height of the antenna, transmitting tower, or array of towers measured between the base of the antenna or tower located nearest a property line and said property line, unless a qualified structural engineer specifies in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.

(c) Unless the antenna is mounted on an existing structure, at the discretion of the City, a fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure and other equipment, as well as no climb security measures shall be provided on the tower or structure.

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§1007.054 ACCESSORY OUTDOOR DINING OR SEATING FACILITIES.

(1) *Purpose and Intent.* The purpose of this section is to provide standards for the establishment and use of accessory outdoor dining or seating facilities that are intended for consumption of food or beverages purchased at the principal use on the site. This section is intended to apply to dining or seating facilities associated with and accessory to principal uses such as restaurants and retail establishments that offer food or beverages, whether or not service is provided to the outdoor seating area. This section is not intended to apply to outdoor seating such as park benches or picnic tables in parks or other public gathering and recreation areas. When an administrative permit for outdoor dining or seating is required, it may be incorporated into another approval such as but not limited to a site plan, planned unit development, or building permit.

(2) *Requirements.*

(a) The applicant shall submit a site plan and other pertinent information demonstrating the location and type of all tables, chairs, benches, refuse receptacles, wait stations, fencing, planters, and other elements of the outdoor area. This submittal information must sufficiently demonstrate that all requirements are met. The information can be included as part of a submittal for another permit or approval.

(b) If alcoholic beverages are served or consumed in the outdoor area, the proper license required by Chapter 700 of the City Code must be current.

(c) All lighting be hooded and directed away from adjacent residential uses in accordance with §1007.043 (6) of this Ordinance.

(d) The site plan shall demonstrate that pedestrian circulation is not disrupted as a result of the outdoor dining/seating area by providing the following:

1. The outdoor dining/seating area shall be at least partially segregated from through pedestrian circulation by means of temporary or permanent fencing, bollards, ropes, plantings, or other methods. If the outdoor seating consists of four or fewer tables and there is no outdoor service, this requirement may be waived if other requirements are met to sufficiently avoid disruption of circulation.

2. The minimum clear passage zone for pedestrians at the perimeter of the outdoor seating/dining area shall be at least five (5) feet without interference from tables, chairs, planters, parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.

3. Overstory canopy trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above the sidewalk.

(e) The dining/seating area shall be surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

(f) A minimum width of thirty-six (36) inches shall be provided within aisles of the outdoor dining/seating area.

(g) Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture must be reviewed as part of the administrative permit application.

(h) Additional Off-Street Parking:

1. For accessory outdoor dining/seating areas that are 500 square feet or less in size, no additional off-street parking spaces shall be required.

2. For accessory outdoor dining/seating areas that are greater than 500 square feet in size, one (1) additional parking space for every 100 square feet of outdoor dining area in excess of the first 500 square feet shall be required.

(Ord No.09-18, passed 07-23-2018)

(i) The outdoor dining/seating area shall be designed to avoid potential conflict with motor vehicle parking or circulation.

(j) Refuse containers shall be provided for self-service outdoor dining/seating areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation, and must be designed to prevent spillage and blowing litter.

(k) The outdoor area shall be kept clean and otherwise maintained in an orderly, sanitary, attractive condition.

(Ord. No. 09-18, passed 7-23-2018)

§1007.055 BATCH PLANTS.

(1) *Purpose.* The purpose of this section is to provide standards for the establishment and use of Batch Plants intended to provide construction materials for a defined project within a limited timeframe.

(2) *Application.* In order to operate within the city a Batch Plant must be located within the Light Industrial, General Industrial, Rural Business Reserve, Rural Executive or Rural zoning districts, and must obtain an Interim Use Permit per §1007.017.

(3) *Requirements.* In addition to the General Standards contained within §1007.017, Temporary Batch Plants are also required to comply with the following conditions and performance standards in order to obtain an Interim Use Permit:

(a) The Batch Plant shall be located on the site so as to minimize the disturbance of surrounding dwelling units or commercial businesses.

(b) The Batch Plant shall maintain a 50 foot setback from any wetland.

(c) The project intended to be served by the batch plant and a deadline for removal shall be clearly defined.

(d) The Hours of Operation shall be clearly defined.

(e) Access to and from the site shall be reviewed and approved by the City Engineer prior to any site disturbance.

(f) A grading, erosion and sediment control plan shall be submitted and approved by the City prior to any site disturbance.

(g) A Storm Water Pollution Prevention plan shall be submitted and approved by the City prior to any site disturbance.

(h) A restoration plan shall be submitted and approved by the City prior to any site disturbance.

(i) All applicable Minnesota Pollution Control Agency requirements are satisfactorily met.

(j) All applicable Rice Creek Watershed District requirements are satisfactorily met.

(k) So as to maintain compatibility with the surrounding area and to protect the health, safety and general welfare of the public, the City Council may impose additional limitations, conditions or requirements as it deems necessary.

(1) The operator and property owner shall enter into a Performance Agreement with the City, and financial sureties shall be posted prior to any site disturbance.

§1007.056 OPT OUT OF MINN. STAT. 462.3593.

(1) Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Lino Lakes opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

(Ord. No. 09-16, passed 9-12-2016)

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§1007.057 AIR PARK HANGAR AND ACCESS PERFORMANCE STANDARDS.

(1) *Purpose.* The purpose of this section is to provide standards for the size of airplane hangars and access to airplane hangars constructed on single family lots that have taxiway access to an approved private use airport.

(2) *Definitions.* The following definitions apply to this section:

Air Park. A residential subdivision with permitted access to a private use airport.

Airplane Hangar. An accessory building constructed on a single family lot where aircraft are stored. Such use is considered a residential accessory use incidental to the dwelling.

Single Family Lot. A parcel of record or platted parcel containing a single family detached dwelling.

(3) *General Standards.* The following standards shall apply to all air park single family lots:

(a) *Airplane Hangar.* Air Park lots may have one airplane hangar not exceeding 3,200 square feet, provided that:

1. The airplane hangar location has direct taxiway access to the runway.
2. The airplane hangar be earth tone in color.

(b) *Driveways* shall not be constructed closer than three feet to the property line. *Exception.* Encroachment into the three foot setback may be allowed for purposes of constructing a shared driveway with the abutting property owner provided that any shared driveway shall include a maintenance and access agreement executed by each property owner and recorded against each property with Anoka County.

(c) The plans for driveways proposed to be placed within a drainage and utility easement must meet drainage requirements and be approved by the City Engineer prior to construction. Driveways placed within a drainage and utility easement are placed, by the owner, at the owner's risk of removal by the City or other agencies that may have legal use of the easement. Replacement of driveways removed for drainage or utility work shall be at the owner's expense.

(d) All driveways and approaches shall be hard surfaced in accordance with Section 1007.044(3)(h)16.

(e) An air park single family lot may have one secondary public street driveway access subject to approval of the City Engineer and the following conditions:

1. The property owner demonstrates that the principal driveway access serving the single family dwelling cannot be extended or expanded to serve an airplane hangar without encroaching into required setbacks or abutting property or without violating section 1007.044(5)(g).
2. Secondary driveway width shall not exceed 12 feet.
3. No secondary driveway shall be within three feet of the property line unless a shared driveway access and maintenance agreement is executed by each property owner and recorded against each property with Anoka County.

(f) Impervious Surface Coverage Area. The impervious surface of the property shall not exceed 65%.

(g) All other provisions of Chapter 1007 and the City Code shall be applicable to the extent not in conflict with this section.

(Ord. No. 07-18, passed 6-11-2018)

§ 1007.058 COMMERCIAL STABLES.

(1) *Purpose.* The purpose of this section is to provide performance standards for the operation of commercial stables.

(2) *Definitions.* The following definitions apply to this section:

Commercial Stable. A commercial stable is any structure, barn, or place where the stabling, boarding, training, and feeding of horses takes place.

(3) *General Standards.* The following standards shall apply to all commercial stables:

(a) Commercial stables offering services to the public, and having the facilities to maintain or care for ten (10) or more horses, must have their principal entrance located on a state highway, county road, or city collector street.

(b) Commercial stables that offer boarding, training, or other services to the public shall provide sanitary facilities for the public's use. The sanitary facilities must be constructed in accordance with the state building code, and connected to an individual sewage treatment system or the municipal sanitary sewer system.

(c) Adjacent parcels of land under common ownership may be used to determine the maximum number of animal units allowed, if the parcels are operated as a single enterprise.

1. In instances where a parcel of land consists of a fraction of an acre, the property size shall be rounded to the nearest whole number to determine the number of animal units allowed.

2. Adjacent parcels of land shall not be separated by public right-of-way.

(d) Up to double the animal unit density may be allowed subject to an approved facility management and waste handling plan.

(e) Buildings housing domestic livestock, including barns, stables, sheds, and similar facilities shall be located no nearer than 100 feet from any inhabited, neighboring dwelling.

(Ord. No. 10-18, passed on 7-23-2018)

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